

Regular Meeting
Monday, July 15, 2019
6:00pm
Chowan County Public Safety Center
305 West Freemason St.
Edenton, NC

This meeting was recorded. A copy of the recording is in the meeting file labeled July 15, 2019.

Present Chair Patti Kersey, Commissioners Greg Bonner, Ron Cummings, Don Faircloth, Larry McLaughlin, Bob Kirby and Ellis Lawrence

Staff present County Manager Kevin Howard, Board Clerk Susanne Stallings and County Attorney Lauren Arizaga-Womble.

Regular Meeting

Chair Kersey called the regular meeting to order and led all in the pledge of allegiance.

Commissioner Faircloth then provided the invocation.

Approval of Draft Agenda

Commissioner Bonner moved to approve the agenda as presented. Chair Kersey asked for all in favor, the motion passed unanimously (7-0).

Public Comment

Chair Kersey opened the floor for public comment.

Extension Agent Camaryn Byrum introduced Mallory Sawyer who will attend Youth Voice on August 23-24. Youth Voice is a partnership between NC Cooperative Extension and the NCACC to make it possible for one youth per county to attend a weekend of interactive workshops and meetings with our County Commissioners. As part of the program the youth must briefly speak at their County Commissioner meeting.

Miss Sawyer stated she looked forward to attending Youth Voice and representing Chowan County.

Harriett DeHart 112 Horniblow Point Rd. thanked the County for getting the information out to the County residents on flushing by the Water Department recently.

Extension Agent Nettie Baugher Commercial Horticulture Agent stated she wanted to speak in support of the Rocky Hock Cantaloupe Month resolution. She stated several growers would have liked to have been present to speak on the resolution however this is their busy season. She stated there was some discussion over use of the logo however there was support for making July Rocky Hock Cantaloupe month.

Consent Agenda

All items on the Consent Agenda are considered to be routine and may be enacted by one motion. If a County Commissioner requests discussion on an item, the item will be removed from the Consent Agenda and considered separately.

a. **Minutes**
Minutes of June 17, 2019 and June 18, 2019 meetings.

b. **Tax Refund/Release Report**
Occupancy Tax information submitted prior to deadline penalty released for the following accounts:

FLINT HARDING - OCC TAX ACCT	1,000.00
COACH HOUSE MOTEL-OCCUPANCY TAX ACCT	1,000.00
VIVIAN HASKELL - OCCUPANCY TAX ACCT	1,000.00
DAVID JONES - OCC TAX ACCT	1,000.00
KERMIT LAYTON - OCC TAX ACCT	1,000.00
MULBERRY HILL B&B-OCCUPANCY TAX ACCT	1,000.00
J MICHAEL SMITH- OCCUPANCY TAX ACCT	1,000.00
MELODY BURCHETT - OCCUPANCY TAX ACCT	1,000.00

c. **Surplus**
Animal Control Truck
Sheriff Truck
Attached is information on the condition of both vehicles and the request to declare both vehicles as surplus. The Animal Control vehicle will be sold on Gov Deals the Sheriff truck will be traded under Enterprise agreement.

Commissioner Kirby moved to approve the consent agenda as presented. Chair Kersey asked for all in favor, the motion passed unanimously (7-0).

Budget Amendments

Attached to this agenda packet are the following budget amendments for the Board’s review and consideration:

MBA-1920-001

Account Number	Account Description	Revenue (Inc+/Dec-)	Expense (Inc+/Dec-)
Emergency Mgmt			
11-3433-391-00	LPEC - Hazmat Planning Grant Rev	2,000.00	
11-4330-610-00	LPEC - Hazmat Planning Grant Exp		2,000.00
	Balanced	2,000.00	2,000.00
Justification:			
<p><i>To amend the 2020 budget to include the LEPC (Local Emergency Planning Committees) Hazardous Materials Emergency Response grant. This grant is recurring and does not require matching funds.</i></p>			

Commissioner Kirby moved to approve the budget amendment as presented. Chair Kersey asked for all in favor, the motion passed unanimously (7-0).

Tax Items

Tax Administrator Melissa Radke presented a PowerPoint highlighting the 2018-19 Property Tax Settlement Report. A copy of the PowerPoint is in the meeting file labeled July 15, 2019. The report noted \$222,351.09 Real property delinquent and \$13,742.57 delinquent from 2018. \$1,052,568.70 collected for motor vehicles. The Insolvent list 2008 and prior was also provided. Total collections of real and personal for 2018 was \$10,357,500.32. Additionally the Tax office took over TDA Occupancy Tax collections in December 2018. Since that time \$102,463.54 has been collected 3% has been kept by the County. The collection rate for 2018-19 was 98.42%.

- Acceptance of Settlement

Ms. Radke presented the Board with the Acceptance of Settlement

Commissioner Lawrence moved to approve the resolution as presented. Chair Kersey asked for all in favor, the motion passed unanimously (7-0).

