

PERSON COUNTY BOARD OF COMMISSIONERS
MEMBERS PRESENT

AUGUST 16, 2021
OTHERS PRESENT

Gordon Powell
Kyle W. Puryear
C. Derrick Sims
Charlie Palmer
Patricia Gentry

Heidi York, County Manager
Brenda B. Reaves, Clerk to the Board
S. Ellis Hankins, County Attorney

The Board of Commissioners for the County of Person, North Carolina, met in regular session on Monday, August 16, 2021 at 9:00am in the commissioners' boardroom 215 in the Person County Office Building.

Chairman Powell called the meeting to order. Commissioner Gentry was absent for the call to order in the commissioners' boardroom 215.

A **motion** was made by Commissioner Sims and **carried 4-0** to relocate the meeting to the County Office Building Auditorium. Chairman Powell announced a brief recess at 9:01am to allow transition of the meeting to the Auditorium.

Chairman Powell reconvened the meeting at 9:05am. All members of the Board were present as the meeting was reconvened.

Chairman Powell offered an invocation and Vice Chairman Puryear led the group in the Pledge of Allegiance.

DISCUSSION/ADJUSTMENT/APPROVAL OF AGENDA:

A **motion** was made by Vice Chairman Puryear and **carried 5-0** to approve the agenda.

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PUBLIC HEARING:

Public Hearing July 12, 2021 continued to August 2, 2021 and continued again to August 16, 2021

PETITION SUP-02-21 - A REQUEST BY THE APPLICANT, BERE A SOLAR, LLC, ON BEHALF OF THE PROPERTY OWNERS, ELIZABETH CHRISTIAN AND CATHERINE PHELPS, JOHN AND LINDA MANGUM, MALCOLM MANGUM, JR. AND MARY SUSAN WILLIAMS, MATTHEW MOORE, JEFFRY HENDRIKS AND EM & RM LLC, (ELVIN MANGUM) ON TAX MAP AND PARCEL NUMBERS A110-7, A110-2, A110-31, A110-29, A110-6, A111-5 AND 0961-06-5906 (GRANVILLE COUNTY PIN), TOTALING 920 ACRES LOCATED ON BERE A, BETHANY CHURCH AND ISHAM CHAMBERS ROADS, FOR A SPECIAL USE PERMIT TO ESTABLISH A LEVEL 3 (10 ACRES OR GREATER) SOLAR ENERGY SYSTEM:

County Attorney, Ellis Hankins provided brief comments solely about the procedures for the rest of hearing and the consideration noting it is pretty clear and the applicant's attorney and he were in agreement and clear in the transcript from the first part of the public hearing on this matter that the Board voted to reopen this public hearing for a limited purpose and that being to facilitate site visits by individual commissioners, if they wished, to the proposed site of the solar system. Mr. Hankins said he would be asking later about that and one other thing from the commissioners for the record. Mr. Hankins said there would not be additional testimony noting everyone had an opportunity to offer testimony under oath directly in the public hearing previously. Mr. Hankins said the question has been asked, why are all these good folks, the experts, supporting the application here and, to answer that, he added when the commissioners see fit to close the public hearing, each commissioner is always, if the Chairman recognizes them, have the right to make comments and to ask questions that are relevant to the matter including to the applicant's attorney or their experts. Mr. Hankins stated that was the only reason that he could understand the good folks are present. Mr. Hankins told Chairman Powell he was happy to answer any questions about the procedures as he just eluded and, at the appropriate time he would like the Chairman to recognize him again, to ask those two questions for the record and he assumed it would be appropriate for a motion to close the public hearing.

Chairman Powell said at this point was there anything to add and Mr. Hankins responded just those two questions to which he would do that after the public hearing was closed. Chairman Powell said as stated on the agenda the Board was in public hearing, and maybe at this point to close the public hearing. He asked for a motion to close the public hearing.

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A **motion** was made by Commissioner Gentry and **carried 5-0** to close the public hearing for a request by the applicant, Berea Solar, LLC, on behalf of the property owners, Elizabeth Christian and Catherine Phelps, John and Linda Mangum, Malcolm Mangum, Jr. and Mary Susan Williams, Matthew Moore, Jeffry Hendriks and EM & RM LLC, (Elvin Mangum) on Tax Map and Parcel numbers A110-7, A110-2, A110-31, A110-29, A110-6, A111-5 and 0961-06-5906 (Granville County PIN), totaling 920 acres located on Berea, Bethany Church and Isham Chambers Roads, for a special use permit to establish a Level 3 (10 acres or greater) Solar Energy System.

CONSIDERATION TO GRANT OR DENY REQUEST BY THE APPLICANT, BEREA SOLAR, LLC, ON BEHALF OF THE PROPERTY OWNERS, ELIZABETH CHRISTIAN AND CATHERINE PHELPS, JOHN AND LINDA MANGUM, MALCOLM MANGUM, JR. AND MARY SUSAN WILLIAMS, MATTHEW MOORE, JEFFRY HENDRIKS AND EM & RM LLC, (ELVIN MANGUM) ON TAX MAP AND PARCEL NUMBERS A110-7, A110-2, A110-31, A110-29, A110-6, A111-5 AND 0961-06-5906 (GRANVILLE COUNTY PIN), TOTALING 920 ACRES LOCATED ON BEREA, BETHANY CHURCH AND ISHAM CHAMBERS ROADS, FOR A SPECIAL USE PERMIT TO ESTABLISH A LEVEL 3 (10 ACRES OR GREATER) SOLAR ENERGY SYSTEM:

County Attorney, Ellis Hankins stated he had two questions to ask each commissioner for the record.

Question #1 from the County Attorney, Ellis Hankins:

Each of the commissioners were offered the opportunity to visit the site; some of the commissioners requested and he had knowledge of some of the commissioners had done this. Mr. Hankins asked each commissioner to answer this question noting if any commissioner answers yes, there will be a follow-up.

