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**Chowan County Planning Board
August 18, 2015
Chowan County Public Safety Center
305 West Freemason Street
7:00 pm**

Planner Elizabeth Bryant called the meeting to order.

She stated that the first order of business would be the election of a chairperson and that after the approval of the agenda and the minutes the Board would be voting on a new chair.

Ms. Bryant called the roll; Jim Leggett, Bobby Winborne, Linda Peterson, Jim Robison, William Monds and Marvin Hare were present.

Ms. Bryant stated that the Board needed to consider amending the agenda to add "Election of a Chairperson" before "New Business".

Mr. Leggett moved to approve the agenda with the amendment. Mr. Hare seconded the motion. The motion carried. (5-1 with Mr. Robison opposing)

Mr. Hare moved to approve the minutes as submitted. Mr. Leggett seconded the motion. The motion carried unanimously. (6-0) (Ms. Peterson abstained due to the fact that this was her first meeting, her abstention counted as an affirmative vote)

Ms. Bryant stated that the next item of business was the election of a chairperson. She stated that the Board was free to discuss whether they wanted the new chair to fill a temporary role until January when an annual chairperson is elected or whether the Board preferred the new chair to fill the next four months plus the next year's term.

Mr. Leggett asked if the new chairperson would serve a one-year term.

Ms. Bryant stated that was up to the Board whether they wanted to have the new chair serve September-December only and then hold another election in January or whether the Board would prefer that the new chairperson serve the remaining four months plus the next year's term.

Mr. Winborne asked Mr. Leggett to serve the remaining four months stating that Mr. Leggett had prior experience as the Planning Board chairperson.

Mr. Leggett declined due to the fact that he had already served several terms as chairperson and he nominated Mr. Winborne to serve as chairperson.

Mr. Winborne stated that he did not have any experience serving in the role of chairperson.

Mr. Hare asked Mr. Leggett if he was nominating Mr. Winborne to serve a temporary role for the next four months or for the next full term.

Mr. Leggett stated that he would like to see a temporary chairperson until the next election.

Mr. Monds moved to nominate Mr. Hare to serve as temporary chairperson through December 2015.

Mr. Leggett withdrew his original nomination of Mr. Winborne and seconded Mr. Mond's motion to nominate Mr. Hare. The motion carried. (5-1 with Mr. Robison opposing)

Ms. Bryant presented the Order of Business for a Special Use Permit hearing. (attached)

Ms. Bryant introduced the first item of business, **Case No. CC-SUP-15-01: A Special Use Permit Application submitted by O2 emc, LLC, to develop a 20-megawatt solar farm on property located at 740 Yeopim Road. (PIN 7824-00-56-3711)**

Chairperson Marvin Hare swore in all persons wishing to speak on behalf of the application.

Mr. Hare asked if any board members had any known conflicts or prior discussions with the applicant or regarding the case on the agenda. (there were none)

Ms. Bryant stated that the Board would first hear from Staff and other County witnesses and then from the applicant and their witnesses and then from opponents or proponents to the request. She stated that all people that have been sworn may cross-examine witnesses after the testimony when questions are called for. She stated that if any people wished for the Board to have any written statements or evidence to submit it to her and that it would be kept for the file. She stated that if any attorneys wished to speak that they could speak first to summarize their client's case and that the remaining people would be called on to speak based on the order of their names on the sign-up sheet.

Ms. Bryant presented the application and materials submitted by O2 EMC, LLC. (included in Case File CC-SUP 15-01)

Ms. Bryant presented the staff report. (attached and included in Case File CC-SUP-15-01)

Ms. Bryant stated that the applicant had submitted additional materials that addressed some of the conditions included in the staff report and that those materials were provided to the Planning Board members prior to the meeting. (Those materials are also included with the application in Case File CC-SUP-15-01). She stated that the board members had also received copies of the minutes from the Technical Review Committee meeting that was held on the project prior to the Planning Board meeting. (Included in Case File CC-SUP-15-01)

Mr. Winborne asked if the property was considered wetlands.

Adam Foodman, Project Development Manager with O2 EMC, LLC, stated that they would be receiving a wetland delineation study from the Army Corp of Engineers that would indicate where the wetlands were located on the property. He stated that would be a step that they would take if the Special Use Permit was granted.

