

**CITY OF LAURINBURG  
COUNCIL MEETING  
APRIL 16, 2013  
MUNICIPAL BUILDING  
303 WEST CHURCH ST.  
LAURINBURG, NC  
7:00 P.M.**

**MINUTES**

The City Council of the City of Laurinburg held its regular monthly meeting on February 19, 2013 at 7:00 p.m. in the council room of the Municipal Building with the Honorable Thomas W. Parker, III, Mayor, presiding. The following Councilmembers were present: Mary Jo Adams, Curtis B. Leak, Kenton T. Spencer, Andrew G. Williamson, Jr. and J. D. Willis.

Also present were: Harold W. Haywood, Interim City Manager; Jennifer A. Tippet, City Clerk; and William P. Floyd, Jr., Assistant City Attorney.

Mayor Parker called the meeting to order at 7:00 p.m.

The invocation was given by Councilmember Williamson.

**PUBLIC COMMENT PERIOD**

There was no one present to speak.

**RECOGNITION OF MR. J. ROBERT GORDON**

Mayor Parker presented a plaque of appreciation to Mr. J. Robert Gordon for his service as City Attorney for the City of Laurinburg, as follows:

***PRESENTED IN RECOGNITION AND SINCERE APPRECIATION TO***

***J. ROBERT GORDON***

***CITY ATTORNEY  
MAY 1977 – APRIL 2013***

*In special tribute to J. Robert Gordon for his tireless and dedicated efforts to provide a better quality of life for everyone throughout this community by serving as City Attorney for the City of Laurinburg for 36 years. His attention to detail and his strong sense of duty ensured that he always provided the best and proper legal advice to the Mayor, City Council, City Manager and City staff, and that the operation of the City was in the best interest of the public and to ensure that each citizen was treated fairly and properly. Over the course of 36 years, he advised five (5) Mayors, 31 Councilmembers, five (5) City Managers and countless City staff members.*

*In addition to his service as City Attorney, his extensive involvement in the community made him the epitome of a public servant and a true gentleman.*

*Presented this the 16<sup>th</sup> day of April, 2013.*

*Thomas W. Parker, III  
Mayor*

*Kenton T. Spencer  
Mayor Pro Tempore*

*Curtis B. Leak  
Councilmember*

*Andrew G. Williamson, Jr.  
Councilmember*

*Mary Jo Adams  
Councilmember*

*J. D. Willis  
Councilmember*

Mayor Parker added that Mr. Gordon was instrumental in the North Carolina Wildlife Resources Department and was honored with the J. Robert Gordon Wildlife Area in the Sandhills. He added that Mr. Gordon will be missed.

Mr. Gordon explained that he accepted the plaque with humility and great thanksgiving. He explained that in the late 1960's when he began his legal practice in Laurinburg, former City Manager Guy Smith approached him about collecting back taxes, some of which went back to the 1920's. As a new attorney, he could not turn down the work and he collected a lot of back taxes. He added that he had enjoyed working with past and present Mayors, Councilmembers and staff members. He further added that he had recently received a phone call from a former Laurinburg resident seeking advice on whether to move back to Laurinburg. He explained that at first he was a little hesitant; however, once he began discussing the great things happening in Laurinburg, he was pleased to be so optimistic about Laurinburg. He discussed the need for the community to work together for a bright future and to overcome divisiveness, racism and lack of communication. He added that Laurinburg can rise to the occasion, put aside differences and come together. He further added that he looks forward to semi-retirement spending more time with his family, friends and bird dogs. He commended Council on its decision to name his partner, Bill Floyd, as the City Attorney.

## **INTRODUCTION OF NEW EMPLOYEES**

Mayor Parker introduced the following new employees in the Police Department:

Denetric Williams: Joined our Department last week and came to us from the Sampson County Sheriff's Department where he served as a Deputy. He attended Fayetteville Technical College where he majored in Criminal Justice and he also served our country as a United States Marine. He will be joining our Patrol Division.

Victoria Walsh: Is joining our Department this week as a General Crimes Detective, but eventually will be our Crime Scene Investigator upon the retirement of Victor Torres in December. Victoria came to our department from New Hanover County where she served as their Crime Scene Investigator. She graduated from the University of North Carolina at Wilmington and she is pursuing her Master's Degree from the University of Florida. She will be joining our Detectives Division as an Investigator.

Charles Gunnings: Is joining our Department in May when he will be attending Basic Law Enforcement Training at Sandhills Community College. Charles graduated from Elizabeth City State University where he was a football standout and furthered his career playing professional football with the Cape Fear NightHawks. He was honored to try out twice with the Baltimore Ravens and we are glad we got him instead. Charles will be joining the Patrol Division upon graduation.

Tod Bonello: Is also joining our Department in May when he will also be attending Basic Law Enforcement Training at Sandhills Community College. Tod came to us after a stellar military career with the United States Air Force where he studied and engaged in counter terrorism. He graduated from Fayetteville State University. He will be joining the Detective Division upon graduation.

## **APPROVAL OF AGENDA**

Motion was made by Councilmember Willis, seconded by Councilmember Williamson, and unanimously carried to adopt the agenda as presented.

## **CONSENT AGENDA**

The Interim City Manager presented the Consent Agenda as follows:

- a) Approve minutes of October 23, 2012 recessed meeting; November 13, 2012 agenda workshop; November 20, 2012 regular meeting; November 26, 2012 special meeting; December 11, 2012 agenda workshop; December 18, 2012 regular meeting
- b) Consider Resolution No. R-2013-04 adopting the City of Laurinburg Purchasing Policy
- c) Consider Resolution No. R- 2013-05 adopting a Policy for Filling Council Vacancies
- d) Consider Resolution No. R-2013-06 exempting the City from the Mini-Brooks Act
- e) Consider Ordinance No. O-2013-07 amending Chapter 2 Administration, Sec. 2-1 Disposing of personal property, of the Code of Ordinances of the City of Laurinburg
- f) Consider Resolution No. R-2013-07 authorizing the City Purchasing Officer to declare any item valued under \$30,000.00 to be surplus and sold through electronic auction
- g) Consider Ordinance No. O-2013-08 condemning the property located at 109 East Vance Street and authorizing the City Building Inspector to demolish and clear the property
- h) Authorize the Mayor and City Clerk to execute Agreement between the City of Laurinburg and Willis Engineers, Inc. in Connection with Wastewater Facilities to Serve US 401 Industrial Park

- i) Set public hearing to be held on May 21, 2013 at 7:00 p.m. in the Council chambers to hear public comment on proposed electric rate structure changes to the City of Laurinburg Electric Rate Structure

Councilmember Adams moved to amend the Consent Agenda as presented. Councilmember Leak seconded the motion and it was approved by the following vote:

Ayes: Adams, Leak, Willis, Williamson, Spencer  
Nays: None

## **PUBLIC HEARINGS**

### **CONSIDER REQUEST FOR A CONDITIONAL USE PERMIT TO OPERATE A PHOTOVOLTAIC SOLAR ARRAY ON A PORTION OF A 181-ACRE TRACT OF LAND ON US 501 SOUTH/JOHNS ROAD**

Mayor Parker explained that this public hearing was to consider a request for a Conditional Use Permit to operate a solar farm on a portion of a 181-acre tract of land on US 501 South/Johns Road. He added that the Assistant City Attorney will brief Council and the audience for the procedures for this quasi-judicial hearing. He then requested that when citizens are offering testimony in this public hearing, to not be repetitive.

The Assistant City Attorney explained the following:

- A quasi-judicial hearing is similar to a court proceeding in that Council receives sworn testimony and other competent evidence to determine if the application for the Conditional Use Permit should be allowed.
- Parties can be represented by attorneys and are encouraged to do so. Because the hearing will be conducted similar to a court proceeding and many of the rules of court will be applied.
- If a party chooses not to be represented by an attorney, said party will be held to the same rules that would apply if represented by an attorney.
- Council is to consider only evidence presented in the hearing either through testimony, documents or reports.
- The law makes it clear that the purpose of this hearing is not to solicit general public comment about the proposal, but to determine the facts necessary to make a decision on the specific permit request.
- All parties to the request, the applicant, the adjoining landowners and others that might be adversely affected by the issuance of the permit have the right to testify, to be questioned and to ask questions of other parties.
- Council has a right to make reasonable limitations on the evidence presented including the length of time each speaker may speak.
- Council is only allowed to consider competent evidence, which means Council will not consider opinions by non-experts or hearsay evidence.
- At conclusion of hearing, Council may decide whether to approve or deny the request. If Council concludes that: the development is within the planning jurisdiction of the City;

the application is complete; and the development is in substantial compliance with the regulatory provisions of the City of Laurinburg Unified Development Ordinance (UDO) it will approve the request for the Conditional Use Permit unless it finds and makes specific findings of fact that more probably than not the request will materially endanger the public health or safety; or the request will substantially injure the value of adjoining or abutting property; or the request will not be in harmony with the area in which it is to be located; or the request will not be in general conformity with the land use plan, thoroughfare plan or other plan officially adopted by Council.