ACCEPTANCE OF SETTLEMENT OF CURRENT AND PRIOR YEAR TAXES

WHEREAS, the Chowan County Tax Collector has provided a report of persons owning real property whose taxes for the preceding fiscal year remain unpaid and the principle amount owed by each person; and

WHEREAS, the Chowan County Tax Collector has provided a list of persons not owning real property whose personal property taxes for the preceding fiscal year remain unpaid and the principle amount owed by each person; and

WHEREAS, the Chowan County Tax Collector has provided a report of diligent efforts to collect unpaid taxes for the preceding fiscal year and prior years as charged; and

WHEREAS, the list of persons owing taxes (but who listed no real property) for the current fiscal year are found to be insolvent; and

WHEREAS, the Chowan County Tax Collector has provided an accounting of all taxes charged and collected for the current and prior years;

Hereby, be it resolved that the Cowan County Board of County Commissioners do hereby accept the settlement of current and prior year taxed as provided by the Cowan County Tax Collector.

Adopted this 15th day of July, 2019.

- Order to Collect

Commissioner Cummings moved to approve the order as presented. Chair Kersey asked for all in favor, the motion passed unanimously (7-0).

ORDER OF THE CHOWAN COUNTY BOARD OF COMMISSIONERS IN ACCORDANCE WITH G.S.105-321, G.S. 153A-156 AND G.S. 160A-215.2 FOR THE COLLECTION OF 2019 TAXES

TO: TAX COLLECTOR OF CHOWAN COUNTY, TOWN OF EDENTON

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the 2019 tax records filed in the Office of the Chowan County Tax Collector, and in the tax receipts herewith delivered to you in the amounts and from the taxpayers likewise therein set forth. You are further authorized, empowered, and commanded to collect the 2019 taxes charged and assessed as provided by law for adjustments, changes, and additions to the tax records and tax receipts delivered to you which are made in accordance with law. Such taxes are hereby declared to be a first lien on all real property of the respective taxpayers in Chowan County, the Town of Edenton, Belvidere Chappell Hill Fire Protection District, Center Hill Crossroads Fire Protection District, Edenton Rural Fire Protection District, and any other special district located within Chowan County; and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell, any real or personal property of such taxpayers, and attach wages and/or other funds, of such taxpayers, for and on account thereof, in accordance with law.

You are also hereby authorized, empowered and commanded to administer and to collect taxes on gross receipts derived from retail short-term leases or rentals of motor vehicles as set forth under G.S. 153A-156, gross receipts derived from short-term leases or rentals of heavy equipment as set forth under G.S. 160A-215.2, and Occupancy Taxes as set forth under G.S. 153A-155. You are hereby authorized to promulgate such rules and procedures necessary to administer these taxes which are not inconsistent or contrary to applicable law.

WITNESS my hand and official seal, this the 15th day of July, 2019.

**ORDER OF THE CHOWAN COUNTY BOARD OF COMMISSIONERS
IN ACCORDANCE WITH G.S. 105-373, G.S. 105-321, G.S.105-330.3,
G.S.153A-156 AND G.S. 160A-215.2
FOR THE COLLECTION OF 2018 AND PRIOR YEARS' TAXES
TO: TAX COLLECTOR OF CHOWAN COUNTY, TOWN OF EDENTON**

You are hereby authorized, empowered, and commanded to collect the taxes remaining unpaid as set forth in the 2009 through 2018 tax records filed in the Office of the Chowan County Tax Collector, and in the tax receipts herewith delivered to you in the amounts and from the taxpayers likewise therein set forth. You are further authorized, empowered, and commanded to collect the 2009 through 2018 taxes charged and assessed as provided by law for adjustments, changes, and additions to the tax records and tax receipts delivered to you which are made in accordance with law.

You are also hereby authorized, empowered and commanded to administer and to collect taxes on gross receipts derived from retail short-term leases or rentals of motor vehicles as set forth under G.S. 153A-156, gross receipts derived from short-term leases or rentals of heavy equipment as set forth under G.S. 160A-215.2, and Occupancy Taxes as set forth under G.S. 153A-155. You are hereby authorized to promulgate such rules and procedures necessary to administer these taxes which are not inconsistent or contrary to applicable law. Such taxes are hereby declared to be a first lien on all real property of the respective taxpayers in Chowan County, the Town of Edenton, Belvidere Chappell Hill Fire Protection District, Center Hill Crossroads Fire Protection District, Edenton Rural Fire Protection District, and any other special district located within Chowan County; and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell, any real or personal property of such

taxpayers, and attach wages and/or other funds, of such taxpayers, for and on account thereof, in accordance with law.

Taxes on personal property for 2008 and prior years have been deemed insolvent and therefore uncollectible; the Chowan County Commission, do hereby relieve the tax collector of the charge of collecting taxes on these insolvent bills pursuant to G.S 105-373(g) for 2008 and prior years.