Mr. Robison stated that under the rules of the zoning ordinance the agricultural zoning district was to encourage those industries which are agriculturally related. He asked how an industrial electrical generating facility could be justified as agriculturally related.

Ms. Bryant stated that the applicant had planned to have some livestock component on the property.

Mr. Robison stated that was nonsense.

Ms. Bryant stated that the Land Use Plan also encourages utilities as a potential appropriate use as an institutional or public use of property in the residential agricultural classification.

Mr. Robison stated that this was an industrial facility. He stated that 20 megawatts was a big thing. He stated that he had two other questions he would bring up later regarding voltages and other factors. He stated that this was not agriculturally related industry and he did not see how it could be justified as that.

Ms. Bryant stated that was Mr. Robison's opinion but that her opinion differed.

Mr. Hare asked if the zoning ordinance called for a buffer area on just road frontage or on the entire project.

Ms. Bryant stated that it was required on sides abutting residential properties and that she determined that it was appropriate on Yeopim Road rather than along the side property lines. She stated that although residential use is permitted in the agricultural district it is not the primary use of the agricultural district and that she felt like it would be over-reaching for staff to suggest that the landscape buffer be extended down the property lines that abutted the cultivated or timberland properties.

Mr. Robison asked what would happen if someone decided to build a house next to the project.

Ms. Bryant stated that the person would be coming in after the development and after the approval of the permit. She stated that the board did have the opportunity to add reasonable conditions on the permit and if the board felt that additional buffering is needed that could be added in the conditions.

Ms. Peterson stated that on the aerial a residential area was shown in the upper left hand corner. She asked what the distance was between that residence and the project.

Ms. Bryant stated that it looked to be about 150 feet from the northwestern boundary line to the first residential lot to the west. She stated that information should be included in the application. She stated that across Yeopim Road there were existing residences and then the one residence that Ms. Peterson had noted. She stated that the property between the residence and the western boundary line was woodland.

Mr. Foodman stated that at the front of the property where the project was closest to the residential property it was 213 feet from the property line.

Ms. Bryant stated that the entire tract of land was 177.7 acres but that the developer did not intend to develop the entire tract of land with solar panels.

Mr. Leggett asked if the 25 foot buffer was from the DOT right-of-way.

Ms. Bryant stated that was correct.

Ms. Peterson asked if the responsibility to maintain the buffer was the land owner's.

Ms. Bryant stated that was correct.

Mr. Winborne asked if the fencing would be located behind the buffer zone.

Ms. Bryant stated that she would recommend that the fence be behind the buffer but that the ordinance did not state that specifically.

Mr. Leggett stated that he was glad to hear that the panels would be coated with an anti-reflective sheathing since it was going to be located near the airport.

Alvin Early, 405 Drummond's Point Road, expressed concerns about the possibility of the trees and shrubs used for the buffer possibly dying.

Ms. Bryant stated that the developer would be required to replace any plantings that died.

Mr. Early asked who would enforce that regulation.

Ms. Bryant stated that she and the building inspectors would enforce the regulations.

Ms. Bryant stated that staff could speak with representatives at the Cooperative Extension Service and ask for recommendations for the best types of species that would work in the buffer yard.

Mr. Foodman gave a PowerPoint presentation detailing the proposed solar farm.
(Included in Case File CC-SUP-15-01)

Mr. Foodman stated that his company owned and developed 1-20 megawatt solar power plants. He stated that they had 10 plants now operating in North Carolina. He stated that they partnered with towns, cities, and counties and that they had contractors that they worked with. He stated that they are not general contractors but that they employ general contractors who construct the projects for them. He stated that currently they are working with Power Secure which is a contractor out of Raleigh. He stated that they also work with Evergreen who is out of Virginia and is building a project for them in Gates County. He stated that they also work with utilities and are currently working with Duke and Dominion. He stated that the manufacturers are also partners with them and that they

provide things like the inverters and panels. He stated that they also work with banks and investors. He stated that their company was focused in the Southeast and mainly in North Carolina. He stated that North Carolina was the only place that they had projects at this time. He stated that the Edenton project would probably not start until next year. He stated that the solar farm would connect to the Town of Edenton substation and that all the electrical poles between the project and the substation would be upgraded if needed and that the line of electricity for the project would be on an express feeder that actually is one specific line that connects just to the project and does not go into the grid. He stated that for a project this size a specific line that runs from the final transformer to the poles and to the substation would ride on the top of the upgraded poles. He stated that the exact site of the interconnection has not been determined yet and that would be done in concert with Glenn Anderson (Town of Edenton Electric Department Director) and what he wanted to happen with that. He stated that typically on the site there would be a set of poles that comes in and that one of them services onto the poles of the Edenton electrical and then there was a set of poles that comes off which then would go to the site where there is a transformer and a shut-off. He stated that the transformer typically would be inside where the interconnection is. He stated that would guess the interconnection would be located off of the road around 100 feet. He stated that the inverters typically site in the middle of the array and that there would probably be 8-12 inverters.