- The burden of proof to establish that the development is within the planning jurisdiction, that the application is complete and the development is in substantial compliance with the regulatory provisions of the City of Laurinburg UDO is on the applicant.
- The burden of proof as to whether the request will materially endanger the endanger the public health or safety; or the request will substantially injure the value of adjoining or abutting property; or the request will not be in harmony with the area in which it is to be located; or the request will not be in general conformity with the land use plan, thoroughfare plan or other plan officially adopted by Council is on the party or parties seeking denial of the application. To deny the request, Council is request to find with specificity what evidence proves the basis for the denial.

The Assistant City Attorney then discussed the procedures of the hearing:

- The Mayor will open the public hearing and he will preside.
- Councilmembers are the judge and jury.
- All persons who wish to testify will be sworn or affirmed by the City Clerk.
- Parties will be asked to identify themselves by their name and address and will identify anyone who will be representing them.
- Anyone who wants to ask a question must also identify themselves.
- Individuals wanting to speak or ask questions must be at a microphone in order to be a part of the record.
- City Council will first receive testimony from the City's Planning and Development Officer. After each staff witness testifies, cross-examination of each witness will be allowed starting with the City Council, then the applicant and then any opponents that are parties.
- City Council will then receive evidence from the applicant and other qualified witnesses supporting the applicant. The applicant or their attorney may make a brief opening statement prior to the presentation of the applicant's case. After each applicant or witness supporting the applicant testifies, cross-examination of them will be allowed starting with the City Council and then the opponents.
- City Council will then receive evidence from the opponents and other qualified witnesses supporting the opponents. The opponents may make a brief opening statement prior to the presentation of their evidence. The opponents' evidence should include their primary evidence, if any, and other evidence rebutting the evidence provided by the staff and/or the applicant.
- After each opposition witness testifies, cross-examination of each witness will be allowed starting with the City Council and then the applicant.
- City Council will then allow non-repetitive rebuttal evidence from the City staff and the

applicant and rebuttal evidence to that evidence if necessary from the opponents.

- There will then be time for a brief closing argument from both sides.
- City Council will then begin deliberations on the evidence before the public hearing will be closed so that if Council's deliberations, questions can be asked by Council.
- At the end of deliberations the Mayor will then close the public hearing. City Council shall then make motions and discuss the motions and then vote.

Mayor Parker then opened the public hearing.

Mrs. Brandi Deese, Planning and Community Development Director, first duly affirmed, explained that the request is for a Conditional Use Permit for the development of a solar array on a 27.8-acre tract of land off Johns Road, just past the City Limit line. She discussed the following:

- Strata Solar of Chapel Hill is proposing the installation of ground mounted solar array with a lease agreement of 20 years and the option to renew two (2) additional times for five-year periods for a total of 30 years.
- The Unified Development Ordinance provides buffering requirements that provides protection to the existing residential property surrounding this tract.
- The proposed site plan has been modified based on concerns raised during the Planning Board meeting on March 12, 2013 at which time the Planning Board voted unanimously to recommend denial of the request.
- Staff has reviewed this request and determined the following:
  - The proposed development is within the planning jurisdiction of the City of Laurinburg; and
  - The application is complete; and
  - The proposed development is in compliance with the Unified Development Ordinance (UDO).

### ***APPLICANT TESTIMONY***

Mayor Parker then requested that all parties that will be testifying on behalf of the applicant be sworn or affirmed. The following were duly sworn by the City Clerk: Beth Trahos, attorney for the applicant; Lance Williams of Strata Solar; Brent Niemann of Strata Solar; Rich Kirkland of Kirkland Appraisals; Elizabeth Jones Turner, property owner; Mrs. Helen Livingston, lessee of property for a solar farm; and Mr. Jeff Wolf, a solar developer.

Upon question by Councilmember Leak, Ms. Trahos explained that some of the witnesses for the applicant are residents of Scotland County, but not all.

Ms. Beth Trahos, attorney with Smith Moore Leatherwood, being previously sworn, explained that she along with her co-counsel Terry Garner, represent Strata Solar on this matter. She added that Mr. Garner was unable to be present. She stated that the applicant is asking for a Conditional Use Permit for a solar farm that is permitted in the City's existing zoning code. The property is a portion of Elizabeth Jones Turner's family farm and the proposal is quite similar to the two (2) solar farms that Council has previously approved. She added that the same findings

of fact must be made for this request as for the other two (2) solar farms. She further added that Council will hear from our experts and from residents and citizens of your community about the project, and that Strata Solar's experts will testify as to each of the findings of fact that Council is required to make, not only the three facts that Strata Solar is required to make to shift the burden, but all of the findings of fact. In an effort to be respectful of your time and of the others present, affidavits from each expert witness have been prepared so that each finding of fact does not have to be fully discussed, but can be summarized. She added that the formality of the hearing being a quasi-judicial hearing means that she must act like she is in a court room and that may mean that she may jump up from time to time asking Council to consider whether testimony is appropriate or not and she apologized in advance. She then called forward her first witness, Lance Williams.

Mr. Williams of Strata Solar, having been previously sworn, explained that Jay Cobb of his office was providing additional site plan information, "Attachment A" which is hereby incorporated in these minutes as well as his Affidavit, "Attachment B" which is hereby incorporated in these minutes. He then discussed the following:

- He is the Site Developer with Strata Solar and has worked closely with City of Laurinburg staff to ensure compliance with the City's requirements.
- Adjustments to the site plan were made to consider landscaping and drainage concerns expressed by the public.
- He and his staff have met onsite with Planning staff and property owners. Also last week, a meeting was held at Bojangles for those interested in the community and one (1) Planning Board member. Worked very hard to be in compliance with the all City ordinances and in good faith engaged the City and the property owners and neighbors to have a site plan that addresses expressed concerns.
- Site plan shows a vegetative buffer on all sides of the project which are not existing trees. This buffering is far greater than what is required by the City's requirements and what has been approved by the City on similar projects.
- The area where the project is being developed is agricultural, light and medium commercial and single-family housing. Commercial uses nearby include Big Pay Sweepstakes, Andrew's (Archer's) TV and Appliances, Carolina Welding and just past the site, Cooper Petroleum.
- A solar farm is normally considered a good neighbor because it is low impact development. Create very little impervious surface and very little grading is done. Very few changes to storm water patterns. Minimizes impact of development on adjoining land owners and much less so than a typical project like the other commercial ones mentioned previously that have far greater impervious surfaces.
- Aerial photograph on second page of "Attachment A" shows wooded area to the south is a wetland. Was timbered since the time the aerial photo taken. As abundance of caution, Strata Solar has agreed to put landscaping between the array and the wetland, a natural area.
- A subdivision is located about 3,000 feet away from the site and between the site and the subdivision is a large transmission line.
- "Attachment A" also includes pictures provided by City staff of what a solar array without buffering looks like from 2,000 feet away, 1,000 feet away and 600 feet away.

- Mr. Williams read an email from City staff, a copy of which is attached as “Attachment C”. This email discusses the updated site plan and meeting concerns addressed at Planning Board. Said email refers to the photographs in “Attachment A” as being from the Leisure Road solar array which is not buffered. The email states that staff feels that the only property owner, Mr. Coughenour, would have any visibility at all as the other property owners are buffered by natural wooded sections of land. The email explained that Mr. John Walter Jones may be able to see the panels but the buffer that the ordinance requires protects this property from being significantly impacted.
- Solar farms create no noise outside of the project area. Within the project area, an inverter may be heard, but normally not more than 150 feet. No residences are located right against the project line. The project is located within a 181-acre tract, so there are plenty of buffers within this tract.
- Characteristics of solar farms not already mentioned:
  - No odors are created by a solar farm
  - No emissions created by a solar farm
  - No toxic materials on a solar farm
  - The arrays are no more than 10 feet high, less high than a house or a barn
  - Post construction, a solar farm creates less traffic than one (11) single-family house
- The City of Laurinburg has approved similar projects and so I am sure you are well aware of these characteristics as they exist in your community today.
- A solar farm pays taxes but uses almost no services.
- A solar farm has a life of approximately 30-50 years.
- Construction time is between 90-120 days. First step is to handle erosion control, then set up receiving area on logging mats to minimize any impervious surface created so that once construction is completed, the logging mats are pulled out and the surface returns to grass which helps to filter the water and is good environmental practice.
- The posts are driven in, pile-driven, not set in concrete. Not creating impervious surface nor creating situation where this farm cannot be picked up at the end of its useful life and the property returned to whatever the next use may be.
- The materials on a solar farm include: copper, aluminum, steel and glass. The salvage value of these materials is far in excess of the cost of removing them.
- After posts are in, approximately 80 workers will be on site to assemble the system. Many of those workers are now working in Richmond County finishing up a project near the Scotland County border.
- Strata Solar likes to work in clusters so that it becomes a more permanent employment source. So if granted the permit, construction will begin here and many of those people will be able to continue to work. Other projects are in the works, two (2) site plans turned in right now with the City of Red Springs. We hope to have the opportunity to continue to work current employees on the solar farms.
- After construction is complete, the project is commissioned and it is reseeded to stabilize the site. Civil engineer will testify later than Strata Solar has permits from the NC Department of Environment and Natural Resources (DENR) and driveway permit from the NC Department of Transportation (DOT).