WITNESS my hand and official seal, this the 15th day of July, 2019.

- Appeal of late application for Tax Exemption – (Edenton Church of God In Christ)
Ms. Radke stated that Edenton Church of God in Christ is requesting approval of a late application for Tax Exemption under NCGS 105-278.3 Religious Purposes. She provided the Board with a packet of handouts detailing information on the request. She noted the applicant is requesting the exemption due to the pastor being out with health complications.

Chair Kersey asked Ms. Radke about the process for this audit.

Ms. Radke stated that it lasted 60-120 days. She noted these uses have not been audited for some time and they were notified about 6 months ago. She stated she tried to call and email the church during the 6 month period. She stated she later learned that Pastor Dixon who handled most of the clerical paperwork was not in good health during this time.

Chair Kersey asked if Ms. Radke was satisfied.

Ms. Radke stated yes.

Gary Cordin spoke on behalf of the church. He stated that during the time of this audit the pastor fell ill. He stated that during this time the church lost membership and many of the administrative duties that the pastor was handling were being missed. He stated that the Board has the church's assurance that what is due will be paid. He stated that he is requesting leniency for this year.

Commissioner Bonner moved to approve the appeal as presented. Chair Kersey asked for all in favor, the motion passed unanimously (7-0).

- Appeal denial of present use value application – (Byrum)
Ms. Radke noted that upon further review by the County attorney, this does not require Board review, there is no appeal pending.

Asset Inventory Grant Engineering Contract

Water Director, David Tawes noted that at the June meeting the Board approved a grant for an Asset Inventory from the NC Division of Water Infrastructure. A contract for consulting engineering firm Rivers & Associates to perform the assessment has been reviewed and recommended by staff. The contract is attached for the Board's review and consideration.

Chair Kersey asked what our match is.

Greg Churchill, Engineer for Rivers and Associates stated 5% plus a \$2,500 fee. He stated that Rivers has 18 months to move forward.

Commissioner Kirby asked about overages or the potential for change orders.

Mr. Churchill stated that he has done several of these projects and has not have overages.

Ms. Smith noted the County has already paid the fee.

Commissioner Kirby moved to approve the request as presented. Chair Kersey asked for all in favor, the motion passed unanimously (7-0).

Planning Items- Public Hearing Text Amendments

CC-TA-19-04

Review and make decision to accept or return to the Planning Board, the proposed text amendment to the Chowan County Zoning Ordinance regarding the following: 8.108 Solar Energy Facilities, replace current section with new language to address setbacks, screening and decommissioning concerns.

The Board opened this public hearing at the June 17, 2019 meeting. The public hearing was continued to the July 15, 2019 meeting.

Chair Kersey asked Mr. Shoaf if he had any additional information.

Mr. Shoaf noted the update to the Staff Report. He then provided.

STAFF REPORT

GENERAL INFORMATION

Requested Action:

Review and make decision to accept or return to the Planning Board, the proposed text amendment to the Chowan County Zoning Ordinance regarding the following: 8.108 Solar Energy Facilities, replace current section with new language to address setbacks, screening and decommissioning concerns.

ANALYSIS

This text amendment was directed by the County Commissioners, with input provided, to the Planning Board to make changes they feel are necessary to protect Chowan County from under regulated solar development.

Currently in the Ordinance:

8.108 Solar Farms

Proposed Language (replace):

8.108 Solar Energy Facility

The updates to the ordinance, and ultimately, the complete rewrite was based on the current ordinance, the proposed ordinance provided by the Commissioners, and the comments from the Commissioners that were collected at the April 15th County Commissioners' meeting.

Attached here are a "comparison copy" that shows the current ordinance. In yellow is the proposed language from the Commissioners. In green is the proposed language from the Planning Board. Any strikethroughs you see is language currently in the ordinance that did not make it into either proposal. In red letters are comments from the County Attorney. The other

document is a clean copy of the Planning Board's proposal. There is also a copy of the Planning Board's draft minutes here.

Based on the County Attorney's comments and feedback from Commissioners', I also suggest you add a definition to Article 15.04- Definitions, of the Zoning Ordinance. This would be for Non-Participating Property Owner and would be defined as "A landowner or property owner not under an agreement with the Applicant, Facility Owner, or operator." If you choose to make that addition as part of this amendment, it will be placed in the proper order in the above mentioned section.

RECOMMENDATION

Staff recommends the change to address the concerns of the citizens, neighboring property owners' and the County Commissioners. The Planning Board worked very hard to provide this amendment back you and tried to balance the ordinance to protect the County in various ways. Any vote that you make tonight should also be preceded by, and voted on, a statement of consistency with the current Land Use Plan. For example:

This amendment will be consistent with the 2018 Land Use Plan or any other plan officially adopted by the Board of Commissioners because it clarifies the intent of the County Zoning Ordinances.