(tape ended, had to be flipped)

Mr. Foodman stated that they had prepared a buffer plan and had no problem complying with any requirements related to that.

Mr. Hare asked Mr. Foodman if he found Chowan County's ordinance more stringent than other places.

Mr. Foodman stated that typically you see a requirement for a buffer between the project and any adjoining residential property and distance associated with it that is usually 100-150 feet.

Ms. Peterson asked if wetlands are determined what would happen.

Mr. Foodman stated that they would have to work around it or get a permit from the Army Corp of Engineers and that process is so lengthy that they have not found it economically feasible. He stated that, as of now, at the end of 2016 the Investment Tax Credit expires and that his company would probably not have time to get a Corp permit and build it before that time. He stated that they have never built on wetlands. He stated that the buffer zone could be built around the wetlands. He stated that once posts are

driven then the racking is mounted and the panels are mounted and the whole thing plugs into a group of wires that go down underground to the inverter panel. He stated that they always put down seed to stabilize the land and that sheep would be farmed on the land to graze and keep the grass and weeds maintained. He stated that they sold the sheep to Whole Foods Stores. He stated that the project would add \$12-15 million to the County's property tax base. He stated that the land itself would go from agricultural exemption status to full tax status. He stated that the personal property was taxed at 20% of the fair market value of the personal property. He stated that this particular project would cost between \$65-70 million. He stated that the project would not require any services at all and would not have an impact as far as traffic, noise, smell, or pollution. He stated that they try to have a job fair before they start construction and that they ask their contractors to hire as many local people as they can for the construction phase of the project.

Mr. Foodman went over the timeline for the project and gave a description of possible equipment to be used in the project. (included in PowerPoint presentation) He stated that the equipment was monitored remotely 24/7 in real time. He presented the decommissioning plan for the project. (included in PowerPoint presentation)

Ms. Peterson asked how the projected tax value was calculated.

Mr. Foodman stated that the tax value was calculated when the project was installed and was based on the \$65-70 million dollar valuation. He stated that they would be paying taxes the entire time the project was there and that the personal property tax would go down over time due to depreciation.

Yates Parrish, 381 Old Herford Road, asked if three-phase current was required for the project.

Mr. Foodman stated that this particular project would have a dedicated line that would not go over the existing lines. He stated that the only improvements that they would need would be to the poles to make sure they can handle the express feeder.

Mr. Parrish asked if the company would be purchasing the entire 177.7 acres.

Mr. Foodman stated that the contract was to purchase the entire tract.

Mr. Early expressed concerns over coyotes eating the sheep.

Mr. Foodman stated that the fences would be buried 12 inches under the ground to keep predators like coyotes away. He stated that they have also used a donkey to keep the coyotes away.

Mr. Early asked if there had been any long-range studies done on the effects of solar farms.

Mr. Foodman stated that there was nothing emitted from a solar farm that was harmful. He stated that they did not use high voltage and that the medium voltage line was the feeder. He stated that he was not aware of the lines causing any problems and that there were larger lines running through town.

Mr. Early expressed concerns over solar panels being blown around during tornadoes or hurricanes.

Mr. Foodman stated that the wind rating was for 110 mph on the panels and that they were insured in the instance of any damage.

Mr. Early expressed concerns over possible damage to surrounding property values.

Clem Bloom, 527 Yeopim Road, expressed concerns over the soil being very acidic in the area and possibly causing damage to the poles. He asked Mr. Foodman what type of poles would be used for the upgrades.

Mr. Foodman stated that they would be wooden poles with a couple of more feet on top than the existing poles to have room to add more wires. He stated that they would be just straight wooden poles. He stated that he would have to get the exact details from Glenn Andersen. He stated that Mr. Andersen had indicated that the poles that would need upgrading were not owned by the Town but by the phone company. He stated that there would not be any giant metal poles.