Mr. Hankins started with Commissioner Sims and asked him if he visited the site to which Commissioner Sims responded no. Commissioner Gentry stated yes she visited the site. Mr. Hankins asked Commissioner Gentry to state for the record who else was present to which she responded Attorney Terrell and she could not remember the other gentleman's name. Mr. Tom Terrell, attorney for the applicant spoke up and said it was Rex Young to which Commissioner Gentry agreed noting they both were there and escorted her/drove her around the proposed site. Mr. Hankins asked Commissioner Gentry if she had a conversation with them while they were there to which Commissioner Gentry said yes. Mr. Hankins asked Commissioner Gentry to note what was generally said to which Commissioner Gentry responded there were comments on the topography of the site. Mr. Hankins asked Commissioner Palmer if he made a site visit to which he responded he had not been onsite. Commissioner Palmer stated he only rode around the perimeter noting he works across Person County as a plumber and he was in the area couple/three days after the meeting when they first came. As he was in the area, Commissioner Palmer

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said he made a circular pattern around the proposed site and did not go onto the land. Commissioner Palmer said he did not reach out to anybody. He said he knew the area very well because he was raised in Person County. Mr. Hankins said a drive by visit, window view to which Commissioner Palmer said yes. Mr. Hankins asked Commissioner Palmer if anyone was with him or if he engaged in conversation with anyone to which Commissioner Palmer replied no. Mr. Hankins asked Vice Chairman Puryear the same question if he had made a site visit to which Vice Chairman Puryear responded no. Mr. Hankins asked Chairman Powell if he had made a site visit to which he responded no.

Question #2 from the County Attorney, Ellis Hankins:

Starting with Commissioner Sims, Mr. Hankins asked each commissioner to state for the record whether each have engaged in any ex parte communications or discussions about this matter outside this hearing. Commissioner Sims responded no he had not. Commissioner Gentry responded no sir, she had not. Mr. Hankins asked Commissioner Palmer if he had been engaged in any ex parte communication to be disclosed to which Commissioner Palmer responded he could honestly say that he talked solar farms with many citizens but as far as the solar farm site, he did not recall because due to his understanding, the proposed site has met all the guidelines and there was nothing the Board could do to chop the block on their wheels. Mr. Hankins asked Vice Chairman Puryear if he had any ex parte communications to which Vice Chairman Puryear responded no. Mr. Hankins asked Chairman Powell if had any ex parte communications to which Chairman Powell said no.

Mr. Hankins thanked the commissioners noting the reason for that was this was not the typical legislative up/down decision by this Board noting it was a quasi-judicial matter and the law requires the Board of Commissioners to decide this matter based on what the statutes says, which is competent material and evidence as it relates to each of the four findings and only on that basis.

Chairman Powell said at this time he would take comments from commissioners regarding this issue. Chairman Powell said his feelings on solar farms had been reinforced by the Board's recent proceedings noting his concerns were land use and preservation of Person County, traditional farming community and agriculture use; he asked the County Manager, Heidi York how solar farms would be taxed in Person County. Ms. York stated she would get the Board an answer. Chairman Powell also noted concerns with erosion and decommissioning; Chairman Powell said his greatest concern was decommissioning noting the Board made some changes with policy and procedure in the last year. Chairman Powell said in all likelihood, solar farms owners will change names and owners over the lifespan and would like to see a succession plan for the sites determining site responsibility, county responsibility as well as a bond guarantee for decommissioning and disposal of the solar panels. He reiterated he did not want the taxpayers to shoulder any responsibility.

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Vice Chairman Puryear stated his agreement with Chairman Powell's comments that they were also his concerns.

Commissioner Palmer said he would like to see accountability when the solar sites are decommissioned as well as wildlife protections noting his only concern as previously expressed was for the bald eagle. Commissioner Palmer noted discussions with a game warden related to injured bald eagles and that the injured eagles were taken to centers for rehabilitation and reintroduction into the wild once healed. He added that citizens have told him they see bald eagles fly in the area daily. Commissioner Palmer said he knew there was fencing for four-legged animals but his greatest concern was the bald eagles, simply because this is going to be a huge magnifying glass that will drive them away. Commissioner Palmer stated it should be a high priority to keep the eagles in Person County. Mr. Hankins asked Commissioner Palmer a clarifying question to reiterate if any of those discussions as noted had any considerations in making his decision for this special use permit to which Commissioner Palmer responded this is all Charlie's concerns and that nobody else had influenced him. He repeated this was his concern as a citizen of Person County noting he told Mr. Hankins earlier that morning that they had met all the criteria.

Commissioner Gentry stated she had similar concerns as Chairman Powell. She said she had several questions. Commissioner Gentry asked Mr. Tom Terrell if the decommissioning plan in the booklet was the boilerplate that was given to all property owners. Mr. Tom Terrell, attorney for the applicant said he was not involved in the negotiations related to the decommissioning plan and deferred the question to the County's Planning Director, Lori Oakley if that was something that her department approved. Mr. Terrell said this was a requirement that the county-imposed and that Berea Solar met.

Planning Director, Lori Oakley said the county's old solar ordinance was updated to add decommissioning as requested at that time by Chairman Powell, which remains in the current solar ordinance. Ms. Oakley confirmed there is a decommissioning plan that requires ten items and she confirmed the applicant had submitted. In addition, Ms. Oakley said prior to getting the certificate of compliance, a bond must be provided in the amount of 1.25 times the decommissioning costs to the county which is kept on file. Ms. Oakley stated some of these bonds are renewed annually but others are submitted for the life of the project based on the engineer seal.

Commissioner Gentry asked if the surety bonds were transferrable for the responsibility when the solar farm ownership changes hands. Mr. Terrell explained that the law and all conditions built into the permit go with the property to each successive landowner. Mr. Terrell said if there was a total failure to do that, it would go to the county to enforce including revocation of the certificate of occupancy or any such zoning permit.

