

March 18, 2020 (RECESSED MEETING)

Minutes of the recessed meeting of the Mayor and Board of Commissioners of the Town of Elkin, March 18, 2020, 6:00 p.m. at Town Hall.

Present: Mayor Sam Bishop, Commissioners Cecily McCulloch, Robert Ball, Jeff Eidson, Will Gwyn and Tommy Wheeler.

Also present: Town Manager Brent Cornelison, Town Attorney Raymond Parker and Town Clerk Cathie Tilley. (Absent: Assistant Town Manager and Recreation and Parks Director Adam McComb)

Mayor Bishop welcomed everyone and reconvened the recessed meeting. He explained tonight's meeting was rescheduled from March 9th because there was not a quorum at that time. Mayor Bishop asked Police Chief Monroe Wagoner to lead our Pledge of Allegiance.

CONSENT AGENDA (Tab A)

The following items were presented for the consent agenda:

- Minutes of February 10, 2020 (Regular Meeting)
- Tax Releases and Discoveries (there were none)

There were no questions regarding the consent agenda. A motion by Commissioner Eidson to approve the Consent Agenda was seconded by Commissioner McCulloch and was unanimously approved.

SPECIAL RECOGNITION

- Mayor Bishop asked Police Chief Monroe Wagoner to step forward.
 - o He read and presented Chief Wagoner with a framed statement of appreciation for forty-five (45) years of service to the Town of Elkin.

PUBLIC COMMENTS

- Mayor Bishop opened the Public Comments period and asked for anyone wanting to speak to come forward.
- There being no comments, Mayor Bishop closed the Public Comments period.

MAYOR AND BOARD COMMENTS FOR STAFF

- Commissioner Wheeler:
 - o Appreciates what staff is doing about the coronavirus.
- Commissioner Eidson:
 - o Echoed Commissioner Wheeler's comment.
 - o This is an unsettling time.
 - o Support our local restaurants who are offering take out and/or drive through.
 - o A lot of people in our community make their living in the hospitality sector.
- Mayor Bishop:

- Echoed comments from others about unsettling time caused by the coronavirus.
- We hope everyone gets through this crisis.

PUBLIC HEARING

1. Conduct Public Hearing to Review A Conditional Use Permit Application for Partin Solar, LLC (Sarah Harris)

- Mayor Bishop opened the Public Hearing and asked Ms. Harris to speak to this matter; she presented the following information:
 - Stated this is a quasi-judicial hearing
 - Anyone may speak after being sworn in.
 - Facts must be presented; opinions and hearsay are not allowed.
 - Evidence presented today is considered to be sworn testimony.
 - State your name and address for the record.
 - Town Clerk swore in Sarah Harris, Ben Ludwig of Southern Current LLC (Charleston, SC) and Richard Kirkland of Kirkland Appraisals, LLC (Raleigh, NC).
 - Timeline
 - January 23, 2020, conditional use permit application submitted that requested allowing a solar farm in an R-20 Residential District. There is a total of seven parcels included in this project.
 - Two parcels are being considered for a Conditional Use Permit:
 - 4962-00-81-2148 (R-20)
 - 4962-04-62-9838 (R-20)
 - Five parcels are being considered for a Zoning Permit:
 - 4962-00-22-6585 (M-2)
 - 4962-00-32-9256 (M-2)
 - 4962-00-20-9725 (M-2)
 - 4962-00-52-1492 (M-2)
 - 4962-03-40-2058 (M-2)
 - Details
 - Four hundred, twenty-five (425) acres leased
 - Development Standards:
 - Maximum lot usage less than the requirement of seventy-five percent (75%).
 - Usage ranges from 40% to 65% on each parcel
 - Boundary fence will not be less than six (6) feet in height
 - Setbacks will be fifty (50) feet from abutting property line and public rights-of-way
 - Applicant notified FAA of the project
 - Received letter of determination of no hazard for the project
 - Screening:

- Solid row of evergreen shrubs no less than six (6) feet in height at the time of planting will be utilized to shield solar arrays from adjoining properties and public rights-of-way
 - An additional vegetative buffer, bringing the total vegetative buffer to twenty (20) feet shall be screened by a solid row of evergreen shrubs no less than six (6) feet in height at time of planting along Reid Easton's property at 205 Cotton Tail Lane is part of the conditions recommended by the Planning Board
- Lighting:
 - Nighttime security lights or other mounted lighting shall be prohibited
- Decommissioning:
 - Decommissioning Plan has been submitted and addresses the following areas:
 - Plan shall be updated every five years and upon the change in ownership of the solar energy system
 - Plan shall address
 - Who is responsible for decommissioning
 - Whether the solar energy system owner is lessee or fee owner of the property
 - Demonstrate that the net value of recyclable materials is greater than the cost of decommissioning
 - If cost of decommissioning is higher than the net value of recyclable materials, the solar energy system owner shall be required to provide a bond or other form of surety equal to the cost of decommissioning not covered by net value of recyclable materials
- Public Hearing advertised in Elkin Tribune on February 2nd and 26th.
- Letters mailed to surrounding property owners February 13, 2020.
- Other speakers:
 - Ben Ludwig:
 - Briefly explained the project and answered questions.
 - Rich Kirkland:
 - Explained he has done hundreds of appraisals across several states.