Ms. Peterson asked about maintenance of the property with the company being located in western North Carolina.

Mr. Foodman stated that Sunraise Farms would make sure the site was secure. He stated that in their contract Sunraise Farms was required to contract with a local farmer to graze sheep. He stated that they had operation and management contacts that dispatch immediately to take care of any issues that may come up.

Ms. Peterson asked if the company planned to establish a local office.

Mr. Foodman stated that there would not be a local office. He stated that the farmer would visit the site the most.

Mr. Robison stated that he had a number of questions. He stated that he did not think that staff was correct in considering the facility to be in harmony with the area. He asked what voltage would be sent on the transmission lines.

Mr. Foodman stated that he thought the express feeder would be 130. He stated that he could call the project manager and ask what the voltage would be. He stated that it was a medium voltage line and not a high voltage line.

Mr. Robison stated that the normal transmission lines were 440.

Mr. Foodman stated that the lines were not transmission lines, only distribution lines.

Mr. Robison stated that if they were doing 20 megawatts they would have to do high voltage.

Mr. Foodman stated that he would be glad to contact his project manager to make sure he provided accurate information.

Mr. Robison stated that some of the inverters were subject to fire when using high voltages. He asked what was in the plans involving training the fire department on how to respond in the event of a fire at the project site.

Mr. Foodman stated that the Fire Chief was present at the Technical Review Meeting and that they would make sure that there was adequate turn around space.

Mr. Robison stated that he was talking about training.

Mr. Foodman stated that he understood that.

Mr. Robison stated that he thought that they needed to have at least twice a year training for the fire department and that the developer should pay for it.

Mr. Foodman stated that his company did not have the expertise to provide the training for the fire department.

Mr. Robison stated that the company ought to and that the company should pay for it and that an escrow account needed to be established to ensure that the company pays for all these things. Mr. Robison asked who would inspect the project after it was set up. He stated that the County Inspectors were not qualified to inspect it.

Ms. Bryant stated that the County Building Inspectors have all their highest level certifications.

Mr. Robison stated that the inspectors were not qualified to inspect industrial projects. He stated that an engineering firm should be hired to come in and check and supervise the project. He stated that the developer should pay for the engineer and that an escrow account should be set up to pay for it. He stated that he did not think that the County should pay for it.

Mr. Hare stated that he would like to clarify that Mr. Robison's opinion was just one board members opinion.

Mr. Foodman stated that he understood that.

Mr. Robison asked Mr. Foodman if he could guarantee property values.

Mr. Foodman stated that he did not think that anyone could guarantee property values.

Mr. Robison stated that he thought that Mr. Foodman should. He stated that they would be putting in an industrial operation in an agricultural area and that they ought to be able to guarantee the property values for the people living around it. Mr. Robison stated that he had looked over the decommissioning plans and that it didn't really say anything. He stated that in the last few days a lot of information has come out about the solar photovoltaic panels. He stated that they are made of hazardous materials and that they could not be disposed of in a normal landfill. He stated that he had a friend that was involved in cleaning up after hurricanes and that his friend had a situation where there were acres of solar panels stashed. He asked when the decommissioning would start.

Mr. Foodman stated that the decommissioning would not start until the project was no longer economically feasible to operate.

Mr. Robison asked when that was.

Mr. Foodman stated that they had a 20 year guarantee for production on the modules.

Mr. Robison asked who guarantees that.

Mr. Foodman stated that the module manufacturer guaranteed that.

Mr. Robison asked what would happen if it stopped at 15 years.

Mr. Foodman stated that a claim would be made on the guarantee in that instance.

Mr. Robison stated asked if the modules were not making electricity what would be done with them.

Mr. Foodman stated that they would have to figure out a way to recycle them. He stated that they would be their panels on their property.

Mr. Robison stated that the County should require a statement saying that if it's not producing electricity for a certain of time, maybe six months, maybe three months, then it has to be decommissioned. Mr. Robison told Mr. Foodman that he was in "lala land". He stated that the ordinance had disappeared for four years and then it suddenly reappeared about four months ago and nobody has looked at it for a long time. He stated that the ordinance is totally inadequate and doesn't even mention decommissioning. He stated that he would also like the company to provide a bond for decommissioning so that if the company decides to abandon the project there would be money available to decommission the project and the County is not stuck with the bill for that.