Commissioner Gentry asked Mr. Terrell what happens in the case of a company that goes bankrupt or do not pay the premium; Mr. Terrell said if the premium was unpaid, that would be up to the county to enforce. Mr. Terrell stated the surety and the bonds are

designed to succeed a bankruptcy as that was the very essence of a bond or any type of surety, that, for whatever reason, the company does not or cannot perform, the bond is thereby enforced by the surety.

Commissioner Gentry asked Mr. Terrell what studies would be next for the site to which he responded the project has been approved by the state Utilities Commission but would require the same state agency approvals that any developer would need including stream buffers and wetland delineations. Mr. Terrell said as part of the Utilities Commission process, the site has already gone through comments from state agencies showing there are no archaeological or historic sites as well as the Division of Wildlife has already said there are no endangered wildlife affected on the site.

Commissioner Gentry asked if there would be any proposed use of battery storage on the site anytime during its life. Mr. Terrell said at this point there was no plan for battery storage. Commissioner Gentry asked if that could change to which Mr. Thomas Cleveland, consultant with Duke Energy said that proposed battery storage would require a restudy from the Utilities Commission; he noted that battery storage was not submitted in the application.

Commissioner Gentry asked if there was an island heat effect to which Mr. Chris Sandifer, an engineer for the applicant, said the panels are very efficient; he added there would not be a heat sink like water, i.e., a relatively small lake or pond, nor a regenerator of heat like asphalt or concrete. Mr. Sandifer said his studies have found that the panels would generate heat similar to a pine tree forest, i.e., a non-deciduous tree that stays green and very similar to what is there now so not to affect the local temperature at all.

Commissioner Gentry stated her main concern was private property rights and she takes that very seriously. She noted her understanding that the owners have the absolute right to do what they want with their property but at the same time with a solar contract, property owners give up an enormous amount of control over their property to the solar company and an enormous amount of rights for the time. Commissioner Gentry said the solar panels have less toxic metals to which Mr. Terrell stated the solar panels have no toxic components. Commissioner Gentry added the panels would be less valuable for recycling which would end up in a landfill and equated it to a solar wasteland similar to coal ash. Commissioner Gentry said there was nowhere to go with it and noted her concerns about the long-term effects, further noting no one knows the long-terms effects.

Commissioner Gentry said Person County is 392 square miles noting this proposed solar farm along with the ones already in place would equal 2% of its land mass in solar.

Commissioner Sims stated as the Board was making a decision on the property owners' use of land, he did not want to see landowners regret any decision that they make 20-25 years later when locked into a contract noting it would not affect his ability to make a decision.

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County Manager, Heidi York said she would like to answer the question related to how solar farms are taxed in Person County; Ms. York stated the land that houses the solar parts is valued as building sites rather than farmland once the improvements have been made. She added that any buffer land around the solar farm is valued as wooded land. Ms. York said there were two different classifications. Most solar contracts have the solar equipment owner paying the taxes with sometimes a one-time rollback for 3-years of taxes if the land was in a tax-deferred program. Ms. York stated if the entire parcel was removed from the agriculture forestry, the rollback would count for that as well. The equipment is reported by the taxpayer at 100% of installed costs with federal guidelines that require commercial solar equipment to receive an 80% reduction before the depreciation can be applied. The NC Dept. of Revenue describes the depreciation schedule for the remaining 20% of the value. The residual value after that would be 25% after the first 14 years.

Mr. Hankins stated this information was good general accurate information about the provisions of state law in respect to property tax involving solar farms. Mr. Hankins cautioned the Board that this was not directly relevant to this case.

Tax Assessor, Russell Jones said the County Manager's summary was very clear and precise noting 100% of the reported costs by the installer with 80% off of that starting at 20% value and the tax office depreciates using NC Dept. of Revenue schedules. Mr. Jones said the land value directly underneath the panel would be called residential building sites, as they are no longer growing crops, but growing commercial solar thereby with a higher value. If the land was presently in a farm-use plan program, a three-year rollback which would be instant money for the county, however, not all, but most of the tracts discussed today are in deferred tax programs. Mr. Jones said a determination for a solar farm to remain in the farm-use program (currently have two that are in a deferred tax program) for deferred tax if owned by a farmer and in farm production, i.e., raising sheep. In this case, the ownership is a corporation for the production of solar energy, thereby would not be eligible for the deferred tax program.

Commissioner Gentry noted the decision before the Board was difficult as she did not want to offend the property owners but also wanted to take into consideration the rest of the county that the Board represents.

A **motion** was made by Commissioner Gentry and **carried 5-0** to deny the request by the applicant, Berea Solar, LLC, on behalf of the property owners, Elizabeth Christian and Catherine Phelps, John and Linda Mangum, Malcolm Mangum, Jr. and Mary Susan Williams, Matthew Moore, Jeffrey Hendriks and EM & RM LLC, (Elvin Mangum) on Tax Map and Parcel Numbers A110-7, A110-2, A110-31, A110-29, A110-6, A111-5 and 0961-06-5906 (Granville County Pin), totally 920 acres located on Berea, Bethany Church and Isham Chambers Roads, for a Special Use Permit to establish a Level 3 (10 acres or greater) Solar Energy System.

Ms. Oakley asked the Board to cite the finding of fact that was not met should the Board vote to deny the Special Use Permit.

Commissioner Gentry cited the request did not meet Finding of Fact #4:

That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Comprehensive Plan. She added that the Comprehensive Plan states this is a low-density residential (single site-built and manufactured homes); agriculture, forestry, churches; and very limited commercial; she said this solar farm use is an industrial use.