- Has compared solar farms in various areas to determine if solar farms impact property values.
 - Based on data and analysis in the report for the Partin Solar, LLC project, he finds this project will have no impact on the value of adjoining or abutting property and that the proposed use is in harmony with the area in which it is located.
- Ms. Harris:
 - Asked the Board if anyone had additional questions.
 - There were none.
 - Asked Mr. Ludwig and Mr. Kirkland if they had any questions.
 - There were none.
- Ms. Harris explained this hearing required two actions, and explained both.
- Commissioner Wheeler made a motion that the conditional use request to allow a solar farm in an R-20 Residential District be approved with conditions because the application is not fully consistent with all of the objectives and policies for growth and development of the Town of Elkin Land Use Plan; recommended conditions needed to make it fully consistent are:
 - Section 109 Solar Farm Regulated:
 - D) Development Standards
 - E) Screening
 - F) Lighting
 - G) Decommissioning
 - Extra ten (10) feet vegetative buffer, bringing the total vegetative buffer to twenty (20) feet shall be screened by a solid row of evergreen shrubs no less than six (6) feet in height at time of planting along Reid Easton's property at 205 Cotton Tail Lane
 - Approval from the Town of Elkin Technical Review Committee (TRC)

Before the Board voted, Town Attorney Parker stated he would like the Board to review the evidence.

- He asked Ms. Harris what the requirements were in order for this request to be approved.
 - Ms. Harris reviewed the abovementioned items listed in the motion by Commissioner Wheeler listed under Section 109 Solar Farm Regulated.
 - She reminded everyone that the applicant had presented the evidence to the Planning Board, and the Planning Board unanimously recommended approval of this application.
 - Ms. Harris also explained the applicant had gone above and beyond the Town's requirements.
- Mayor Bishop closed the Public Hearing.
- Mayor Bishop called a brief recess at 6:15 p.m. to allow the Board to review the evidence.

- Mr. Ludwig presented the Board with copies of Southern Current's Statement of Justification in Support of Conditional Use Permit for Partin Solar, LLC.
- Mr. Kirkland presented copies of his letter/report to Mr. Ludwig in regards to the impact of Partin Solar, LLC (Elkin Wildlife Road, Elkin, NC), specifically Mr. Kirkland's professional opinion on whether the proposed solar farm would have any impact on adjoining property value and whether "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."
- Mayor Bishop reconvened the meeting at 6:20 p.m.
- Ms. Harris:
 - o Asked each Board Member if he/she had time to review the evidence.
 - Each member replied, "Yes."
 - o Asked each Board Member if he/she had any additional questions for the applicant.
 - Each member answered, "No."
 - o Asked the applicant if he had any questions for the Board of Commissioners.
 - He answered, "No."
 - o Asked Town Attorney Parker if he had any other questions.
 - Attorney Parker answered, "No."
- Ms. Harris reminded the Board of Commissioner Wheeler's motion (which died for lack of a second).
- Commissioner McCulloch made a motion that the conditional use request to allow a solar farm in an R-20 Residential District be approved with conditions because the application is not fully consistent with all of the objectives and policies for growth and development of the Town of Elkin Land Use Plan; recommended conditions needed to make it fully consistent are:
 - o Section 109 Solar Farm Regulated:
 - D) Development Standards
 - E) Screening
 - F) Lighting
 - G) Decommissioning
 - Extra ten (10) feet vegetative buffer, bringing the total vegetative buffer to twenty (20) feet shall be screened by a solid row of evergreen shrubs no less than six (6) feet in height at time of planting along Reid Easton's property at 205 Cotton Tail Lane
 - Approval from the Town of Elkin Technical Review Committee (TRC)

There were no questions. Upon a second by Commissioner Wheeler, the motion was unanimously approved.

- Commissioner Wheeler made a motion to approve the statement that the application is both reasonable and in the public interest. There were no questions. Upon a second by Commissioner Ball, the motion was

unanimously approved (copy of Town Council Required Sheet included as Exhibit A).

This concluded the Public Hearing.

At this time, Mayor Bishop read a Declaration of a Local State of Emergency for the Town of Elkin (included as Exhibit B). Town Attorney Parker noted this declaration did not affect the requirement of public meetings.