Mr. Foodman stated that the property would still be owned by the company at that time.

Mr. Robison said that the company, being an LLC, could just walk off and leave it.

Mr. Foodman stated that the value of the raw materials far exceeds the cost to take it down.

Mr. Robison stated that is not what he has been reading in various reports recently. He stated that the commodities are not worth that.

Mr. Foodman stated that an independent engineer did the studies for his company.

Mr. Robison stated that the County needed to have an independent engineer, not the company's engineer, to give the Board a report on this. He stated that he did not think that the County should pay for that. He stated that the company should be providing enough money for the County to do a full and independent examination of the project and not have to rely on the company's engineer. He stated that Mr. Foodman was giving the Board a sales pitch.

Mr. Foodman stated that he was giving sworn testimony.

Mr. Robison stated that it was a sales pitch.

Mr. Leggett asked Mr. Foodman if the company had any projects that they have had to decommission.

Mr. Foodman stated that they had not had to decommission any of their projects yet. He stated that the life span of the project was 25 years.

Mr. Robison stated that nobody knew how long the project would last. He stated that the company had an estimate. He asked about FAA approval.

Mr. Foodman stated that there was no required glare study where the project is to be located.

Mr. Robison asked if it would within 5 miles of the airport.

Mr. Foodman stated that his company had looked on the FAA site and did not find where a study would be required.

Mr. Robison stated that he had spoken with people from N. C. State University and that they recommended that if the project was within 5 miles of the airport that the project should have FAA approval.

Mr. Foodman stated that if it was required then they would get the approval.

Mr. Robison noted that the Soil & Conservation person had said (during the TRC meeting) that the land had been logged recently. He stated that there stumps all over the property and that they couldn't install their equipment with all the stumps out there. He stated that he had a little experience with the Corp of Engineers and wetlands. He stated that the area was all wetlands. He stated that he looked at one place where there was a possibility of building a house and the Corp of Engineers pointed out the wetlands on the property. He stated that every section that was wetlands had to be mapped and then it had to be mitigated in order to use it. He said that the project could not be built without a permit from the Corp of Engineers.

Mr. Foodman stated that a delineation would be done and when they were certain where the wetlands were located they would not build on the wetlands. He stated that it would not be feasible for his company, time wise, to get a Corp permit. He stated that if it was all wetlands, then the project would not go forward.

Mr. Robison stated that before the Planning Board could issue the Special Use Permit the developer would have to get a Corp of Engineer's permit.

Mr. Foodman stated that there was a subsequent permitting process that they had to go through with the State and County that comes after the Special Use Permit issuance.

Mr. Robison stated that he thought that the company was required to get the Corp of Engineer's permit before a Special Use Permit could be issued.

Mr. Foodman stated that was not correct and a Corp of Engineer's permit was not required before the issuance of a Special Use Permit.

Mr. Robison stated that it should be required. He stated that the company would be getting an 80% tax credit.

Mr. Foodman stated that they would be getting an 80% abatement on personal property tax.

Mr. Robison stated that means that the County is only getting taxes on 20% of what they ought to get.

Mr. Foodman stated that he would be happy to explain the reasons behind why the legislature did that.

Mr. Robison stated that he wanted to point out that the County would only be getting 20% of the amount of property tax that they think there are going to get.

Mr. Foodman stated that the project would be worth \$65-70 million dollars and that the number he showed earlier in the PowerPoint was the 20 %.

Mr. Robison said it was still 20% of the 100%.

Mr. Foodman stated that was correct. He stated that it was an idea to level the playing field because the public utilities pay zero personal property tax on the vast majority of their personal property at their power plants. He stated that it was an effort to bring them onto a somewhat even playing field.

Mr. Robison stated that it was an attempt to bring in renewable energy. He stated that it was a subsidy. He stated that in addition to that you get 35% tax credit and you recover all your costs in 5-6 years.

Mr. Foodman stated that was not correct.

Mr. Robison stated that it was correct and that he had seen plenty of figures and that he knew it was correct.

Mr. Robison asked about security lighting.

Mr. Foodman stated that he was unsure what the requirement was with respect to security lighting. He stated that typically the neighbors don't want a lot of security lighting so they typically don't do it.

Mr. Robison stated that if they did have it the lighting should be confined to the property. He stated that he had concerns about statements that the inverters did not make noise because he had experience with inverters and knew that they did make noise.