Upon question by Councilmember Williamson, Mr. Williams clarified that the property is not

located within the City Limits and therefore will only pay taxes to Scotland County. He further clarified that agricultural farms fall under agricultural exemptions so the increase in taxes for a solar farm is hundreds of times higher than what is being paid. He added that there is a State law that allows an 80% abatement to solar farms, so he estimated that the proposed solar farm would be taxed as if it were a \$3,000,000.00 piece of equipment after the discount. He further added that the investment in a solar farm runs between \$12,000,000.00 and \$15,000,000.00.

Upon question by Councilmember Spencer, Mr. Williams stated that in his sworn testimony that the process of filing taxes, once the property is here, Strata Solar will comply with the law and file taxes in January on property.

Upon questions by Councilmember Spencer, Mr. Williams explained that experts will discuss employment practices later in greater detail. He added that the majority of the workers are from the local area. He further added that the majority of its workers are from the local area, such as Scotland, Robeson and Richmond Counties. He explained that Strata Solar conducts Work Force Development Programs which will be discussed later, including hiring veterans and working with community colleges. He further explained that Strata Solar has constructed four (4) solar farms in Robeson County last year and there is a workforce in the area with a history of being trained and who worked for Strata. He concluded by adding that most of the workers who work on the solar farms come from the local area so that they can make daily commutes to and from home.

Upon question by Councilmember Willis, Mr. Williams explained that the total value of equipment to be located at the Johns Road site would be between \$12,000,000.00 and \$15,000,000.00, so the anticipated 20% of taxes that Strata Solar would pay would be based on approximately \$3,000,000.00.

Upon questions by Councilmember Adams, Mr. Williams explained that the life expectancy of the solar panels is 30-50 years and is warranted by the manufacture that at the end of 25 years, the panels would still produce at approximately 80% capacity. At the end of the lease period, the property owner could negotiate with Strata Solar to keep the solar farm and hire an electrical contractor to manage it in order to provide income for the property owner, or Strata Solar would remove the solar array. He added that the cost to remove the solar farm is estimated to be \$250,000.00 and the salvage value is approximately \$650,000.00.

Upon question by Councilmember Adams, Mr. Williams stated that Strata Solar has been in business for approximately five (5) years with the original company having another name.

Upon question by Councilmember Willis, Mr. Williams explained that the solar array is a sizeable investment with a 15-year negotiated power purchase agreement with Progress Energy which is regulated by the Utilities Commission. Solar companies have options of fixed rate or floating rates; however Strata has chosen to have a 15-year fixed power purchase agreement. He added that he was not aware of any situation where the industry went from regulated to unregulated. He also clarified that the salvage value is higher than the cleanup costs.

Upon question by Councilmember Willis, Mrs. Deese explained that if the solar farm were

located in the City Limits, the City would have more control regarding the cleanup. She further added that Council can add conditions to the Conditional Use Permit.

Upon question by Councilmember Adams, Mr. Williams explained that each municipality has different specified plantings for buffers and he did not have a picture of the specific plantings that would constitute the natural buffer of this solar farm. He then referred to the detail of buffering on the site plan, "Attachment A".

Mr. Walter Rogers, first duly sworn, explained that he was a trustee and member of Jones Chapel Missionary Baptist Church located on Johns Road, explained that he could not understand why the Church was not mentioned earlier when the other establishments along Johns Road were named and he also questioned whether Strata Solar has liability insurance.

Mr. Williams apologized in that he was not sure if a church was considered a commercial use. He added that Strata Solar has liability insurance and during construction has builder's risk insurance. He further added that with such a sizeable investment the insurance is with an A-rated insurance company.

Mr. Richard Pate, first duly affirmed, explained that he owns and operates Nature's Way Landscaping. He questioned if the buffer requirements will be put in the amendment since it is not on the plan and also who would ensure that all requirements were followed, including State regulations on landscaping.

Mr. Williams explained that there are local inspectors, City staff, who will inspect during the permitting process as the landscaping is part of Strata Solar's application.

Mrs. Deese explained that the buffer requirements are listed on the site plan which is what City Council, if the Conditional Use Permit is approved, will be approved and required to be followed. Additionally, the UDO contains requirements that if plants in the buffer area die, they must be replaced.

Upon question by Mr. Richard Pate, Mr. Williams explained that this was not the place to debate tax laws that do not currently exist, specifically House Bill 298, to which Mr. Pate referred. He added that as any legal entity, Solar Strata complies with state laws.

Mr. John Walter Jones, adjacent landowner, being first duly sworn, requested clarification on the procedures.

The Assistant City Attorney briefly explained the procedures.

Mrs. Linda Pate of 17741 Barnes Bridge Road, being first duly affirmed, asked how many name changes Strata Solar has undergone.

Mr. Williams explained that one previous name of Strata Solar was Solar Tech and there may have been one other name change. He further explained that the name change to Strata Solar occurred because web searches for "Solar Tech" were not very productive for the company.

Upon question by Mrs. Pate, Mr. Williams explained that a company name change would not affect the permit as the Conditional Use Permit runs with the land along with all of the conditions.

Dr. Ralph Carter of 201 Sterling Lane, being first duly sworn, explained that he understood this farm would be operated as a separate Limited Liability Company (LLC). He asked who would actually have ownership of the solar farm and he also asked if LLCs are constructed so that each one can operate independently.

Mr. Williams explained that Strata Solar is the developer and construction company, and uses its money to build the farms and is the manager of the farm. He added that typically in the solar industry, is that once the investor who uses the depreciation and the state and federal tax credits, they normally own less than 1% of the project between 5-7 years. He further added that the LLC is structured so that there are different entities that can invest in solar projects based on the tax code. He reiterated that Strata Solar is the developer, construction company, the operator and maintainer of the farm, as well as an owner within the project.

Upon follow-up question by Dr. Carter, Mr. Williams explained that there could be many different investors, just as Coke has many different investors.

Mr. Brent Niemann, a Civil Engineer with Strata Solar, of 1119 US 15 501 Hwy South, Chapel Hill, having been previously sworn, provided an Affidavit, "Attachment D", a copy of which is attached to and incorporated into these minutes, explained that he designed this site as well as dozens of other solar farm sites. He stated that it is his professional opinion that the application submitted meets all application requirements and is appropriate to the surrounding area. He discussed the following:

- After the Planning Board and hearing concerns of neighbors and with the Carmichael family who farms the property, and because of the Carolina Bay on the northern portion of the property, the solar array was shifted 300 feet south to not disturb the existing drain tiles.
- The site plan includes a buffer approximately 20 feet wide and is a Type A Buffer per the City's UDO. It will consist of small trees 30 feet on center which will be planted at 6-8 feet height at the time of planting and will mature to approximately 15 feet. He explained that anything taller than 15 feet closer to the array would shade the panels. In front of these trees is a large evergreen hedge that will be planted 4 feet on center and will achieve height of 6 feet in 3 years.
- The project will not be in the wetlands.
- Strata Solar has erosion control permit from DENR and driveway permit from DOT as shown on the site plan.

Upon question by Councilmember Spencer, Mr. Niemann explained that he started working with Strata Solar in July of last year and to date, he has worked on approximately 60-75 solar farm designs in some form or fashion.

Upon questions by Councilmember Spencer, Mr. Niemann explained that Strata Solar has constructed quite a few solar farms in the city limits or abutting a residential neighborhood, and currently there is one (1) under construction in Goldsboro that abuts a residential neighborhood.

Upon question by Councilmember Williamson, Mr. Niemann explained of the solar farms he has been involved in, the oldest one has been in operation for several months.

Mr. Williams stated that a similar size farm was built in Kings Mountain, NC in December 2011. He added that smaller solar farms were commissioner in the summer of 2010 in Avery County and in Mount Airy which were 1 mgw farms. He added that solar farms smaller than 1 mgw are older than that including one in Halifax County with which Strata Solar continues to work with Halifax EMC.

Mrs. Kitty Quick of 11180 Johns Road, being first duly sworn, asked what qualifies a site as appropriate.

Mr. Niemann explained that appropriate means that the use is a permitted use with a Conditional Use Permit within the zoning district according to the City's UDO. He added that it is similar to every other solar project Strata Solar has built.

Upon question by Mrs. Linda Pate, Mr. Niemann explained that the proposed solar farm on West Turnpike Road near McLaurin Acres Subdivision was not one of Strata Solar's projects.