PUBLIC HEARING:

CONSIDERATION TO ADOPT AN ORDINANCE TO PLACE A MORATORIUM ON DEVELOPMENT APPROVAL FOR NEW SOLAR ENERGY SYSTEMS:

A **motion** was made by Commissioner Sims and **carried 5-0** to open the duly advertised public hearing for consideration to adopt an Ordinance to Place a Moratorium on Development Approval for New Solar Energy Systems.

At the Board's August 2, 2021 meeting, County Attorney Ellis Hankins reviewed the process that must be followed to enact a moratorium on solar energy system development activity. One requirement was for the Board to conduct a public hearing to which the Board directed staff to advertise the public hearing for this date to consider whether to adopt an ordinance to place a moratorium on development approval for new solar energy systems, including solar farms, for a period of six (6) months. The purpose of the moratorium would be to provide time for the Board to consider amendments to current provisions in the Person County Solar Energy System Ordinance.

County Attorney, Ellis Hankins presented a Solar Energy Systems Development Approval Moratorium Ordinance for consideration by the Board to pause development applications for solar systems. Mr. Hankins stated he drafted the Ordinance to Place a Moratorium on Development Approval for new Solar Energy Systems to comply with provisions with the state statutes authoring the Board to impose a temporary, time-limited moratorium on consideration of development approval on solar systems. He said the ordinance was detailed because the state statute mandates statements and findings as well as public notice to be advertised two times in two successive weeks as required, which was done.

Mr. Hankins said a statement was made in the draft ordinance of the development approvals subject to the moratorium and how a moratorium on those approvals will address the problems or conditions leading to imposition of the moratorium. He read the following statement in the proposed ordinance:

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Development approvals for Level 3 Solar Energy Systems, as defined in the current Solar Energy System Ordinance (ten acres or greater), are subject to the moratorium. This pause will allow adequate time for staff and the Planning Board to propose amendments to the Solar Energy System Ordinance and the Planning and Zoning Ordinance, provide an opportunity for citizens to offer comments, and enable the Board of Commissioners to deliberate carefully.

Mr. Hankins stated the Board may make changes to the Solar Energy Systems Ordinance whether the Board adopts the proposed moratorium ordinance or not. In general and in most cases, any changes to the Solar Energy System Ordinance that the Board makes do not apply to any application for consideration that have been received, i.e., the Berea Special Use Permit which the Board just took action to deny or to the conditional district zoning application that is scheduled to be on the Board's September 7, 2021 meeting agenda.

Chairman Powell requested those individuals providing public comments to limit their comments to 3-minutes each.

Speaking in favor of adopting an Ordinance to Place a Moratorium on Development Approval for New Solar Energy Systems were the following:

Mr. John Seepe of 277 Barefoot Landing Lane, Semora stated his support of placing a moratorium on development approval for new solar energy systems to allow the Board of Commissioners time to review its rules related to setting fees, designated appropriate locations within Person County, manage the requirements, and among other things the decommissioning of solar farms.

Mr. Paul Lynch of 395 Union Grove Church Road, Hurdle Mills encouraged the Board to adopt a moratorium on development approval for new solar energy systems to enable the Board to review the concept of turning farmland, woodland and pastureland into an aluminum and glass covered wasteland. Mr. Lynch said a solar farm needs a fence to constraint; he suggested that the Board allow solar farms in already disturbed areas, i.e. industrial buildings and rooftops and that to destroy farmland makes no sense.

Ms. Cynthia Lynch of 395 Union Grove Church Road, Hurdle Mills spoke in favor of the Board adopting a moratorium on development approval for new solar energy system to allow the Board of Commissioners to revisit the issues provided at the Board's September 20, 2020 meeting that were not addressed. Ms. Lynch read the following in the proposed moratorium ordinance: *The Person County Solar Energy System Ordinance, adopted in 2020, includes significant buffer and setback requirements that can only be satisfied by large projects. Those requirements were intended to mitigate potential detrimental impacts, but might have the effect of increasing the acreage of some proposed projects.* Ms. Lynch noted the problem was not that the buffers are too large but the number and the size of the panels are too large for the site. She added the recent solar farm

applications are coming in 80 to 90 times the Level 3 criteria of 10 acres or more and was reasonable that there are additional questions for sites of those sizes. Ms. Lynch urged the Board to seek the assistance of experts with technical experience in solar panels and battery storage systems to ensure the resulting ordinance language included the proper safeguards for this type of equipment.

There were no individuals appearing before the Board to speak in opposition to adopting an Ordinance to Place a Moratorium on Development Approval for New Solar Energy Systems.

Chairman Powell asked the County Planning Director, Lori Oakley to provide any comments relevant to the Board regarding the moratorium.

Planning Director, Lori Oakley noted the Berea Solar case that was decided earlier this date was the County's first Level 3 that went through this process. She noted staff have had several Level 1 rooftop solar and/or residential solar. Ms. Oakley said her question from staff level would be if the Board chooses to enact a moratorium, she requested the Board to be very specific to staff as to what the Board would like changed, i.e., fee changes. Ms. Oakley noted the County went through a moratorium process last year and input was received from the Farm Bureau, the Economic Development Commission, the Airport Commission, and the Planning Board before it came before the Board of Commissioners. The Board of Commissioners tabled for more changes but then adopted the current ordinance.

A **motion** was made by Commissioner Sims and **carried 5-0** to close the public hearing for consideration to adopt an Ordinance to Place a Moratorium on Development Approval for New Solar Energy Systems.

CONSIDERATION TO ADOPT AN ORDINANCE TO PLACE A MORATORIUM ON DEVELOPMENT APPROVAL FOR NEW SOLAR ENERGY SYSTEMS:

A **motion** was made by Commissioner Gentry and **carried 5-0** to adopt an Ordinance to place a Moratorium on Development Approval for New Solar Energy Systems.