Chair Kersey then called the public hearing back to order. She asked if there was any public comment, being none, Commissioner Lawrence moved to go close the public hearing. Chair Kersey asked for all in favor, the motion passed unanimously (7-0).

Chair Kersey asked the Board for their comments.

Commissioner Cummings stated he would like to know more on why the Planning Board took some of the draft comments out of the language.

Commissioner Kirby stated he felt his draft was a good document.

Commissioner McLaughlin stated he would like to see more addressed with screening.

Commissioner Lawrence stated he did not have concerns with the draft from the Planning Board.

Commissioner Bonner stated he felt the Planning Board had a good document.

Chair Kersey stated she wanted a clear ordinance with no ambiguity. She stated her concerns were with land use and adjoining property owner rights as well as any potential impacts on eco systems.

Commissioner Faircloth stated that he wanted to be fair and balanced with regards to landowner rights. He stated he disagreed with the vegetative buffer but stated he understood the intent of the language.

The Board decided to go through each section of the ordinance looking at the language that was proposed in Commissioner Kirby's draft document (yellow) , the Planning Board's recommended document (green additions to yellow) and any additional changes recommended

by staff and the County Attorney (red). (A copy of the highlighted draft is in the meeting file labeled July 15, 2019).

8.108

~~Solar Farm~~ – Solar Energy Facility

Ms. Womble explained her recommendation to remove a sentence highlighted in the draft version. She stated that this limits facilities that study rather than sell energy.

Commissioner Kirby discussed the definition for accessory use.

The Board consented to remove that sentence.

A Solar Energy Facility developed as a principal use shall require issuance of a conditional use permit and will be permitted in accordance with Table 5-1, subject to the following requirements. For all proposed developments falling within the defined Highway Corridor Overlay District, the standards outlined under Section 7.03 shall also apply.

The Board consented to the recommended Section A 1, 2 and 3

A. Purposes and Objectives

The purposes and objectives for which this chapter is passed are as follows:

- 1. To protect and enhance the economic vitality and interests of the citizens and residents of Chowan County.**
- 2. To facilitate the siting, construction, installation, and operation of solar energy facilities in Chowan County in a manner that promotes economic development and ensures the protection of the health, safety and general welfare of the citizens while also avoiding adverse impacts to adjacent land uses and property owners and that is consistent with the Chowan County & Town of Edenton Joint Land Use Plan.**
- 3. To preserve the rich history, dignity, view shed, and aesthetic quality of the environment in Chowan County.**

The Board discussed the ownership of electrical components. The Board agreed to stay with the draft language

B. Setbacks

All structures, including fences, berms, panel arrays, and non-public utility owned electrical components, associated with any Solar Energy Facility development shall meet the following minimum setbacks:

The Board discussed the draft language and the Planning Board language. Commissioner McLaughlin moved to adopt the Planning Board language for B1.

Chair Kersey asked for all in favor, the motion passed (5-2 Kirby, Cummings)

- 1. A minimum of two hundred and fifty feet (250') setback as measured from all non-participating property lines, street right-of-way lines, and CAMA designated navigable water bodies unless further setback is required in this ordinance or through any state or federal permitting process.**

Ms. Stallings noted the previous consensus included the proposed definition for 15.04 the Board agreed by consent.

Commissioner McLaughlin asked if 750' or 1,000' was discussed.

Mr. Shoaf stated the Planning Board felt 500' was adequate.

Commissioner Bonner stated he felt 1,500' is too far.

Commissioner Bonner moved to approve the Planning Board language with 750' set back. Chair Kersey asked for all in favor, the motion failed (2-5 Faircloth, Cummings, Kersey, Kirby and McLaughlin).

Chair Kersey passed the gavel to Vice Chair Cummings.

Chair Kersey moved to retain 1,000' setback and amend the language.

Commissioner Faircloth stated this includes the 125' vegetative buffer, he feels this is a bit much.

Vice Chair Cummings asked for all in favor, the motion passed (4-3 Faircloth, Bonner and Lawrence).

- 2. A minimum of one thousand feet (1,000') setback from the roadways designated as the Historic Albemarle Tour and the NC Scenic Byway-Edenton- Windsor Loop.**

Commissioner Bonner moved to approve the Planning Board recommendation for number 6. Chair Kersey asked for all in favor, the motion failed (3-4 Cummings, McLaughlin, Kersey and Kirby).

Commissioner Cummings moved to approve the draft 6 and 7 with 1,000'. Chair Kersey asked for all in favor, the motion passed (4-3 Bonner, Faircloth and Lawrence).

- 3. A minimum of one thousand feet (1,000') setback from the property lines of any NC National Register, NC Study List, or NC Determined Eligible structure or site as listed by the North Carolina Natural Heritage Program.**

4. A minimum of one thousand feet (1,000') setback from the property lines of any Rosenwald School as listed by the North Carolina State Historic Preservation Office.