Upon question by Councilmember Spencer, Mr. Niemann explained that in his affidavit, "Attachment D", he stated that in his opinion, traffic will not be generated, the farm will not drain services from the community, the farm will be visually screened from the road and on all sides, and the project is farming of the sun.

Mrs. Melba Simms of 15681 Blair Avenue, being first duly sworn, questioned the visibility of the project.

Mr. Niemann explained that the proposed buffer would screen the view from surrounding properties and the fence would be located behind the plantings.

Mrs. Simms questioned the number and distance from the site that Strata Solar discussed the project.

The Assistant City Attorney requested that this question be referred to another witness that could offer testimony regarding this.

Mr. Rich Kirkland of Kirkland Appraisals, 3540 Layton Ridge Road, Apex, having been previously duly sworn, explained that he is a certified general appraiser with MAI designation and was hired by Strata Solar to respond to questions as to whether the proposed project would have any impact on adjoining properties. He submitted an affidavit of his findings, "Attachment E" a copy of which is attached to and incorporated into these minutes. He explained that he has conducted site visits on a number of solar farms and looked for matched pair analysis including

searching through the library of the Appraisal Institute and additional studies. He stated that his conclusion is that the proposed solar farm will not have a negative impact on the adjoining property uses. He discussed the typical manner in conducting appraisals is to look for matched pairs. The solar farm industry as it exists today started in North Carolina less than three (3) years ago and because of the recession, matched pair analysis is unfeasible at this time. He added that he looked at the base criteria by which any negative impact would be determined which would include visual appearance, traffic, odor, noise, hazardous materials, anything of that nature. He then discussed the following:

- Appearance. The panels will be about 7-8 feet tall, significantly shorter than any alternative use that could be developed on this site, such as a home, greenhouse or barn. He stated that it was his opinion that there would be no negative impact to the adjoining properties regarding appearance.
- Noise. There is no noise that can be heard offsite; therefore no negative impact on adjoining properties.
- Odor or Emissions. There is no odor or emissions from the site; therefore no impact on adjoining properties.
- Hazardous Materials. There are no hazardous materials, batteries or anything similar that will be stored on site; therefore no impact on adjoining properties.
- Compatibility or harmonious use. At all solar farms he looked at in conducting his appraisal, the vast majority of adjoining uses fall into agricultural or residential uses. Vast majority are located in transitional areas where agriculture transitions into local municipalities.

Mr. Kirkland discussed three (3) solar farm sites, one in Hickory where the property owners are putting in the solar farm own 80% of the adjoining acreage and will be in the middle of the owner's farm and in close proximity to their residence. He also discussed a solar farm site in Chapel Hill where the owner of the solar farm site also owns an adjoining mobile home park. Mr. Kirkland discussed a third project in Anger which is being constructed in what was supposed to be Phase III in a residential subdivision. He explained that because of the recession, the developer is still planning to develop Phases I and II for residential purposes. He added that it is clear there is no negative impact on adjoining property and a solar farm is a harmonious use in transitional areas; and therefore would not have any negative impact on adjoining property owners.

Upon question by Councilmember Spencer, Mr. Kirkland explained that there is not a lot of new development, so most solar farms are located near existing development.

Upon question by Councilmember Adams, Mr. Kirkland explained that the limiting conditions and assumptions in his appraisal report are standard and required in any appraisal.

Mrs. Brenda Grubbs of 101 Sterling Lane, being first duly sworn, explained that in partnership with others, she owns property which is to be developed in the future that is adjacent to the proposed solar farm. She added that she was a licensed real estate broker and had been in the real estate business for 40 years. She asked the following questions of Mr. Kirkland and his responses follow:

Mrs. Grubbs: How many properties have you appraised that were next to a solar farm?

Mr. Kirkland: I've never appraised any adjoining a solar farm.

Mrs. Grubbs: Would you compare the subdivision near this property to a mobile home park?

Mr. Kirkland: No.

Mrs. Grubbs: Would you think that would have the same impact on this neighborhood that it would have on a mobile home park?

Mr. Kirkland: No, however, the subdivision discussed in Anger would have homes in the \$300,000.00 price range. And the developer is still planning to build homes in the subdivision.

Mrs. Grubbs: The one in Hickory that they are building around their home, do they intend to sell the land around it or their home?

Mr. Kirkland: No knowledge of that.

Mrs. Grubbs: Then they don't have to worry about the property value if it won't be sold?

Mr. Kirkland: I think ultimately everyone would be concerned about their property value.

Upon question by Mrs. Kitty Quick, Mr. Kirkland explained that the appraisal report was delivered to Strata Solar today.

Ms. Trahos explained that it is not the ordinary process to provide the evidence it submits to Council to the adjoining property owners; however, a copy is available.

Ms. Quick stated that this proposal affects the value of her family farm and she along with others would like a copy of the appraisal.

Ms. Trahos stated that she would be happy to share a copy; however regarding testimony about the impact of a proposed development on a specific property, she objected citing that the General Statute requires competent evidence and competent evidence requires an expert which the North Carolina courts have said is an appraiser.

The Assistant City Attorney explained that before cross examination is closed, the opponents should be provided a copy of the appraisal so they can review it as Council is reviewing it, and ask any questions about the appraisal.

Upon question by Dr. Carter, Mr. Kirkland explained that the best method of conducting an appraisal is the matched pair analysis; however if matched pair analysis is not available, he would appraise property using an alternative approach based upon his experience appraising agricultural land and residential land. He added that he is a certified MAI Appraiser, has completed training and more than half of his business is appraising land.

Dr. Carter stated that the objective way of appraising is with matched pair analysis and that cannot be done because of the short history of solar farms development, and he then requested that Council allow the opposition to hear from a different expert who is not compensated by Strata Solar.

Mr. Kirkland explained that as part of an ongoing appraisal business, he often looks at unique situations to appraise and an appraiser never finds a perfect match. He added that an appraiser works with the knowledge available as part of the appraisal process.

Ms. Trahos stated that for the record, to the extent that there were declarative statements by Dr. Carter being part of the testimony, she would like to object on the record.

Mr. Brian Richardson, being first duly sworn, explained that he is a member of the Jones family and the property appraised is across from land where he planned to build a house. He queried Mr. Kirkland on how the solar farm would affect the value of the house he intends to build.

Mr. Kirkland explained that the solar farm would be screened with vegetation and he has seen similar projects and it was his opinion that it will have no effect on Mr. Richardson's property if he built a house across from the solar farm.

Upon question by Mr. Richardson, Mr. Kirkland stated that he did not live next to a solar farm, but he did live within range of a nuclear power plant.

Upon question by Mr. Richardson, Mr. Kirkland explained that appraisals are not as intuitive as they appear. He explained that he conducted an appraisal on a water tank, and it turned out the neighborhood preferred the water tank over having a house built on the property because it provided more privacy. He further explained that with this proposed site, there will be land preserved with a vegetative buffer and no future commercial development across the street from the proposed location of Mr. Richardson's house.

Upon question by Mr. Richardson, the Assistant City Attorney explained that it was beyond Mr. Kirkland's scope to make a determination on how the proposed solar farm would benefit his family-owned farm and adjoining property.

Mr. Kirkland stated that he has no information as to whether it would make the surrounding property more valuable but he sees no reason for it to have a negative impact on value.

Upon question by Mr. Richardson, Mr. Kirkland stated that he had been a professional appraiser for 16 years, and explained that in his professional opinion, anything that will provide an additional use for that land in that area will increase the value of land of that type as it increases demand for the land, thereby raising property values.

Upon question by Mr. Richardson, Ms. Trahos and Mrs. Deese explained that the property is currently zoned Residential-20 which allows the proposed use by Conditional Use Permit. She clarified that the zoning of the property would not change.

Upon question by Mrs. Linda Pate, Ms. Trahos explained that Mr. Kirkland is a private real estate appraiser and not familiar with all of Strata Solar's projects.

Ms. Trahos requested that all of the affidavits and handouts previously been given to Council be entered into evidence.

Mrs. Elizabeth Jones Turner of 3523 Barron Berkley Way, Raleigh, NC, having been previously dully sworn at the beginning of the public hearing, explained that she is the owner of the subject property. She explained her family history in Scotland County and that she is proud off the land resource she inherited and provided good stewardship of the property since her father died in 1948. She discussed the following:

- Commercial properties near her property include a propane gas company, commercial welding business and a nursing home
- Her brother whose property abuts the subject property and he is opposed to the solar farm development
- Her research led her to the NC Solar Center who recommended several solar companies, including Strata Solar.
- She chose Strata Solar because it is one of the largest in the state and has the most experience.
- She is convinced Strata Solar will be an excellent corporate citizen for this area.
- Continued her efforts to bring a solar energy farm to this County for three (3) basic benefits: renewable and clean energy, additional revenue stream for the County for decades, and it can show the business world that the County is forward-looking at attracting new industries and wants to be a part of the 21<sup>st</sup> century.