County Attorney, Ellis Hankins stated the Board of Commissioners would have many opportunities to provide guidance to staff, the Planning Board as the Board of Commissioners work to propose changes to the current Solar Energy Systems Ordinance. Mr. Hankins asked the Board to begin thinking about what information staff can provide to the Board.

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Solar Energy Systems Development Approval Moratorium Ordinance

WHEREAS, proposals for development of large solar energy systems, commonly referred to as “solar farms,” are the objects of continued and significant public interest and concern in Person County; and

WHEREAS, as directed by the Board of Commissioners, the Person County staff published notice of a legislative public hearing on a potential solar energy systems development approval moratorium ordinance, once a week for two successive calendar weeks in a newspaper having general circulation in the area, as required by N.C. General Statutes §§160D-107 and 160D-601; and

WHEREAS, the Board conducted a legislative public hearing on the proposed moratorium ordinance during its regular meeting that convened on Monday, August 16, 2021, at 9:00 a.m., and several interested citizens spoke about the matter;

NOW, THEREFORE, pursuant to N.C.G.S. §160D-107 and other applicable provisions of law, the Person County Board of Commissioners hereby adopts this Solar Energy Systems Development Approval Moratorium Ordinance, as follows:

Section 1. The Board makes the following statements and findings, as required by N.C.G.S. §160D-107(d):

- (1) A statement of the problems or conditions necessitating the moratorium and what courses of action, alternative to a moratorium, were considered by the local government and why those alternative courses of action were not deemed adequate.

The Person County Solar Energy System Ordinance, adopted in 2020, includes significant buffer and setback requirements that can only be satisfied by large projects. Those requirements were intended to mitigate potential detrimental impacts, but might have the effect of increasing the acreage of some proposed projects. Now that the County has some experience with applications seeking approval for development of large solar energy systems, it is clear that such proposals are a subject of interest and a cause of concern for neighboring property owners and others for many reasons, including aesthetics, preservation of property values and the character of areas of the county, water quality and other environmental concerns, potential effects on birds and other wildlife, and the need for adequate and reliable electric power supply.

Another significant factor is that the current regulations were adopted before the new comprehensive Chapter 160D of the N.C. General Statutes, entitled Local Planning and Development Regulation, became effective. The Board of Commissioners recently adopted significant amendments to the County Planning and Zoning Ordinance to conform to the new statutory provisions, and there is a need to reexamine how the amended provisions of the Planning and Zoning Ordinance and the separate Solar Energy System Ordinance interact and work together.

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The Board considered not imposing a moratorium while considering potential regulatory changes, but concluded that a pause of short duration is preferable, to allow time for public input and careful deliberation. The Board intends to consider all relevant issues, factors and perspectives, and all practical alternatives.

- (2) A statement of the development approvals subject to the moratorium and how a moratorium on those approvals will address the problems or conditions leading to imposition of the moratorium.

Development approvals for Level 3 Solar Energy Systems, as defined in the current Solar Energy System Ordinance (ten acres or greater), are subject to the moratorium. This pause will allow adequate time for staff and the Planning Board to propose amendments to the Solar Energy System Ordinance and the Planning and Zoning Ordinance, provide an opportunity for citizens to offer comments, and enable the Board of Commissioners to deliberate carefully.

- (3) A date for termination of the moratorium and a statement setting forth why that duration is reasonably necessary to address the problems or conditions leading to imposition of the moratorium.

The moratorium is effective upon adoption of this ordinance and stays development approval for new Solar Energy Systems within its scope for a period of six (6) months, ending on February 16, 2022, unless terminated earlier or extended by action of the Board of Commissioners. During the moratorium period, amendments to the Solar Energy Systems Ordinance and the Planning and Zoning Ordinance will be considered.

This requires Planning Board recommendations and Board of Commissioner approval, after public hearings with published notice. The Board of Commissioners finds that a six-month moratorium period is reasonable, not unduly burdensome to potential applicants, and in the public interest.

- (4) A statement of the actions, and the schedule for those actions, proposed to be taken by the local government during the duration of the moratorium to address the problems or conditions leading to imposition of the moratorium.

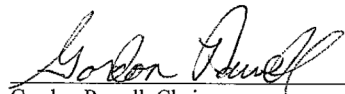
It is necessary and appropriate to consider amendments to the Solar Energy System Ordinance and the Planning and Zoning Ordinance, including more restrictive regulation, and potentially a relaxation of some current requirements. The Planning Department staff will engage in additional meticulous research. The County Manager will ensure that, under the leadership and coordination of the Planning Department, all County departments and agencies will cooperate and contribute as appropriate in all aspects of this research and development of a proper and updated development and regulatory system and process for consideration of approval for new large solar energy systems.

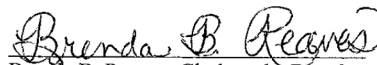
In particular, the Planning Department will schedule its activities, research and recommendations so that the Planning Board will have sufficient time to consider any proposed new regulatory provisions and make timely recommendations to the Board of Commissioners. In its consideration, the Planning Board will take adequate time for careful consideration of all relevant issues and alternatives, staff recommendations and public comments. The Board of Commissioners, after one or more public hearings with published notice, will approve or deny the proposed amendments. Staff study, drafts and presentations to the Planning Board and Board of Commissioners is a multi-month process that must be begun immediately, and the process will be conducted expeditiously.

Adopted, this 16th day of August, 2021.

(SEAL)




Gordon Powell, Chairman
Person County Board of Commissioners

Attest: 
Brenda B. Reaves, Clerk to the Board

INFORMAL COMMENTS:

Chairman Powell announced a four-minute time limit for each speaker.

The following individuals appeared before the Board to make informal comments:

Mr. John Seepe of 277 Barefoot Landing Lane, Semora posed questions related to the status of the proposed shell building and the understanding among the community that the Board denied a funding request of \$500,000 by PCC for land acquisition, design engineering and architectural plans for a proposed Advanced Technology Center (ATC) which he did not think was accurate because no formal request was submitted. Mr. Seepe noted the Feasibility Study had not been provided to the Board of Commissioners in May 2021 when funding was authorized in 2019 to not exceed \$25,000 but ended up costing \$62,740.