Mr. Shoaf explained the Planning Board concern about not wanting a large project on separate parcels.

Commissioner Kirby asked about any concern with the size of the facility.

Commissioner McLaughlin stated this keeps separation between the projects.

The Board discussed adjoining property owners and the impact on their use.

Commissioner Kirby stated one of his biggest concerns is the state legislation for the discount solar facilities get on their taxes.

Ms. Womble discussed her concern over removing parcels that are zoned for a use from applying for a project because a neighbor "got there first". She stated she was not sure if this qualifies as a taking and would have to further research this. She stated the safest way to control this is by controlling the project wattage and not the setback between.

Commissioner Kirby stated the Land Use Plan states the Board should do this.

Chair Kersey noted the use is allowed in 80-90% of the County with A-1 zoning.

Commissioner Lawrence discussed his concern with taking a small farmers ability to participate in a solar project away.

Mr. Shoaf discussed the land requirements for the project.

Commissioner McLaughlin asked if there are any regulations that require a ½ mile buffer between solar developments.

Mr. Shoaf stated he has not heard of this.

Mr. Howard asked about developments 2,000' off the road, what if there is criteria that is added for those off the road.

Commissioner Bonner stated he was concerned with this item.

Commissioner McLaughlin moved to keep the yellow draft language but change the setback from 3,000 to 1,500'. Chair Kersey asked for all in favor, the motion passed (4-3 Lawrence, Bonner and Faircloth).

5. A minimum one thousand five hundred feet (1,500) setback from all structures, including fences, berms, panel arrays, and non-public utility owned electrical components, associated with any adjacent Solar Energy Facility.

Chair Kersey called for a five minute recess, after five minutes she called the meeting back to order.

C. Height

15 feet maximum.

Commissioner Cummings moved to approve as presented, Chair Kersey asked for all in favor, the motion passed unanimously (7-0).

D. Size

The maximum nameplate rating for a single Solar Energy Facility shall be not more than 7.5 Megawatts (MW).

Commissioner Cummings moved to approve item D as presented. Chair Kersey asked for all in favor, the motion passed (6-1 Lawrence).

Commissioner Kirby moved to approve E 1. Chair Kersey asked for all in favor, the motion passed (6-1 Lawrence).

E. Visibility

- 1. Solar Energy Facilities must meet the requirements of the following along all property lines adjacent to properties currently used for residential purposes and public rights-of-way; unless existing mature-growth vegetative screening exists on the subject property.**

Commissioner Bonner moved to approve 2, the Planning Board recommendation. Chair Kersey asked for all in favor, the motion passed unanimously (7-0).

- 2. Existing mature-growth vegetation must be at least one- hundred twenty-five feet (125') in depth and include both canopy and understory trees.**

Commissioner McLaughlin moved to approve 3 the Planning Board recommendation. Chair Kersey asked for all in favor the motion passed unanimously (7-0).

- 3. For all other areas, Solar Energy Facility developments shall install a minimum of at least one- hundred twenty-five feet (125') wide vegetative buffer with the following requirements:**

Commissioner Faircloth moved to approve 3 a.b and c green Planning Board recommendation. Chair Kersey asked for all in favor, the motion passed unanimously (7-0).

- a. In the first 25', 3 rows of fast growing shrubs shall be planted, spaced 10' apart and staggered evenly between the 3 rows. Shrubs shall be a species native to Eastern North Carolina (ex: wax myrtle); and**

b. The next 100', evenly spaced 12' rows of evergreens, planted 8' apart and staggered between rows. Evergreens shall be a species native to Eastern North Carolina (ex: Pine, Red Cedar); and

c. To facilitate the growth of any installed vegetation buffer, no mechanical maintenance may occur to inhibit or control ground cover; and

Mr. Shoaf discussed his concern with the use of 100%. He stated it would be good to have an option to get plantings in if saplings or small plantings have died.

Commissioner McLaughlin stated that the County will know in a couple years if the plants are healthy.

Chair Kersey passed the gavel to Vice Chair Cummings. She then moved to approve the language but to remove the 100% reference. Vice Chair Cummings asked for all in favor, the motion passed unanimously (7-0).

4. These standards will be enforced regardless of the facilities' proximity to adjacent structures, waterways, or roadways.

5. A performance guarantee in the amount of 115% of the cost of the landscaping used for screening shall be submitted prior to the issuance of a building permit and remain valid until opacity is achieved. Should opacity not be reached within 5 years of building permit issuance, the county will draw upon the performance guarantee and install required supplemental landscaping. In the even the developer does not maintain the initial planting, the County may draw upon the performance guarantee and reinstall.

The Board discussed the next section.

Commissioner McLaughlin moved to approve F 1 a- g. Chair Kersey asked for all in favor, the motion passed unanimously (7-0).