REGULAR MEETING

1. *Consider a Proposal from Elkin Ridge, LLC for a Sewer Easement at the Industrial Park (Town Manager Cornelison)*
 - This proposal is a result of the necessity of getting sewer to a project being done by Elkin Ridge, LLC.
 - Elkin Ridge, LLC will pay two hundred thousand dollars (\$200,000) to the Town of Elkin for this easement.
 - o In addition to this, Elkin Ridge, LLC will construct a portable-type restroom for the Elkin football program up to a cost of fifty thousand dollars (\$50,000).
 - Attorney Parker is still working on the Easement Agreement.
 - Asking if the Board is interested in this proposal; and if so, approve the idea of accepting the Sewer Agreement once Attorney Parker completes the work required.
 - All Board members agreed to this proposal.
 - The funding (two hundred thousand dollars) will go into the Economic Development Fund bringing it to three hundred thousand dollars.
 - Attorney Parker noted:
 - o Blue Ridge, LLC is not asking for title, but they need the easement when they record their deed.
 - Commissioner Eidson made a motion to approve the Sanitary Easement Agreement between Blue Ridge, LLC and the Town of Elkin subject to the approval of Attorney Parker and Town Manager Cornelison. There were no questions. Upon a second by Commissioner Gwyn, the motion was unanimously approved. (Copy included as Exhibit C)

2. *Consider Approving a Contract with DH Griffin to Replace the Storm Drain and Deed the Property to the Town (Town Manager Cornelison)*
 - Town Manager and Town Attorney have been working with D. H. Griffin on the language for this agreement in order to protect everyone's interests.
 - Temporary construction easements from Charles and Maria Briggs and Barry Huff/Doris Dumas contingent upon final approval by Town Manager Cornelison and Town Attorney Parker.
 - o It was the consensus of the Board to accept these temporary construction easements (included as Exhibits D and E respectively).
 - Briefly explained the project and stated there are three documents that need to be approved.
 - o Contract Agreement between Owner and Contractor subject to town attorney and town manager approval.

- Proposal Option #2 Less Option #1
- Real Estate Purchase Agreement contingent upon final approval of work by Town Manager Cornelison and Town Attorney Parker.
- Attorney Parker stated the town will purchase the property for thirty-five thousand, three hundred, fifteen dollars (\$35,315) once they have completed the repairs.
- Total estimated cost to complete work is sixteen thousand, three hundred, twenty dollars (\$16,320).
- Following discussion, Commissioner Wheeler made a motion to approve the following as specified:
 - Contract Agreement between Owner and Contractor subject to town attorney and town manager approval (Exhibit F).
 - Proposal Option #2 Less Option #1 (Exhibit G)
 - Real Estate Purchase Agreement contingent upon final approval of work by Town Manager Cornelison and Town Attorney Parker (Exhibit H).

There were no questions. Commissioner McCulloch seconded the motion. Voting in favor were Commissioners Wheeler, McCulloch, Eidson and Gwyn. Voting against was Commissioner Ball. The motion was approved.

3. *Consider Approving A Conceptual Plan for a Future Terminal Building at the Airport (Town Manager Cornelison)*


- State wants the Town to use all our funds.
- A terminal building has been discussed.
- There are other projects in front of this.
- Presented a conceptual plan of the original design.
- We want to look at something more traditional.
- Presented a rendering of the proposed terminal.
- Following a lot of discussion, Commissioner McCulloch made a motion to approve a conceptual plan for a terminal building. There were no questions. Upon a second by Commissioner Eidson, the motion was unanimously approved.

MANAGER UPDATES (Brent Cornelison):

- School of Government is providing webinars regarding COVID-19.
- Noted several events have been or are being cancelled due to COVID-19; some groups are waiting to see what happens before making decisions.
- Public Hearing scheduled for Monday has been postponed.
- Unless we have time sensitive business next month, we will not have a Board of Commissioners meeting. (Town Manager will keep everyone updated.)

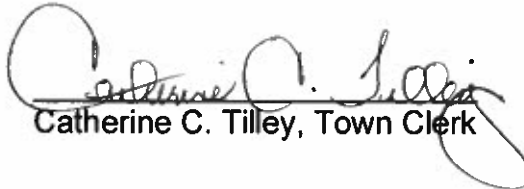
Mayor Bishop said the Board needed to go into closed session pursuant to GS143-318.11(a)(5) regarding economic development. We do not anticipate any action to be taken following the closed session. Commissioner Wheeler made a motion for the Board to go into closed session. Upon a second by Commissioner Gwyn, the motion was approved. The Board left open session at 6:55 p.m.

The Board returned to open session. Commissioner Wheeler made a motion to adjourn. Upon a second by Commissioner McCulloch, the meeting adjourned at 7:30 p.m.



Sam Bishop, Mayor

Attest:



Catherine C. Tilley, Town Clerk