Mr. Paul Lynch of 395 Union Grove Church Road, Hurdle Mills, signed up to address the Board, yet he yielded his time to Mr. John Seepe. Mr. Seepe continued his comments related to the Feasibility Study for the proposed ATC. To date in June 2021, the study placed the costs of the Center at \$25M. Mr. Seepe asked if PCC acquired the necessary land for the ATC by donation among other questions.

Ms. Cynthia Lynch of 395 Union Grove Church Road, Hurdle Mills suggested the Board to research the viability to enlist the opinion of an expert to provide testimony on behalf of the County during Special Use Permit public hearings noting there are some governing bodies that put into place regulations that require the applicant to put funds in escrow to cover the costs of experts hired by the Board thereby saving taxpayer funds.

Ms. Anderson Clayton of 546 Flat River Church Road, Roxboro, and Chair of the Person County Democratic Party said the bald eagle was taken off the US endangered species list in 2007 and solar energy has only grown since then. Ms. Clayton noted as people are concerned about what the future of our county looks like, what is in the best interests for the people going forward economically and environmentally and solar energy, whether people like it or not is a part of the future. She also stated support of the Advanced Technology Center noting companies, such as Polywood wants skilled workforce. Ms. Clayton noted US Senate candidate, Jeff Jackson came to Roxboro on August 15, 2021 to hear from the rural community. She invited anyone interested to attend the Democratic Party meeting at 7:00pm on this date at 100 N. Main Street, Roxboro.

DISCUSSION/ADJUSTMENT/APPROVAL OF CONSENT AGENDA:

A **motion** was made by Commissioner Sims and **carried 5-0** to approve the Consent Agenda with the following items:

- A. Approval of Minutes of July 12, 2021,
- B. Budget Amendment #3, and
- C. Library Annual State Aid Application

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NEW BUSINESS:

OPTION FOR UPDATING COUNTY-PLANNING ORDINANCES:

Planning Director, Lori Oakley stated the Planning Department is tasked with enforcing several ordinances in the county, including:

- Planning Ordinance – adopted May 20, 1991
- Subdivision Regulations – adopted March 9, 1987
- Flood Damage Prevention Ordinance – adopted Feb. 19, 1990
- Minimum Construction Standards for Private Roads – adopted March 9, 1987
- Mobile Home Park Ordinance – adopted Feb. 17, 1986
- Ordinance Regulating Automobile Graveyards and Junkyards – initially adopted Sept. 21, 1987 and re-adopted on April 6, 2015

Ms. Oakley stated since its original adoptions dates as noted above, these ordinances have been amended throughout the last 30 years. Ms. Oakley said the Planning Ordinance and other stand-alone ordinances may need to be replaced by a new, up-to-date ordinance(s) that are consistent with all NC General Statutes. Ms. Oakley noted there is unclear language as well as the zoning districts that need to be reexamined along with the Table of Uses.

Ms. Oakley reminded the Board that staff is currently working with the City of Roxboro on an update for a joint City/County Comprehensive Land Use Plan. Ms. Oakley anticipated the consultant completing the first draft within the next few weeks and the Plan would then go before the Planning Board and with their recommendation to the Board of Commissioners following in October or November for approval. Ms. Oakley said of the recommendations listed in the Comprehensive Plan will include updating county ordinances.

Ms. Oakley said staff recommended hiring a consultant to create a new Unified Development Ordinance (UDO) for the county to include some or all of the planning ordinances referenced above. A UDO is just that – a concise, unified document containing all of the county's planning-related ordinances in one easy-to-navigate ordinance. The average timeframe for creating a new UDO is typically about 12-14 months (once a consultant was selected) until the ordinance is adopted. Ms. Oakley clarified that further amendments may be considered and adopted even during the UDO process. County Manager, Heidi York said the Board of Commissioners considered a consolidated City/County UDO concept several years ago, and at that time, the Board was not interested in pursuing.

Ms. Oakley stated the budget for a UDO was projected to cost between \$75,000 and \$100,000. This project is not currently funded in the FY2022 operating budget and the Board may decide to allocate funding to start the UDO process once the Comprehensive Plan was adopted in the fall, or the Board may consider funding this project in FY2023. Ms. Oakley asked the Board to consider discussing options for updating certain ordinance provisions before moving forward with creating a UDO. Ms. York recommended to launch the UDO process, if desired by the Board, following the approval of the Joint Comprehensive Land Use Plan. Ms. York suggested staff could solicit proposals from consultants to have that part of the process completed without any cost to the County.

A **motion** was made by Commissioner Gentry and **carried 5-0** to solicit proposals from consultants for the UDO process.

RESOLUTION FOR ECONOMIC DEVELOPMENT INCENTIVES POLICY:

Economic Development Director, Sherry Wilborn presented a Resolution to outline the County's Economic Development Incentives Policy, which states the baseline criteria that must be met in order for the county to offer businesses economic development incentives.

Ms. Wilborn stated with an increase in project activity, people wanting to start their own businesses and many headlines about federal grant funds coming down to local governments, there has been a significant uptick in the number of requests we are seeing for business support services in the form of cash grants. Given that local government authority to make such awards is governed by the NC Constitution and NC General Statutes, the Economic Development Director, with the support of the County Attorney, drafted the attached Resolution for Economic Development Incentives Policy for the sake of assisting the Department, the Economic Development Commission (EDC), and the Commissioners with consistent and efficient responses to such requests. The proposed Resolution for Economic Development Incentives Policy was presented to and reviewed by the EDC at their regular scheduled July 2021 meeting, at which time they voted unanimously to recommend its adoption by the Board of Commissioners. Ms. Wilborn stated the policy as presented simply formalizes current staff processes when considering a project's eligibility to be incentivized. She added such a formal policy would not result in any prospects to pass over Person County as the policy outlines what state law allows.