F. Development Plan

1. The Solar Energy Facility shall be developed in accordance with an approved major site plan that includes the following information:

a. The location of the Solar Energy Facility, including the arrangement of any existing or proposed buildings, structures or panels.

b. The distance from any proposed Solar Energy Facility building, structure, panels, and fence to the surrounding property lines.

- c. **The location of any required buffers as outlined in Section 8.108(E)**
- d. **Existing or proposed signs, fencing, lighting, construction and permanent parking areas, driveways, landscaping, vegetative screening, or required buffers.**
- e. **Horizontal and vertical elevation to-scale drawings with dimensions.**
- f. **Certification that all panels have passed UL 1703 regarding PV module safety.**
- g. **Approval from access controlling agencies for street access (i.e. NCDOT).**

Commissioner McLaughlin moved to approve F 2 A and B in green, the Planning Board draft. Chair Kersey asked for all in favor, the motion passed (6-1 Lawrence).

- 2. **The Solar Energy Facility shall designate 30% of the total land area in one or a combination of the following plans:**
 - a. **Approved plan from the North Carolina Wildlife Resources Commission, Habitat Conservation Division, designating 30% of the total land area of the SEF as an acceptable native pollinator habitat; or,**
 - b. **At least 30% of the total land area of the Solar Energy Facility shall be dedicated for agricultural use.**

Mr. Shoaf noted the Planning Board recommended removal of the language for ground monitoring wells. He stated this was because there was no information provided that the wells are needed.

Commissioner Cummings stated he disagreed with this and from his personal research the landfills do not take solar panels. He stated there are only three places that take them. He stated that the list of materials that can leak out are hazardous.

Commissioner Lawrence stated he agreed and disagreed with the statements made by Commissioner Cummings.

Commissioner Faircloth stated that requiring monitoring wells is risky. He asked would the Board begin having every business in the County install monitoring wells. He stated he feels this is setting the County up for a problem. He stated that galvanized roofing materials can have a chemical reaction but we do not require wells for construction companies. He stated he did not feel comfortable with this language.

Commissioner Lawrence stated that there are agricultural chemicals that are applied that alone can be dangerous but we do not monitor these.

Commissioner Bonner stated that the Board has to allow the experts under oath to testify instead of assuming.

Commissioner Cummings stated the manufacturer of the panels is in China and has not come before the Board.

Commissioner Kirby stated this was brought up because of concerns from adjoining land owners at other projects in the County.

Commissioner McLaughlin stated the wells are precautionary.

Chair Kersey stated the experts say there is not a problem but they also leave the Board with several questions.

Commissioner Cummings moved to approve the Planning Board's G1. Chair Kersey asked for all in favor, the motion passed unanimously (7-0).

G. Environmental Concerns

- 1. Except within the required buffers as outlined in this ordinance, appropriate ground cover/grass is required for soil stabilization and shall be maintained in a manner that does not create a fire hazard. Grass and weeds not associated with the pollinator habitat shall not exceed two feet (2') in height at any time.**

Commissioner McLaughlin moved to approve Commissioner Kirby's 2 a-f. Chair Kersey asked for all in favor, the motion passed (4-3 Faircloth, Bonner and Lawrence).

- 2. Ground water monitoring wells -**
 - a. Shall be a minimum of 20' deep.**
 - b. Monitoring wells shall be installed prior to construction of any of the Solar Energy Facility components.**
 - c. Monitoring wells shall be located near the center of the site and along either the north and south or east and west exterior property lines at approximately the lowest ground elevation point on the respective property line.**
 - d. Testing data prepared by a laboratory certified by the North Carolina Department of Health and Human Services to analyze water subject to the regulations under the North Carolina Drinking Water Act shall be submitted prior to construction of the Solar Energy Facility. If evidence of contaminants (from list in Section 8.108 G.2.e.) is shown, another test shall be performed every year until no contaminants are detected. If no contaminants are detected, a follow**

up test will be conducted in two years. If no contaminants are found with the first two tests, a test will be conducted every five (5) years and then at decommissioning. All tests must be submitted to the Planning Department until the Solar Energy Facility is decommissioned.

e. Testing data shall show compliance with the NC Department of Health and Human Services Private Well Inorganic Chemical Contaminants standards for the following contaminants:

- 1. Arsenic**
- 2. Barium**
- 3. Cadmium**
- 4. Chromium**
- 5. Copper**
- 6. Iron**
- 7. Lead**
- 8. Magnesium**
- 9. Manganese**
- 10. Mercury**
- 11. Nitrate/Nitrite**
- 12. Selenium**
- 13. Silver**
- 14. Zinc**

f. The Chowan County Board of Commissioners may require testing for other contaminants.

Commissioner Cummings moved to approve H 1 1,b and 1-5 (as removed by Planning Board). Chair Kersey asked for all in favor, the motion passed unanimously (7-0).