Mr. Foodman stated that they make a buzzing noise.

Mr. Robison asked if they sold the power to PJM.

Mr. Foodman stated that was correct and that the power went through Dominion's transmission lines.

Mr. Robison asked what Mr. Foodman's company was being paid for that.

Mr. Foodman stated that they did not have a power purchase agreement yet.

Mr. Robison stated that he would like to make a motion.

Mr. Hare stated that he would like to make sure everyone else had an opportunity to ask any questions before any motions were made.

Mr. Parrish asked how tall the panels would be.

Mr. Foodman stated that they would be 12 feet tall.

Mr. Robison moved to table the application until the next scheduled meeting to allow more time to review the information and ordinance.

Ms. Bryant reminded Mr. Hare that he had another portion of the public hearing to conduct before any motions could be considered. She stated that any audience members that wish to speak in opposition or in favor of the application had to be recognized and asked if they would like to make a statement.

Mr. Hare opened the floor to public comment.

Alvin Early stated that all of his questions had been answered.

Yates Parrish stated that he had all his questions answered. He stated that he owned property about 2/3 of the way around the proposed site.

Ms. Bryant stated that she would be glad to answer any questions about her recommendation at this time and that it was now appropriate for the Board to enter into discussion and make any motions regarding the application.

Mr. Parrish asked how many acres of the land would have concrete.

Mr. Foodman stated that there would be 8-12 inverter pads and they would probably be 20 feet by 10 feet wide. He stated that it would be an acre or less.

(tape ended, had to change tapes)

Mr. Leggett asked about the noise associated with the inverters.

Mr. Foodman stated that there was a low hum that dissipated at about 50-100 feet.

Mr. Leggett asked how long the construction phase would last.

Mr. Foodman stated that the construction would probably take around 6 months.

Mr. Leggett asked how the grounds were maintained prior to the use of sheep.

Mr. Foodman stated that prior to using sheep the properties were maintained through mowing and chemical spraying. He stated that the sheep did not take care of everything and that there was still cutting that had to take place but that it did help in a number of circumstances. He stated that it was important that the site was maintained well because the financing was all up front and that the only place where the company could find itself in trouble would come up if the site was not maintained properly and insulation started to be lost.

Mr. Leggett asked how many sheep would be required to maintain the property.

Mr. Foodman stated that they thought they would need upwards of 1,000 sheep. He stated that they would be moved around the site as needed.

Mr. Leggett stated that he felt that the egress and ingress at the site would not be a problem with the improvements that DOT has made in the project area.

Ms. Peterson asked Mr. Robison to expound on his question regarding the voltage involved with the project.

Mr. Robison stated that he just wondered how high the voltage would be. He stated that the higher the voltage the higher that chance would be that it could catch on fire.

Mr. Leggett asked for confirmation that the panels would be coated with anti-reflective material.

Mr. Foodman stated that was correct and that the company did not want any reflection because that was energy lost to them.

Mr. Hare stated that there was a motion on the floor from Mr. Robison that was to table the application until the next scheduled meeting to allow more time for review.

Mr. Hare asked if there was a second to Mr. Robison's motion. The motion died for lack of a second.

Ms. Peterson expressed concern over the possibility that the owner could abandon the project after its life span had ended. She stated that the purpose of the decommissioning plan was to restore the property to its original state.

Mr. Foodman stated that as the owners they would not leave a problem for someone else to deal with. He stated that they understood that the decommissioning would be their obligation. He stated that they purchased the land as an investment also and saw that the land had value even without the project on it.

Ms. Peterson stated that she would be more comfortable with some kind of a time frame in regards to decommissioning.

Mr. Hare asked if amendments could be made to staff recommendations when a motion was made.

Ms. Bryant stated that was correct. She stated that changes could be made to her recommendations by the Board. She stated that there would have to be a majority vote to make the changes.

Mr. Robinson asked how the changes could be made.

Ms. Bryant stated that they had to be reasonable changes and could not go above and beyond what the requirements of the ordinance are. She stated that it would be legitimate to add some type of time frame to the decommissioning plan.

Mr. Monds stated that he agreed that a time frame for decommissioning needed to be established.

Mr. Robison stated that he would like to see an escrow account established to cover all the expenses.

Mr. Hare recommended dealing with the issue of the time frame for decommissioning before moving on to other issues.