She concluded her comments by stating that she sincerely and respectfully request Council's approval of this request to consider the long-term benefits of solar energy to this County.

Upon question by Mr. John Walter Jones who identified himself as Mrs. Turner's brother, Mrs. Turner explained that she had told Mr. Jones that she was discussing such a project with no specifics in November of last year, and informed him in mid-March that the project had been accepted and would be considered by the Laurinburg Planning Board.

Mr. Jones explained that he was not notified about this project until March 7<sup>th</sup>.

Ms. Rhonda Richardson of 15700 Blair Avenue, Laurinburg, having been first duly sworn, asked the following questions of Mrs. Turner with Mrs. Turner's responses following:

Ms. Richardson: What neighbors did you notify? If you do so much for this County, what do you do besides just draw a check? I do not see the solar panels bringing in anything of local value here. Are you putting up jobs there?

Mrs. Turner: I am not responsible for the construction. Strata Solar can tell you what jobs they will bring. Someone has already testified about taxation.

Ms. Richardson: Would you want to look at it if you had children and lived there with

barb wire and fence?

Mrs. Turner: I do not think that is relevant.

Mayor Parker explained to Ms. Richardson that only property owners abutting the subject property are notified of the request. Upon clarification by Mrs. Deese, Mayor Parker continued stating that this request affects the abutting property more than those in the surrounding area.

Upon question by Mayor Parker, the City Clerk explained that the notice is mailed to property owners within 100 feet of the subject property and a public hearing notice is published.

Mrs. Deese added that the property is posted.

Mayor Parker stated that adequate notice was provided.

Ms. Richardson: How do you think this is bringing Laurinburg in the 21<sup>st</sup> Century when we don't know enough about it? Are you saying Laurinburg is backwards?

Mrs. Turner: I believe it can become more a part of the 21<sup>st</sup> Century with alternative energy like solar.

Ms. Richardson: Do you have documentation on that?

Mrs. Turner: There are a lot of states that are embracing solar energy as an alternative to fossil fuels because fossil fuels are deplete-able. Solar energy is not deplete-able and there are experts here who can attest to this. I know that it is a renewable energy and it is clean and good for the environment.

Upon question by Mrs. Richardson, the Assistant City Attorney explained that she has asked Mrs. Turner repeatedly how the solar farm would benefit the area, and that Mrs. Turner had attempted to answer that question.

At 9:05 p.m. Mayor Parker called for a break in the meeting.

At 9:15 p.m., Mayor Parker reconvened the meeting. He reminded the audience to keep questions on the subject matter. He added that for groups or individuals with an item on the agenda after the public hearing, they were welcome to wait to have their matters heard, or they could defer to the May Council meeting. He further added that Council is trying to be fair, listen to the testimony and give each side an opportunity to present its case. He discouraged repetition of questions.

Mrs. Helen Livingston of 311 Montrose Lane, Laurinburg, having been duly sworn at the beginning of the public hearing, explained that her family had been in Scotland County for generations and that her family leases a solar farm with Strata Solar investors which is located off Charlie Watts Road and Old US 74 just east of Maxton. Following are the highlights of her testimony:

- She and her brother are proud to bring solar farm to the area.
- She was appearing as a witness voluntarily – neither Strata Solar nor the property owner

requested her testimony.

- Strata Solar is a leading utility scale solar developer in North Carolina.
- She knows the property owner, Elizabeth Ann Jones Turner, and she is smart and a person of integrity.
- Her roots to the area are also generations deep and part of attraction both of them have for using their land for solar is the benefit to the area, not only direct financially but for future potential growth.
- Solar farms embrace new technology and present a forward-looking community.
- She lives in Balmoral Subdivision and is sensitive to electromagnetic fields and has a compromised immune system; therefore she would object to the siting if she felt it would be harmful in any way.
- The solar panels are made of non-toxic silica and not cadmium or gallium.
- The solar farm located on Highway 74 shows that the community is forward-thinking, just as the proposed solar farm on Johns Road would.
- She feels solar farming is a gateway industry to generate more economic development.

Upon questioning by Mr. John Walter Jones, Mrs. Livingston explained that Johnny Carmichael was and continues to farm the property adjacent to the location of the solar farm on her and her brother's property on Charlie Watts Road and Highway 74, and that she and Strata Solar were aware there were drainage tiles on the property. She added that she was informed by Strata Solar that once the solar farm was dismantled, the property could be farmed.

Upon question by Mr. John Walter Jones, Mr. Niemann of Strata Solar explained that the tiles were upset during construction and a drainage swell was graded out and piped; however no additional tile or rocks were installed.

Upon question by Mr. John Walter Jones, Mr. Niemann explained that once the solar farm is dismantled, the property can be farmed again.

Ms. Trahos requested that Bob Robinson and Vincent Taylor, members of the National Youth Chamber of Commerce, be sworn together in order to testify, and they were both duly sworn.

Mr. Vincent Taylor of 8004 Dory Drive, Effland, NC, a member of the National Youth Chamber of Commerce, explained that he would provide answers regarding workforce development. He explained that the National Youth Chamber of Commerce and Strata Solar had developed a workforce development plan that utilizes geographical cluster areas to train and employ individuals for solar array construction. He added that construction work is temporary work; however by utilizing geographical clusters, more local workers could be utilized and kept employed within the cluster. He further added that approximately 80% of the workers are hired locally.

Upon questions by Ms. Linda Pate, Mr. Taylor explained that he could not guarantee that Strata Solar would hire 80% of the workers from Scotland County, but would hire as many qualified people from Scotland County and the National Youth Chamber of Commerce's history is to hire 80% locally. He added that he would hire all qualified veterans that apply. He also explained that workers would be offered the option of moving to the next construction project in order to

continue to be employed within one of the six (6) geographical clusters.

Upon question by Dr. Carter, Mr. Taylor explained that he did not work for Strata Solar. He added that he had his own firm with the primary focus on workforce development. He further added that he would help Strata design its workforce by searching for, vetting and interviewing applicants for Strata Solar.

Upon question by Dr. Carter, Mr. Taylor explained that the National Youth Chamber of Commerce is a 501(3)(c) organization.

Upon questions by Mrs. Grubbs, Mr. Taylor explained that Strata Solar would hire approximately 60-80 construction workers for the proposed site in Scotland County. He added that the construction in Scotland County would take approximately three (3) to four (4) months.

Upon question by Mrs. Grubbs, Mr. Williams explained after construction, the solar farm is monitored over the web; however a local first responder would be hired. He added that he was not certain if the Robeson County local first responder would be hired for the Scotland County site.

A discussion ensued concerning an article in *The Laurinburg Exchange* that mentioned 150 employees in Scotland County. It was clarified that said article was an editorial by Mrs. Helen Livingston and the information was not supplied by Strata Solar.

Mr. Williams explained that the ongoing operations of a solar farm including hiring local landscape and electrical contractors. The annual operating costs of a solar farm are between \$30,000.00 and \$70,000.00.

Upon question by Councilmember Leak, Mr. Williams explained that a solar farm would not add a lot of permanent jobs to a community. He discussed a solar farm in Robeson County whereby the property owner oversees the solar farm, so there is not a new job, but new income for an individual.

Upon question by Councilmember Willis, Mr. Williams clarified that a solar farm would not add a lot of permanent jobs.

Upon question by Councilmember Adams, Mr. Williams explained that when Strata Solar tries to keep its employees, but is in constant need of employees.

Mr. Vincent Taylor explained that his company's goal is to keep all individuals working, not just people from Scotland County. He further added that anyone who lived in Scotland County who wanted to continue working should be able to do so.

Mr. Bob Robinson of 7905 Round Oak Road, Raleigh, NC, described the development of a workforce training and development system. He discussed a collaborative agreement between the National Youth Chamber of Commerce and Wake Technical College which developed a curriculum training workers, particularly veterans since Strata Solar wants to hire veterans. He

added that the curriculum was developed because there are many other environmentally sustainable jobs than solar. He further added that the National Youth Chamber of Commerce will be working with the local community college to incorporate the curriculum developed at Wake Tech. He added that the National Youth Chamber of Commerce wants to make sure that the jobs training for future jobs are appropriate for environmental sustainability and that individuals entering the training program are provided training, the opportunity to build a resume and move to future jobs. He added that there will be a better educated workforce and there will be jobs as long as Strata Solar can get contracts. He described a \$350,000.00 grant obtained from the North Carolina Department of Transportation that will allow employees to move from job to job.

Upon question by Councilmember Willis, Mr. Robinson explained that continued employment beyond six (6) months depends upon the number of solar installations in the area or the possibility of transporting workers to another area.

Upon question by Councilmember Adams, Mr. Robinson explained that the curriculum he discussed previously was developed with Wake Technical College and Wake Technical College is identifying six (6) community colleges for the curriculum; however, the local community college has not been contacted.