H. Solar Energy Facility Impact Analysis

1. As part of an application, a Solar Energy Facility Impact Analysis shall be submitted and contain the following information:

a. General project description

b. Construction Activity Plan:

- 1. Amount of land disturbance**
- 2. Land surface clearing and grading plan**
- 3. Energy, water, and material needs**
- 4. Fencing and lighting needs**
- 5. Protection plans for soil, disturbed areas, and surface water**

Commissioner Bonner moved to approve C, D and E as recommended by the Planning Board. Chair Kersey asked for all in favor, the motion passed (6-1 McLaughlin).

- c. Operational Plan**
 - 1. Maintenance activities and schedule**
 - 2. Vegetation management plan**
 - 3. Protection plans for soil, disturbed areas, and surface water**
- d. Impacts and Resources affected**
 - i. CAMA jurisdictional areas**
 - ii. USACE designated wetlands**
- e. Decommissioning Plan as outlined in this Section**

I. Discontinued Use and Decommissioning

Decommissioning shall include removal of solar collectors, cabling, electrical components, and any other Solar Energy Facility associated facilities, grading, and re-seeding disturbed earth from the project.

- 1. A decommissioning plan, certified by a North Carolina licensed professional engineer is required and shall include the following:**
 - a. A description of any lease or other agreement with all landowners regarding decommissioning**
 - b. The identification of the party responsible for decommissioning, if not the property owner.**
 - c. The type of panels and material specifications used at the Solar Energy Facility.**
 - d. All costs for the removal of solar panels, buildings, cabling, electrical components, road, fencing, and any other associated facilities below grade.**
 - e. All costs associated with the grading and re-seeding of disturbed earth from the project.**
- 2. The decommissioning plan shall be updated with the Planning Department every three years or upon change of ownership of the property or the Solar Energy Facility.**
- 3. The Solar Energy Facility owner shall have six (6) months to complete decommissioning of the facility if no electricity is generated for a continuous 12-month period. For purposes of this section these periods shall not include delay resulting from force majeure.**

4. **Disturbed earth shall be graded and re-seeded unless a written request is submitted by the property owner specifying areas not to be restored.**
5. **A Decommissioning Performance Guarantee is required that meets the following standards:**
 - a. **Shall be submitted prior to issuance of a building permit.**
 - b. **Shall equal 115 percent of the estimated decommissioning costs.**
 - c. **Shall not be reduced by salvage value.**
 - d. **Shall be automatically renewable in the form of a bond or cash escrow deposit, in favor of the County, which shall be drawn and paid in full in immediately available funds in the event the owner fails to decommission the Solar Energy Facility pursuant to the requirements of this section. The institution issuing this guarantee shall provide to the County a notice no less than 90 days in advance of any renewal, cancellation, termination or expiration of this guarantee.**
 - e. **Shall be recorded in the County's Registry of Deeds.**
 - f. **Shall be reviewed every three years as part of the decommissioning plan update and adjusted based upon current costs. In the even the decommissioning costs decrease, the performance guarantee shall not be changed to reflect the lower cost.**
 - g. **Shall remain in effect until decommissioning and site restoration is complete.**
6. **Should the County become the decommissioning agent and execute the decommissioning bond, the salvage value of the project becomes property of the County.**

Commissioner Cummings moved that this amendment will be consistent with the 2018 Land Use Plan or any other plan officially adopted by the Board of Commissioners because it clarifies the intent of the County Zoning Ordinances. Chair Kersey asked for all in favor, the motion passed unanimously (7-0).

Commissioner Cummings moved to approve the ordinance as amended. Chair Kersey asked for all in favor, the motion passed unanimously (7-0).

Rocky Hock Cantaloupe Moth Proclamation

Commissioner McLaughlin recommended that the Board adopt a proclamation declaring July 2019 as Rocky Hock Cantaloupe Month. He stated that he hopes this resolution will help spread the word and help with marketing. He moved to adopt the proclamation. Chair Kersey asked for all in favor, the motion passed unanimously (7-0).

ROCKY HOCK CANTALOUPE MONTH – JULY

WHEREAS, according to the 2012 US Census of Agriculture, Chowan County had 34 farms that grew fruits and vegetables resulting in \$4,920,000.00 in sales, and;

WHEREAS, according to the 2017 Ag Census there are 8 cantaloupe growers in Chowan County with 88 acres total, and;

WHEREAS, one of the more widely recognized commodities from Chowan County is the Rocky Hock Cantaloupe which are generally harvested starting in mid-June and through July, and;

WHEREAS, Rocky Hock, Cantaloupes were grown as early as 1927 as a means for farmers in Chowan County to try and diversify their farms in comparison to their neighbors, and;

WHEREAS, Rocky Hock is an unincorporated community in Chowan County, North Carolina, and;

WHEREAS, the soils are predominately Conetoe-Wando-Seabrook soil unique to Rocky Hock and Chowan County which allow for better drainage which is thought to make cantaloupes sweeter, crisper and longer-lasting, and;

WHEREAS, the Rocky Hock Cantaloupe is known for being smaller in size but sweeter to taste, and;

WHEREAS, a July 2006 article of the Virginian Pilot states “people come here from the Outer Banks and southeastern Virginia, and tourists stop at roadside markets on North Carolina Highways for that taste”, and;

WHEREAS, each year during the month of July, Rocky Hock Cantaloupes are harvested on family farms and taken to various markets, grocery stores as far away as Baltimore or enjoyed right at home in Chowan County.