Ms. Wilborn requested Board consideration to adopt a Resolution for Economic Development Incentives Policy that provides for a company to have a presence in or locate into the county, produce new, taxable capital investment and/or create new full time jobs with benefits above the county's average wage.

A **motion** was made by Commissioner Sims and **carried 5-0** to adopt a Resolution for Economic Development Incentives Policy, as presented.

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**PERSON COUNTY
RESOLUTION
FOR
ECONOMIC DEVELOPMENT INCENTIVES POLICY**

WHEREAS, the Person County Board of Commissioners and the Person County Economic Development Commission find that expenditures for economic development incentives to new and expanding businesses stimulate the local economy, increase the tax base, promote business, and result in the creation of jobs for the citizens of Person County; and,

WHEREAS, the Person County Board of Commissioners and the Person County Economic Development Commission intend to implement an economic development policy in adherence to all applicable North Carolina General Statutes; and,

WHEREAS, the Person County Board of Commissioners and the Person County Economic Development Commission desire to provide for the option of infrastructure investments in lieu of or in addition to other appropriations in Person County; and,

WHEREAS the County may make these appropriations pursuant to N.C. General Statutes § 158-7.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS FOR THE COUNTY OF PERSON DOTH RESOLVE:

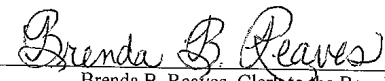
1. Appropriations will be for Companies with a presence in or that locate in Person County.
2. Appropriations shall only be considered for:
 - a) Companies which produce new taxable capital investment, and/or
 - b) Companies which create new full-time jobs. For a new job to qualify and be counted, the following criteria must be met:
 - (i) the new job must be a net increase in the Company's number of full-time employees working in Person County; and,
 - (ii) the new job must be filled by a full-time employee. A full-time employee is defined as a person who is employed by the Company for at least 35 hours per week and whose wages are subject to withholding, or a permanent hourly or salaried position of employment with the Company that requires not less than 1820 hours of work per year at the Person County site, to include paid time off, and is intended to be performed by one employee during the entire year; and,
 - (iii) the average wage for new full-time jobs must equal the average wage for Person County, as defined annually by the NC Department of Commerce; and,
 - (iv) the Company must also agree to provide health insurance satisfying the standard established for Job Development Investment Grants in N.C. General Statutes § 143B-437.53(c) that includes Company paying a minimum of 50% of the premiums.

3. Companies seeking to qualify for an appropriation pursuant to this policy shall provide Person County with a written statement, which includes the following project information:
 - a) Number of new full-time jobs created,
 - b) Wages for new full-time jobs created,
 - c) Amount of net new capital investment,
 - d) The presence of competition for the project outside of Person County, and,
 - e) Written affirmation that without funding from this program, the project would not occur in Person County.
4. The Board of Commissioners reserves the right to consider each project individually and to adjust the incentives package based on current conditions and circumstances. The Board is not obligated to make any appropriations for a Company.
5. If an appropriation is made, the Company must be willing to sign an Economic Development Agreement, which describes the responsibilities and obligations of all parties.

Adopted, this, the 16th day of August 2021.




Gordon Powell, Chairman

Attest: 
Brenda B. Reaves, Clerk to the Board

ADDITION OF A PUBLIC INFORMATION OFFICER POSITION:

Assistant County Manager, Katherine Cathey presented to the Board options available to add a Public Information Officer position to the county's workforce. Ms. Cathey said the County Manager is the designated Public Information Officer for Person County. The Assistant County Manager manages the County's two social media accounts (Facebook and Twitter). More than half of County departments manage departmental social media accounts. Prior to the cyber incident in May 2020, County departments were able to update their own webpages. Currently, only two IT staff have the ability to update the County website and are working on restoring access at the departmental level. County Manager, Heidi York noted the IT Department has recently begun work with a consultant to complete a comprehensive website update, which is in the current fiscal year budget.

Ms. Cathey said the addition of a Public Information Officer position would enhance the County's efforts to ensure consistent and unified messaging, keeping the public and County employees informed of County news and information through a variety of platforms, including press releases, social media, email, website, print, radio, and in-person events. Ms. Cathey outlined the general task that a full-time Public Information Officer could accomplish:

- Serves as a professional communications resource for the County; managing community, County and media relations. Responsible for all planning and implementation of efforts to tell the Person County story.
- Acts as a consultant and strategic advisor to County administration, departments, and Board of Commissioners on all matters related to communications and community engagement.
- Represents the County to the community at large through the development and maintenance of relationships with key community groups, external agencies, and/or other interested parties.
- Manages all official County communication tools (including print and digital publications, County website and social media accounts), County brand and logo use, and serves as the Person County spokesperson, when necessary, while developing and enhancing relationships with news media and other community partners.
- Develops, edits and produces County news and information for website, social media, and newsletter content. Ensures accuracy and timeliness of online information.
- Plans, develops and directs programs and activities to ensure dissemination of information designed to keep County departments and the community informed of County programs, services, activities, features, accomplishments or positions; conducts biennial community survey and other surveys to determine public opinion of County government and/or programs.
- Produces communications materials about County services by gathering information, writing, editing and preparing layout for distribution to internal and external audiences.