Mayor Parker stated that the local community college has a lineman curriculum.

Upon questions by Dr. Carter, Mr. Robinson explained that the \$350,000.00 grant was a matching grant established through the Raleigh Business and Technology Center and is used with local workforce development boards. He added that the grant money was provided through the North Carolina Department of Transportation and its drawdown of federal funds, and would allow individuals, particularly veterans, to move from job to job.

Ms. Brenda Nobles of 15701 Nobles Drive, being first duly sworn, stated that she did not receive a notice about the public hearing. She wanted clarification on how many jobs would be created in Scotland County after the initial farm was built.

Mr. Jay Cobb of Strata Solar, 110 Overview Lane, Cary, NC, having been previously duly sworn, explained that he spoke at the Planning Board on behalf of Strata Solar. He explained that at the Planning Board, he explained that there would be minimal employment once the solar farm was in operation. He described the first responder program that includes relationships with companies in the local area where the solar farms are located. He added that the bulk of employment is during the construction phase.

Upon questions by Mrs. Kitty Quick, Mr. Robinson stated that at this time there were no veterans employed in Scotland County since the project began only 60 days ago. He added that he personally interviews applicants and hires every veteran that is qualified and/or trainable.

Ms. Trahos thanked everyone for their time and asked that Council take judicial notice of two (2) prior solar farms approved by Council and requested that the minutes of those two (2) meetings be entered into evidence for the record. She added that with expert testimony provided including

that of the City's professional Planning Staff, Strata Solar meets the criteria for issuance of the Conditional Use Permit and ask for Council's approval, just as the other two (2) approved solar farms. She requested that time be reserved for rebuttal. She then reviewed the exhibits submitted:

1. Plat for Solar Farm
2. Affidavit of Lance Williams
3. Affidavit of Brent Niemann
4. Affidavit and Appraisal Report of Rich Kirkland
5. Copies of previous Council minutes "Exhibit F"

### ***OPPOSITION TESTIMONY***

The following individuals were then duly sworn by the City Clerk: David McLamb and Thomas Ammons.

Mrs. Kitty Quick, having been previously sworn, explained that she was a lifelong resident of Scotland County and that she is speaking on behalf of a group of concerned citizens.

Upon question by the Assistant City Attorney, Mrs. Quick stated her address is 11180 Johns Road and is less than one-quarter mile south from the proposed solar farm.

Mrs. Quick then discussed the concerns of the opposition group:

- With the tremendous growth of vehicular traffic on US Hwy 501 South, there is concern that the solar farm, if approved, would generate a lot of interest and eye-searching from motorists; thus increasing the chances of a motor vehicle accident.
- Potential contamination of the City's wells that are on adjacent property which are on located on the same aquifer as the site of the proposed solar farm.

Ms. Trahos apologized for interrupting, but she needed to object on the record as the witness had not been qualified as an expert in the testimony she was presenting. She added that North Carolina law requires that the Council take competent evidence and the Statute specifically says that the increase in vehicular traffic related to a proposed development would pose a danger to the public safety would require expert testimony as well anything that would ordinarily require expert testimony in a general court like environmental issues.

The Assistant City Attorney explained if Mrs. Quick is offering an opening statement that will be supported by competent evidence later, then she could continue with her opening statement; however, any testimony must be supported by competent admissible evidence.

Mrs. Quick stated that neither she nor anyone in the group she represented was an expert, they were just in the neighborhood. She added that she did not know how anyone could be an expert as short a time as solar farms have been developed.

The Assistant City Attorney explained that experts exist that can discuss traffic safety issues,

alleged chemicals in the solar panels and valuation of property. He added that such testimony must be supported by some type of competent evidence.

Mayor Parker explained that if Mrs. Quick is offering an opening statement, then the applicant will ask that the testimony be verified and supported with competent evidence or it will not be relevant testimony.

Mrs. Quick stated that the group had one medical physician, a real estate broker and an environmentalist in the group who would testify.

Mrs. Quick then requested to provide written evidence, to wit the following:

“Exhibit G”: Carolina Journal Online Daily Journal dated March 26, 2013 entitled “Renewable Energy’s Costly Trade-Offs” printed off the internet on April 15, 2013

“Exhibit H”: Solar Energy Development Programmatic EIS article entitled “Solar Energy Development Environmental Considerations” printed off the internet on April 15, 2013

“Exhibit I”: article entitled “Positive & Negative Effects of Solar Energy” by David Anderson, Demand Media, printed off the internet on April 15, 2013

Mayor Parker reiterated that Mrs. Quick could continue with her opening statement but that the testimony must be substantiated with evidence.

Ms. Trahos objected to the testimony and documents submitted by Mrs. Quick.

Mrs. Quick continued discussing the group’s concerns as follows:

- Regarding the City’s wells located on adjacent property, she listed the following potential contaminants: oils or molten salts, hydraulic fluids, coolants, lubricants, lead, and lead-based printing pastes. Lead is extremely toxic to the central nervous system, endocrine system, cardiovascular system and kidneys. Without effective and safe recycling programs, broken, defective and decommissioned solar PV equipment will enter the waste stream and if burned, will release toxic materials into the air.
- A Carolina Bay is a wetland adjacent to the proposed solar farm and the potential exists for contamination and interruption of the natural habitat. She stated that the Environmental Protection Agency (EPA) recommends use of condemned property for solar farms so the natural habitat will not be disturbed or altered.
- What type of buffers will be used and the maintenance of said buffers.
- The toxic materials contained in the solar panels will present a serious danger to public health and the environment if not properly disposed of when they reach the end of their useful lives.
- What happens if the company goes bankrupt?
- The benefit to the residents of Scotland County.
- The effect on the farming industry. There will be loss of land to farming resulting in job losses, decreased amount of fuel used, decreased amount of fertilizer used and decrease

in crops grown.

- The proposed solar farm is in the flight approach for low-flying medical helicopters en route to Scotland Memorial Hospital and low-flying Fort Bragg aircraft. She stated that concentrated solar power systems could potentially cause interference with aircraft operations if reflected light beams become misdirected into aircraft pathways.

Upon question by Ms. Trahos, Mrs. Quick stated that she is a registered nurse.

Upon question by Ms. Trahos, Mrs. Quick explained that she lived approximately one-quarter mile from the proposed site, but did not abut the proposed site.

Mrs. Trahos asked Mrs. Quick if she had any interest in the subject project that is not mirrored by the community at large, to which Mrs. Quick explained that her interests are how the proposed project will affect the value of her family's farmland and the traffic problems that may occur as a result of this project.

Ms. Trahos explained that she needed to fulfill her obligation; therefore she objected as to the competency of the testimony.

Ms. Trahos explained that Mrs. Brenda Grubbs, the next witness for the opposition, had qualified herself as a qualified North Carolina Licensed Real Estate Broker. She then added that her expectation was that Mrs. Grubbs would speak on the impact of this project on property values.

Mrs. Grubbs stated that Ms. Trahos' statement was correct.

Ms. Trahos objected to Mrs. Grubbs' testimony because the General Statutes require competent evidence and the competent evidence acknowledged by the court system is that of an appraiser.

Mrs. Grubbs, having been previously duly sworn, explained that she has been a realtor in Laurinburg for 40 years. She added that she owns her own company and is still very active in real estate. She further added that an appraisal is an opinion supported by facts. She explained that when a realtor looks at properties and value them, it is also an opinion supported by facts. She further explained that when a realtor goes out and looks at the property, the realtor is the one who hears the concerns from the client concerning the property such as an unappealing view. She and her firm do a lot of broker opinions for relocation companies who ask that properties be downgraded when a view is found to be unappealing.

Mrs. Grubbs then explained that she, Dr. Carter and Dr. Goodwin own property that does abut the subject property and she contended that the project would hurt their ability to develop their property because of the view. She explained that the property that had been discussed as the wooded buffer was the property she and her partners owned. She added that they currently own several lots which will not sell because the view is unappealing. She concluded by stating that the project will hurt property values and will hurt the ability to develop the land that she and her partners own.

Upon question by Councilmember Spencer, Mrs. Grubbs clarified that the property owned by her

and partners is on the backside of the proposed project where there is no additional buffering except the existing tree line. She added that the project is not harmonious to the area and will detract from the neighborhood.

Councilmember Spencer asked Mrs. Grubbs in her professional opinion as a real estate broker business owner how difficult it is to subdivide a parcel to sell pieces.

Mrs. Grubbs replied, “very, very difficult.”

Upon question by Mayor Parker, Mrs. Grubbs stated that she and her partners own the trees that will be considered the buffer.

Upon question by Councilmember Leak, Mrs. Grubbs explained that the tree line is approximately 17 acres. She added that the tree line is between the City’s well and the road that the City uses to access the wells.

Upon request by Ms. Trahos, Mrs. Grubbs located her property on “Exhibit A”.