Now, therefore be it resolved that the Board of Commissioners of Chowan County do hereby proclaim July to be Rocky Hock Cantaloupe Month. We urge every resident to take time during this month to enjoy locally raised produce including Rocky Hock Cantaloupes and also to take the time to celebrate Chowan County Farmers who are essential and valuable members of our community.

Adopted this the 15th day of July 2019.

Boys and Girls Club Renovation Items

Boys and Girls Club Request

Mr. Howard discussed the estimated construction costs and the Boys and Girls Club request. He stated that there were three bids. He stated the Boys and Girls Club is requesting that the County cover any costs above the \$1,650,000 originally budgeted for the renovation. He stated the negotiated cost now exceeds the original amount by \$95,890. He stated he recommends adding back two items of installing fire alarms in the gym area occupied by the Board of Education at a cost of \$20,748. The total project cost would now be \$1,766,638. He stated if no contingency is used the County will have \$39,531 towards the interior renovations. He noted that the Boys and Girls Club is paying 4% interest for 25 years and the County will be paying 2.93% interest for a 15 year term.

Ms. Womble noted the lease is currently in place so the Board is deciding if it is willing to spend the additional monies to get the building ready for the tenant.

Chair Kersey asked where the monies will come from.

Mr. Howard stated the County could finance the monies, it can come from capital or fund balance.

Commissioner Bonner stated he felt the County should not turn back now as they have come this far with the plans for the building.

Commissioner Lawrence stated he did not have any problem with the investment in the building or the project.

Commissioner McLaughlin asked how the County can be sure that the project stays on track.

Mr. Howard stated he will have to diligently monitor the architect and contractor to keep the County's investment low on this project.

Commissioner Kirby discussed the need to monitor the construction schedule and look at incentives to finish the work early.

Commissioner Bonner moved to accept the recommendation of the low bidder AR Chesson in the amount of \$1,766,638 subject to LGC approval and to set the public hearing for August 5, 2019. Chair Kersey asked for all in favor, the motion passed unanimously (7-0).

Change Order

Mr. Howard provided the Board with a change order for installation of doors in the amount of \$4,646. He explained that the work has been done but the brick had to be re-done when the doors were installed.

Commissioner Kirby moved to approve the change order as presented. Chair Kersey asked for all in favor, the motion passed unanimously (7-0).

USDA Lease Extension

Mr. Howard stated that USDA has requested to extend its lease for the space occupied at 730 North Granville Street for another three years. The Board will consider approval of the lease extension for 3 years.

Commissioner Cummings moved to approve the extension. Chair Kersey asked for all in favor, the motion passed unanimously (7-0).

External Board/Committee Report

Commissioner McLaughlin shared some information from Trillium Health Resources.

Commissioner Travel Request

Commissioner Cummings requested approval for travel monies to cover registration costs only for attendance at NC Association of County Commissioner Conference in August. Commissioner Cummings will cover the cost of hotel and travel. The registration cost is \$275. On July 23 the price for registration increases to \$350. The Board has budgeted \$3,000 for travel in the FY 2019-20 budget.

Commissioner Faircloth moved to approve the request. Chair Kersey asked for all in favor, the motion passed unanimously (7-0).

Manager's Report

County Manager Kevin Howard updated the Board on the following matters:

- Juvenile Justice Office Relocation Request
They are looking at space in the old Jailers House however renovations will be needed if they select this building.
- American Legion Request
Letter provided to the Board as FYI, staff is looking into grant funding sources for this.
- NCDCCR Funds for rehabilitation projects
A resident has requested the County consider applying for these funds. Since 2008 the Commissioners have not applied for these monies due to the liabilities and staff time needed to manage these grant programs.
- Jail Study
Mr. Howard will have information soon regarding this from the Committee.
- DMV
Roof has leaked, they will set up the mobile unit in the building until the roof is repaired.
- The Dude Solutions Facility assessment is complete, see the manger if you want to view a copy, the document is large.

Timely and Important Matters

Ms. Stallings noted the special committee meeting on the high school scheduled for August 1, 2019.

Adjourn

Being no further business, Commissioner Bonner Faircloth to adjourn the meeting. Chair Kersey asked for all in favor, the motion passed unanimously (7-0).

Patti F. Kersey, Chair

Susanne Stallings, Clerk