Mr. Monds recommended using 12 months as the time to begin decommissioning from the time the project stops producing energy.

Mr. Foodman stated that he had no problem with establishing a time frame but that he would like some flexibility in the event that the panels had to be replaced and a new power purchase agreement negotiated.

Mr. Hare asked the Board if they felt 5 years was reasonable.

Ms. Peterson stated that she felt that was much too long. She recommended using 12 months as the time frame.

Mr. Foodman suggested that they be required to commence decommissioning within the 12 month period or present a plan of redevelopment within the 12 month period.

Ms. Peterson & Mr. Leggett agreed that 12 months was a sufficient amount of time.

Ms. Peterson moved to revise staff recommendation number 5 to reflect a time period of 12 months to complete decommissioning or to present a plan of redevelopment. Mr. Monds seconded the motion. The motion carried. (5-1 with Mr. Robison opposing and stating that the motion did not go far enough)

Mr. Robison stated that he would like to require a performance bond prior to the issuance of a permit in order to be sure that the decommissioning is done properly. He stated that he had been reading about photovoltaic cells and stated that they cannot be disposed of in the landfill. He stated that they are becoming a problem in finding ways to dispose of them. He stated that should be the developer's responsibility.

Mr. Leggett questioned the net cost of \$200,000 for the decommissioning.

Mr. Foodman stated that the decommissioning was not complicated. He stated that they had never been required to post a bond for any of their other projects. He stated that the underlying land was worth more than the cost of decommissioning. He stated that there was more than adequate security because the property was part of the project.

Mr. Robison stated that if they chose to abandon the project then the County was left with all the equipment and would need to get rid of it. He stated that the land was worth nothing with all of the equipment left on it. He stated that he would like to require an irrevocable bond for the length of the project to cover the cost of decommissioning.

Mr. Foodman stated that he could understand the Board's concerns over the disposal of the equipment. He stated that the underlying land was worth far more than the cost of the decommissioning of the project. He stated that pulling up the equipment was not complicated.

Mr. Robison stated that it was not the pulling up that concerned him it was the disposal of the equipment that was the concern.

Mr. Foodman stated that he was sure that the steel and copper could be sold for scrap.

Mr. Robison stated that the photovoltaic panels were a hazardous waste product.

Mr. Foodman stated that he disagreed with that and that there were very small amounts. He stated that the majority of the panels were silicon between glass.

Mr. Robison stated that the reports that he has read had stated that disposing of the panels was a real problem because they couldn't be taken to a regular landfill.

Ms. Peterson moved to approve the permit with amended condition number 5. Mr. Monds seconded the motion.

Mr. Hare asked for any further discussion.

Mr. Robison stated that he would still like to see an escrow account.

Mr. Hare called for a vote. The motion carried. (5-1 with Mr. Robison opposing)

Mr. Hare noted the next item on the agenda, **Old Business**.

Ms. Bryant stated that the Board had a few more Rules of Procedure to review and vote on left over from the last meeting. She stated that the first item to discuss was **Rule 6. Order of Business** that was tabled at the last meeting.

Mr. Robison left the meeting at this point.

Ms. Bryant stated that at the last meeting there was a vote that resulted in a tied vote regarding dropping the "Informal discussion and public comment" portion because of concerns that it could not be removed from the agenda if it was put on the agenda. She stated that a motion was then made by Ms. Kersey moving to accept Rule 6 with the change of public hearing to public comment and that also resulted in a tied vote. She stated that the discussion was regarding including the "Informal discussion and public comment" at the end of new business.

Ms. Bryant stated that she had mentioned to Ms. Kersey after the last meeting that the Town Council and the Board of Commissioners, rather than calling it "Informal discussion and public comment", have a public comment or public hearing at the beginning of the meeting and then they have "Items Considered Timely and Important" at the end of the agenda. She stated that might be a better term because all of the discussion on the agenda items should come under those agenda items and not later on in the meeting.

Mr. Winborne stated that he had no problem with the changing of the wording and that his concern was that if there was another public comment period at the end of the agenda that things that had already been discussed could be brought up and rehashed again. He stated that he had no problem with that if it needed to be discussed further in a certain instance but not at every meeting. He stated that the public could bring any concerns that they had to the Board in the public comment portion at the beginning of the meeting.