Ms. Trahos stated that the property to be leased is not adjacent to the property owned by Mrs. Grubbs and her partners. She added that the trees previously referred to by the applicant are not on Mrs. Grubbs’ property but will be located on the site of the proposed solar farm.

Upon question by Ms. Trahos, Mrs. Grubbs explained that the properties that are difficult to sell are not located near a solar farm; however, there is something unappealing with the view.

Upon question by Ms. Trahos, Mrs. Grubbs stated that she had not visited a solar farm but had driven by one.

Mr. David McLamb of 109 Sterling Lane, having been previously duly sworn, explained that he was concerned about the unknowns of solar farming, the uniqueness of the subject property, the close proximity of the City’s wells, and the history of solar industry is not pretty when looking at toxics. He questioned the whether Council had been informed of all components of the solar panels and the potential environmental implications. He stated that the information needed to be independently verified including the long-term implications.

Upon question by Ms. Trahos, Mr. McLamb explained that he did not have any special licenses in North Carolina and was not an expert on this matter.

Upon question by Ms. Trahos, Mr. McLamb explained that he lived at 109 Sterling Lane which is in the neighborhood which is adjacent to the proposed site, approximately 3,000 feet away

Ms. Trahos objected to Mr. McLamb’s testimony as not being competent and that she would like to have an opportunity to recall a witness regarding testimony regarding wells on the property.

Mr. Thomas Ammons of 104 Sterling Lane, having been previously duly sworn, stated that he is a North Carolina and South Carolina Licensed Well Driller. He added that he has been involved

with conducting environmental investigations, soil assessments and cleanups on a number of sites in North and South Carolina. He expressed concern about the wellhead protection of existing City wells and the impact. He added that having worked on several sites, situations do evolve over time can and will potentially be impacted, and therefore questioned if the City was prepared or concerned about possible ground water ramifications for the community as a whole.

Ms. Trahos objected to Mr. Ammons' testimony as not being competent evidence.

Mr. John Walter Jones of 11800 Johns Road, having been previously duly sworn, stated that he lived on the property adjacent to the proposed solar farm site. He stated that he had circulated a petition and received 250 signatures of his neighbors, friends and other concerned citizens. He then stated that at the Helen Livingston property, the tile was disturbed and after the rains came, there were major problems and Strata Solar did try to correct the problem. He added that he was not sure if the same type soil and same type soil existed on the proposed site as on the Livingston site, and was concerned that during construction the tiles would be upset. He further added that he did not know anything about the solar farm and he was sure there was something in the solar panels that were unknown that would have an effect on the water.

Mr. Jones then discussed the cost of the solar farm and the state and federal funding that would be furnished for said construction. He questioned when the taxpayers would receive any of that money back. He discussed electric power service. He explained that if solar farms continue to be constructed, the power companies will grow tired of solar companies affecting their revenue and the electric bills will increase.

Mayor Parker requested that Mr. Jones present the petition to the City Clerk, a copy of which is attached to and incorporated into these minutes as "Exhibit J".

Upon question by Councilmember Spencer, Mr. Jones stated that he was a welder and not a farmer.

Upon question by Mr. Jones, Mayor Parker stated that the solar farm to be located on the City's property near the Dixie Guano Plant was not being constructed by Strata Solar.

Ms. Trahos objected to the petition as hearsay evidence and also to the relevancy of the testimony. She explained that her objection as to competency dealt with the competency of evidence as required by law, not to the competency of an individual.

Dr. Ralph Carter, having been previously duly sworn, explained that one of the criteria for Council to consider is harmony. He added that with the group in the room, it was evidence that this project is not harmonious. He stated that his group did not have hired experts or hired attorney; however if Council allowed the group time to hire experts, it would assemble the experts and counsel. He added that in his opinion, there needed to be some comment from the Federal Aviation Administration regarding interference of helicopter traffic going to the hospital.

Ms. Wanda Villeponteaux of 11844 Johns Road, having been duly sworn, explained that her property is adjacent to the subject property. She expressed concern that nobody had addressed

the possible effects on animals since they hear sounds that humans cannot hear.

Ms. Trahos explained that during rebuttal, this issue would be addressed.

Councilmember Leak expressed concern that there was so much concern regarding this solar farm as the first one in the City limits was approximately one-half (1/2) mile from his house and was located on Highway 74 where those traveling on said highway see the solar farm.

### ***REBUTTAL***

Upon question by Ms. Trahos, Mrs. Deese, having been previously duly affirmed, stated that there were no wells on the property subject to this application.

Mr. Jeff Wolf of Kibling Hill Road, Stratford, VT, having been previously duly sworn, explained that he had a Bachelor of Science in Mechanical Engineering and had been in design and construction for 30 years with 15 of those in solar. He added that he founded a company in 1998, Grow Solar, which became the fourth largest residential solar installer in the country in 2009 and one of the largest distributors of solar products and installation of solar arrays such as the subject solar array. He clarified that his company is not associated with the subject project. He added that he has testified before Congress, state legislators and sits on the Solar Energy Association National Board as the elected division chair of the photovoltaic division. He added that he had been active that division activities including environmental health and safety activities. He further added that he is on the Union of Concerned Scientists National Advisory Board.

Mr. Wolf explained that solar is a pretty new industry and he has been in the industry for a long time. He added that he had been around the world looking at solar power plants but manufacturing facilities where the solar panels are manufactured including the cells that go into the panels and the wafers that go into the cells. He further added that he knows the technology well and knows what is in these products.

Mr. Wolf then discussed the following:

- Just like in North Carolina, citizens of Vermont admire the outdoors and enjoy the view.
- Solar panels are located on his house and on adjacent property.
- Vermont has very strong land use regulations particularly with regard to appearance and solar arrays are allowed next to interstate highways.
- One of the first wide-scale solar projects in Vermont was constructed in a city near Burlington, VT on one of the busiest highways in the state.
- Visually these farms are accepted by the community in Vermont.
- The solar panels are glass inside with the solar cells inside.
- The solar cells are silicon which is refined sand and is purer than beach sand.
- Ethylene Vinyl Acetate (EVA) is in the panels which is a common chemical used for soccer cleats and to hold medicine together because it dissolves slowly and is passed through the body without entering the body systems.
- Material Safety Data Sheets (MSDS) are required by OSHA for hazardous materials and

OSHA does not require MSDS on solar panels.

- Panels are hermetically sealed.
- No lubricants are located on solar farms, except possibly a small fan in the inverter.
- Does not use lithium batteries.
- Concerning the potential effects on animals, most sites are maintained utilizing sheep grazing under the panels.
- There are no electromagnetic radiations or anything that thumps.
- While the EPA recommends use of compromised land for solar farms, but it does not recommend not using uncompromised land.
- Solar panels are built to absorb light, not reflect it. Takes light in, absorb it and converting photons in the light into electrons. There is a small amount of light reflection.
- Solar panels are at a certain angle and are installed at airports; therefore, they are not a hazard to aviation. Planes fly over bodies of water, snow. Wheat and cornfields are more reflective than solar panels.

Mr. Wolf stated that in conclusion, having reviewed the plans and heard the testimony, the proposed site is suitable and conforms with the requirements for a Conditional Use Permit.

Upon question by Councilmember Adams, Mr. Wolf stated that he holds a professional mechanical engineering license in Vermont, New Hampshire and Illinois, but not in North Carolina. He added that he had quite a few certifications with regard to solar and was one of the first two (2) trace certified solar technicians and the first certified by the State of New York for the installation of solar panels.

Upon question by Mr. John Walter Jones, Mr. Wolf explained that the solar panel array is classified as 600 volt work and that means that the voltage in the array is at or below that level. He further explained that the array voltage varies based on the sun, temperature, wind and other factors. He added that the array would probably run in the 290-350 voltage on the dc side.

Upon question by Mr. John Walter Jones, Mr. Wolf explained that an inverter converts dc current from positive to negative to get ac power. He added that he was not an electrical engineer.

Upon concern expressed by Mr. John Walter Jones, Mr. Wolf explained that firefighters would not be harmed if there were a fire at a solar array. He added that he had a fire at his house and the firefighters put out the fire at his house.

Upon question by Mr. John Walter Jones, Mr. Wolf explained that most commercial solar arrays do not use batteries.

Upon question by Mr. John Walter Jones, Mr. Wolf explained that he did not know what gases might be emitted should a solar panel catch on fire. He added that firefighters have had concerns about solar panels on houses with those concerns being that when the firefighters are standing next to a solar panel and the roof is burning, that they have access to chop a hole in the roof of the house and their concerns are not about any emissions from the solar panels.

Upon question by Mr. John Walter Jones, Mr. Wolf explained that in the event of fire, the solar array would turn off as it has all safety devices required by the Underwriters Laboratory. He added that the inverter would automatically shut down and therefore there is no ac current coming in and dc current would be isolated to a very small section. He further added that if there is smoke, then there would not be much sun coming through and therefore no power.

Mr. John Walter Jones explained that he was still concerned about the gases that could be produced by the plastic on the solar panels.