- Assists with editorial writing, speech writing, press releases, marketing efforts, special events and special projects.
- Manages and advises communication during emergency and crisis events.
- Answers inquiries from media representatives and/or the general public by providing information based on detailed knowledge of County programs and activities and as required by state open records laws; may refer inquiries to the proper County officials.
- Directs media inquiries to the appropriate County contacts. Acts proactively regarding media relations; provides background information and additional materials as requested by reporters.
- Coordinates media conferences, as requested. Plans and participates in meetings with County officials, general public, community groups, religious organizations and schools to share information and discuss County activities. Informs and educates citizens on the functions and processes of County government. Enhances and advertises the e-mail notification service for citizens interested in County events, meetings and services.
- Works in coordination with County Manager, County Attorney, and IT Director to fulfill public records requests.
- Coordinates regular citizen education programs designed to educate and engage citizens in County government.
- Performs short- and long-term planning aimed at increasing marketing and community relations outreach on a local and regional level; develops communication and marketing plans as well as short- and long-term goals.
- Supports and advises departments with planning for community engagement programming.
- Develops and recommends new communications and marketing methods and enhancements to better achieve County goals and marketing County services to residents, community groups, economic development entities, and other external organizations.

Ms. Cathey provided a range of options for the Board to consider noting a part-time position, a contractor, or an intern could begin to develop a communications strategy for the County and assume some of the responsibilities outlined above. The estimated annual cost for adding this function range from \$10,000 to \$80,000, depending upon the preferred option. Ms. Cathey said the funding source would likely be the County Fund Balance.

Position Type	Estimated Annual Cost
Full-time (40 hours/week)	\$80,000
Part-time (30 hours/week, 0.75 FTE)	\$60,000
Part-time (20 hours/week, 0.50 FTE)	\$30,000
Contractor (10 hours/week)	\$20,000
Intern (10 hours/week)	\$10,000

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Vice Chairman Puryear asked why this request was not evaluated during the budget process when new positions are normally considered. Ms. York stated this position was not requested by staff and staff were following up to a request made by Commissioner Gentry for a Public Information Officer.

Ms. York stated this position could be supervised by the IT Director should this position be a part of a more comprehensive communications strategy for the website upgrade and social media or this position could report to the County Manager's Office for an overall county development of communication strategies to get information out to the public. The website upgrade was contracted for a total refresh with the ongoing maintenance for the website updates to be done by staff within each department. Commissioner Gentry asked what was the timeframe for the website upgrade to which Ms. York stated she just received a proposal with a kick-off meeting this month and would have to read the proposal for a completion date noting it would take months. Commissioner Gentry stated she would like a presentation to the Board for samples of what the new website would look like when it was ready. Commissioner Gentry noted that employees from departments told her that website updates took a lot of time from their daily duties noting the website is woefully behind other county's with information and not easy to navigate.

Commissioner Gentry noted her preference to start small and contract out the position to see how it works out before considering hiring a full-time employee. Vice Chairman Puryear agree with Commissioner Gentry to start out with a part-time contract to evaluate the costs.

A **motion** was made by Commissioner Gentry and **carried 5-0** to direct staff to obtain an estimate for a part-time contractor in this this budget season for a Public Information Officer.

APPOINTMENTS TO BOARDS AND COMMITTEES:

Clerk to the Board, Brenda Reaves presented to the Board interested citizen applications for consideration for appointment for the following current vacancies. Ms. Reaves asked the Board to nominate and appoint as deemed appropriate.

Board of Adjustment

3-Year Term:

1 position available as well as 1 Alternate position for an unexpired term to June 30, 2023

- 1) Jermaine Wallace requested appointment
- 2) Katherine Fulkerson requested appointment

A **motion** was made by Commissioner Sims and **carried 5-0** to appoint Katherine Fulkerson to the Board of Adjustment for a 3-year term as well as to appoint Jermaine Wallace to fulfill an unexpired term to June 30, 2023 as the Alternate on the Board of Adjustment.

Person Area Transportation System Board

3-Year Term;

Positions available for a citizen to represent in each of the following occupational affiliations:

Senior Center:	Ms. Reaves said no applications were received prior to the release of the Board packet, however an application for reappointment for Maynell Harper, Senior Center Director was received as she requested to continue to serve as the Senior Center representative,
School System:	Walter Montgomery requested appointment

A **motion** was made by Vice Chairman Puryear and **carried 5-0** to appoint Walter Montgomery as the school system representative and to reappoint Maynell Harper as the Senior Center representative on the Person Area Transportation System Board, both for a 3-year term.

Recreation Advisory Board

3-Year Term: 1 position available

- 1) Jermaine Wallace requested appointment

A **motion** was made by Vice Chairman Puryear and **carried 5-0** to appoint Jermaine Wallace to the Recreation Advisory Board for a 3-year term.

CHAIRMAN'S REPORT:

Chairman Powell had no report.

MANAGER'S REPORT:

County Manager, Heidi York had no report.

COMMISSIONER REPORT/COMMENTS:

Commissioner Palmer stated appreciation of everyone doing their due diligence and investigations so Person County will be a better place to locate.

There were no commissioner report/comments from Vice Chairman Puryear nor Commissioners Gentry & Sims.

CLOSED SESSION #1

A **motion** was made by Commissioner Gentry and **carried 5-0** to enter into Closed Session at 11:01am, per General Statute 143-318.11(a)(6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee for the purpose to discuss personnel with the following individuals permitted to attend: County Manager, Heidi York and Clerk to the Board, Brenda Reaves.

Chairman Powell called a brief recess prior to the Closed Session #1.

Chairman Powell called the Closed Session #1 to order at 11:07am.

A **motion** was made by Commissioner Sims and **carried 5-0** to return to open session at 12:15pm.

A **motion** was made by Vice Chairman Puryear and **carried 5-0** to increase the County Manager's salary by 3% merit based on her an annual performance evaluation.

A **motion** was made by Vice Chairman Puryear and **carried 5-0** to relocate the Board's September 2021 regular-scheduled meetings to be held in the Person County Office Building Auditorium.

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ADJOURNMENT:

A **motion** was made by Vice Chairman Puryear and **carried 5-0** to adjourn the meeting at 12:17pm.

Brenda B. Reaves
Clerk to the Board

Gordon Powell
Chairman