Ms. Bryant stated that was correct and that the only time the Planning Board would conduct an actual public hearing was for the issuance of a Special Use Permit. She stated that in all other instances there would be a public comment portion of the meeting.

Ms. Peterson moved to approve Rule 6 with the removal of “Informal Discussion and Public Comment” and the addition of “Items Considered Timely and Important” Mr. Winborne seconded the motion. The motion carried unanimously. (6-0 with Mr. Robison leaving the meeting and not being excused and his vote counting as a vote in the affirmative)

Ms. Bryant stated that the next item that needed action was **Rule 24. Minutes**. She stated that the statements regarding closed session meetings could be eliminated because the Planning Board would never meet in closed session.

Mr. Winborne moved to accept Rule 24 with the deletion of the statements regarding closed sessions. Mr. Leggett seconded the motion. The motion carried unanimously. (6-0 with Mr. Robison leaving the meeting and not being excused and his vote counting as a vote in the affirmative)

Ms. Bryant noted the next item needing action, **Rule 25. Appointments**. She stated that this rule stated that the Planning Board may consider and make appointments to other bodies, including its own committees, only in open session. She stated that the entire board would have to approve any sub-committee.

Ms. Peterson stated that she felt that was an important rule to have. She asked if a quorum would have to be present.

Ms. Bryant stated that a quorum would have to be present for a sub-committee to be appointed. She stated that the Zoning Ordinance stated that the Chair could appoint people to a committee but that the Rules of Procedure stated that those appointments had to take place in an open meeting and voted on by the other board members. She stated that the first two statements were the only part of Rule 25 that needed action because the

Board had voted at a previous meeting to allow the Chair to have control over the appointment of committee members.

Mr. Monds moved to accept Rule 25 with the changes recommended by Ms. Bryant. Mr. Leggett seconded the motion. The motion carried unanimously. (6-0 with Mr. Robison leaving the meeting and not being excused and his vote counting as a vote in the affirmative)

Ms. Bryant noted the next item needing action, **Rule 26. Committees and Boards**. She stated that section (a) was redundant to Rule 25 and to what was already in the Zoning Ordinance and could be deleted. She recommended keeping the rest of the rule as it was.

Mr. Winborne moved to accept Rule 26 with the changes recommended by Ms. Bryant. Mr. Monds seconded the motion. The motion carried unanimously. (6-0 with Mr. Robison leaving the meeting and not being excused and his vote counting as a vote in the affirmative)

Ms. Bryant noted the next item needing action, **Rule 27 Amendment of the Rules**.

(tape ended, had to be flipped)

Ms. Bryant stated that this rule explains how the rules of procedure may be amended.

Ms. Peterson asked for clarification that the Rules of Procedure did not go before the Commissioners for approval.

Ms. Bryant stated that was correct because the rules could fluctuate or change with the makeup of the Board and did not affect any applicants.

Mr. Winborne moved to accept Rule 27 as written. Mr. Monds seconded the motion. The motion carried unanimously. (6-0 with Mr. Robison leaving the meeting and not being excused and his vote counting as a vote in the affirmative)

Ms. Bryant noted the last item needing action, **Rule 28. Reference to Robert's Rules of Order**. She stated this rule just stated that if there were any procedural questions not addressed in the rules of procedure that the board should reference Robert's Rules of Order.

Mr. Winborne moved to accept Rule 28 as written. Mr. Monds seconded the motion. The motion carried unanimously. (6-0 with Mr. Robison leaving the meeting and not being excused and his vote counting as a vote in the affirmative)

Mr. Monds made a motion to accept the Rules of Procedure with the revisions that have been made. Mr. Leggett seconded the motion. The motion carried unanimously. (6-0 with Ms. Peterson's abstention counting as a vote in the affirmative and Mr. Robison leaving without being excused from the vote and his vote counting as a vote in the affirmative)

Ms. Bryant stated that she would have clean copies of the Rules of Procedure available for all the Planning Board members at their September meeting.

The planning board members each took the time to introduce themselves to new member, Linda Peterson.

Ms. Peterson introduced herself to the planning board. She asked Ms. Bryant what happened to the other member that was appointed at the same time that she was.

Ms. Bryant stated that the other person who had been appointed had declined to serve due to other commitments. She stated that the Board of Commissioners would hold another vote to fill the last vacancy on the Planning Board at their next meeting.

There being no further business, the meeting was adjourned.