Mr. Wolf explained that the plastics in a solar panel are about as thick as a piece of paper; therefore the gases would be of such low volume. He added that compared to a house fire or a car fire, a fire at the solar array would be less hazardous to firefighters. He further added that firefighters are trained to work in hazardous environments.

Upon question by Mr. John Walter Jones, Mr. Wolf explained that there was not enough electricity to electrocute a dog or cat that wandered into the solar array during a fire unless it was purposely rigged to happen.

Mr. Lance Williams, having been previously duly sworn, explained that he wanted to respond to question about viability of an existing solar farm if tax credits change. He explained that the farm has an income stream from the power purchase agreement that has nothing to do with regard to tax credits. He added that the operating expenses of a solar farm are typically less than 10% of the income.

Ms. Trahos explained that this concluded the applicant's testimony and rebuttal.

The Assistant City Manager asked if there was rebuttal to the applicant's rebuttal. He added that under the procedures, both sides have an opportunity to provide a summation of evidence with the first closing statement going to the opposition.

Mrs. Quick, having been previously duly sworn, urged Council to reject the proposal as it is not in harmony with the surrounding area; it is potentially dangerous to the adjacent County water wells; it is adjacent to tourist traffic at highway speeds and to medical center helicopters approaching the hospital; it offers substantial profit to secret out of state investors and a single absentee landlord who will reap their windfall through government give-away programs that are likely to soon be suspended by the North Carolina legislature, the net effect of which does not only burden taxpayers increase the national debt but is proven to raise everyone's electric bill; only 20% of taxes will be paid to the County; equipment for the installation is manufactured overseas, installed by a small group of temporary workers from out of town with no permanent jobs created and with little or no protection going forward due to the limited liability organization as a single solar farm as an individual entity by this clever unknown group of investors.

Ms. Trahos expressed her appreciation to Council for its time in conducting the public hearing. She explained that Council has a unique procedure in that once the initial findings of fact are

made that the property is located within your jurisdiction, that the application is complete; and the development is in substantial compliance with the regulatory provisions of the City of Laurinburg Unified Development Ordinance (UDO), then the burden shifts from the applicant to the opponent to prove that this Conditional Use Permit would not meet the findings of fact that are required by the City's ordinance. She explained that no expert testimony was heard from the opponent, therefore that burden has not been met. She added that in the ordinary situation the applicant has the burden of proof therefore the applicant had put before Council evidence to affirmatively show that all of the findings of fact have been met as Council heard from the expert real estate appraiser that there is no impact on adjacent property values; Council has approved two (2) solar farms finding no impact on adjacent property values on similarly situated properties; and the City's Planning staff indicated that the applicant met the requirements of the City's Code which includes that the use is harmonious with the area. She further added that Council heard from the applicant's engineer, appraiser and from various property owners that this use is appropriate given the commercial uses in the area, the mix of uses that is appropriate for and found around most solar farms. She further added that Council heard from an expert on the public health and safety risk indicating that there is no risk, and Council has found twice in hearings for similarly situated farms that there was no risk to the public health and safety, and that there was no expert evidence presented to indicate that there was a risk. She stated that the applicant believes that it has met the burden of proof and our entitlement under North Carolina law of the issuance of a Conditional Use Permit. She further added that the applicant worked very hard to address the legitimate concerns expressed by attendees of the Planning Board meeting by changing the site plan to include the addition of a buffer and the shifting of the solar farm from the adjacent farm to avoid any impact on panels from the adjacent farm. She concluded by stating that the applicant requested Council's support of a solar farm at this location.

Mayor Parker explained that the public hearing would remain open in the event that during deliberations Council has a question for either party.

The Assistant City Attorney explained that Council needed to deliberate on the evidence that has been presented and if Council wished to enter any other evidence through testimony, the presenter would need to be sworn and subject to cross-examination.

Councilmember Spencer expressed concern regarding the appraiser's report as it is a substantial report and Council did not have time to digest it. He discussed the following three (3) key points:

- Because of the newness of the solar farm industry, the appraiser admitted under cross-examination by Mrs. Grubbs the difficulty in appraising adjacent property and with regard to development of adjacent property when a solar farm splits a parcel or an ongoing development. The appraiser mentioned a solar farm that exists in potential residential development that is owned by the same developer; however this is different from the situation that exists here. So it raises concern for him about solar farm industry effect on adjacent property as well as future development. Rural communities are wrestling with growth and it is difficult to determine how a solar farm will impact growth which overall impacts the community.

- The second key issue for him is harmony which is a very broad word. He explained that it is not just aesthetics, but also what makes something harmonious is the integration of it into the fabric of the economic dynamics, particularly in the long-term.
- The third key issue is the issue of bondability and ensuring that the community is protected should Strata Solar go out of business. He explained that he had seen projects such as massive wind farms go out of business and the community was left to pick up the pieces at considerable cost to the taxpayers. He questioned if the project goes forward if some type of condition regarding this be part of the Conditional Use Permit.

Councilmember Willis expressed concern that since the hearing had been going on for over four (4) hours and Council had received a lot of information, that perhaps the matter be tabled in order to give Council the opportunity to absorb all of the information and to provide the opposition the time to get professional people and have the same opportunity to prepare its case.

A brief discussion ensued concerning recessing or tabling the matter until May.

Councilmember Adams explained that she was not convinced that there would not be any decrease in property values based on the evidence presented.

The Assistant City Attorney explained that the burden of proof for that issue according to the City's Unified Development lies with those that seek denial of the application.

Councilmember Leak explained that the property owner has not questioned the value of her property. He added that the parties had been notified and had 30 days to prepare for the public hearing. He further added that this is not the first solar farm in the vicinity of Laurinburg. He then stated that Mr. Jones had discussed the City's interest in another solar farm.

Councilmember Adams stated that these were not similar properties.

Councilmember Spencer explained that one of the solar farms will tap into the City's electric grid and provide a direct benefit to the City's electric customers.

Councilmember Williamson added that there are no neighborhoods adjacent to that solar farm project.

Mr. John Walter Jones discussed the proposed solar farm near McLaurin acres.

Mayor Parker clarified that Council had not been presented with a request for a solar farm near McLaurin Acres as the developer discovered that they would not be able to tap into the electric grid.

Councilmember Williamson explained that his biggest concern is that the solar industry is new and with a 30-year lease on the property, in spite of the assurances from the applicant that the equipment will be removed and the property can be farmed again, he still has concerns regarding this.

Councilmember Spencer moved to deny the request for a Conditional Use Permit to construct a photovoltaic solar array on a portion of a 181-acre tract of land on US 501 South/Johns Road based on the following findings of fact:

- The request will substantially injure the value of the adjoining or abutting property; and
- The request is not in harmony with the area in which it is to be located.

Councilmember Williamson seconded the motion.

Mayor Parker closed the public hearing.

A voice vote was taken with the motion carrying by a 4-1 vote with Councilmember Leak casting the dissenting vote.

## **DELEGATION**

### **NANCY WALKER-SECURITY CAMERAS**

Mrs. Nancy Walker, Executive Director of the Laurinburg Housing Authority, appeared before Council to request consideration of approval of an interagency agreement that would allow the Housing Authority to use a third-party contractor to install motion-activated security cameras on the City's electric poles located within its property. She added that these cameras would utilize no electricity and would not be tied into the City's system at all. She further added that the Police Department would be able via the internet to monitor the recordings. She explained that the recordings would be written over every 30 days, so if the Police Department notified them of a crime that occurred in an area that was monitored by the cameras, the Housing Authority would be able to provide the Police Department with a dvd of the recording if notified prior to the end of the 30 day period. She added that the camera system will provide extra security and comfort for its residents and will not result in any cost to the City.

Following a brief discussion, motion was made by Councilmember Williamson, seconded by Councilmember Willis, and unanimously carried to authorize the City Manager to execute the interagency agreement subject to approval of the agreement by the City Attorney.

## **APPOINTMENTS**

### **COMMUNITY ACCESS CHANNEL ADVISORY COMMITTEE**

Motion was made by Councilmember Willis, seconded by Councilmember Spencer, and unanimously carried to appoint Mrs. Carol Ann Lentz and Mr. Charles Campbell to the Community Access Channel Advisory Committee.

## **CITY ATTORNEY**

Motion was made by Councilmember Willis, seconded by Councilmember Adams, and unanimously carried to appoint William P. Floyd, Jr. as the City Attorney.

## **COMMENTS FROM MAYOR AND/OR COUNCILMEMBERS**

There were no comments.

## **ADJOURN**

Motion was made by Councilmember Williamson, seconded by Councilmember Willis, and unanimously carried to adjourn the meeting.

The meeting adjourned at 11:44 p.m.

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Thomas W. Parker III, Mayor

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Jennifer A. Tippett, City Clerk

Please note that the attachments referred to in these minutes are available for viewing in the City Clerk's Office as some were too large for scanning.