

*OXFORD, NORTH CAROLINA  
September 18, 2014*

The Members of the Honorable Board of Commissioners of Granville County, North Carolina met in a special joint meeting on Thursday, September 18, 2014 at 7:00 p.m. in the Meeting Room, Granville Expo and Convention Center, 4185 US Hwy 15 South, Oxford. The purpose was to meet jointly with the Granville County Planning Board to consider certain planning related issues involving solar farms and non-residential set back distances.

*Present were:*

*Chairman:* David T. Smith

*Commissioners:* R. David Currin, Jr. Zelodis Jay  
Timothy Karan Ed Mims  
Edgar Smoak

Tony W. Cozart was absent.

*County Manager:* Michael S. Felts

*County Attorney:* James C. Wrenn, Jr.

*Assistant County Attorney:* Gerald T. Koinis

*Present from the Granville County Planning Board were:*

*Chairman:* Tommy Currin

*Members:* John B. Currin, II Elvin Mangum, Jr.  
Catherine Oakley Howard M. Tyler, III  
Chandler Wynne

Michael Turner was absent.

*Planning Director:* Barry Baker

*News Reporters:* Chris Harris – *Butner-Creedmoor News*  
Linda Nicholson – *Oxford Public Ledger*  
David Irvine – *The Daily Dispatch*

**MEETING CALLED TO ORDER**

At 7:00 p.m., Chairman David T. Smith called the Board of Commissioners' meeting to order, gave the invocation and led the Pledge of Allegiance.

**AFTER HOLDING PUBLIC HEARING, BOARD TABLED THE REQUEST FOR AN AMENDMENT TO THE LAND DEVELOPMENT CODE ("LDC") THAT WOULD AMEND THE TABLE OF USES BY REMOVING THE GROUND-MOUNTED SOLAR POWER ENERGY SYSTEMS ("SOLAR FARMS") LAND USE AS A SPECIAL USE IN THE AGRICULTURAL RESIDENTIAL 40 (AR-40) ZONING DISTRICT**

Chairman Smith recognized Chairman Tommy Currin, Chairman of the Granville County

Planning Board. Chairman Currin called the Planning Board meeting to order. He stated that this is a hearing for the purpose of receiving comments from the public on a proposed amendment to the Land Development Code ("LDC") that would amend the table of uses by removing the ground-mounted solar power energy systems ("solar farms") land use as a special use in the Agricultural Residential 40 (AR-40) zoning district. He then declared the public hearing open on behalf of the Planning Board.

Chairman Smith declared the public hearing open on behalf of the Board of Commissioners.

Chairman Currin recognized Barry Baker, Planning Director, for a brief overview of the proposed amendment to the Land Development Code to the Planning Board and Board of Commissioners.

**Barry Baker, Planning Director, 122 Williamsboro Street, Oxford, NC,** stated that all public notices as required by local and state law had been accomplished for the public hearing. He explained that this was an amendment to the Land Development Code ("LDC") that would amend the table of uses by removing the ground-mounted solar power energy systems ("solar farms") land use as a special use in the Agricultural Residential 40 (AR-40) zoning district. He noted that included in the agenda packet was a copy of the proposed text amendment. He added that the Development Review Committee met on September 4, 2014 and reviewed the proposed text amendment and the Committee had no comments regarding the proposed text amendment.

Chairman Currin asked if the Planning Board members had any questions. There were no questions at that time.

Chairman Currin asked if anyone was wishing to speak to come to the podium and state your name and address for the records.

**Jon Davis, 315 Dorado, High Point, NC,** stated that they do have a few projects going on in the County. He noted that he really didn't hear what they were trying to state and what they are trying to do with the conditional use permit. He then asked for clarification regarding the AR-40 zoning district.

Mr. Baker stated that the text amendment is to remove solar farms as a special use in the AR-40 zoning district.

Mr. Davis stated that the only place to put solar farms is in open areas. He noted that there has been a lot of effort spent on this. He stated that he was trying to get more

understanding as to why they were proposing this in Granville County. He added that solar farms are not going to spring up all over the place. He noted that it should be only about six or seven of these that spring up in the County.

Commissioner Timothy Karan asked Mr. Davis if NCUC stood for North Carolina Utilities Commission.

Mr. Davis stated that was correct. He noted that the process takes at least a year to go through everything with the state and local government. He added that everything is advertised.

**Scott Hawken, 117 4<sup>th</sup> SE, Charlottesville, VA,** stated that he is with Heliosage Energy. He noted that Heliosage is a Utilities Scale Solar Developer who is active in North Carolina with 14 or 15 projects across the state. He noted that currently they have three projects in Granville County. He stated that two projects have been approved through the special use permit already and are currently sited on land AR-40. He added that they have some concerns with the text amendment. He stated that the AR-40 is a protection of environmental and preservation of prime farm land and the continuation of rural lifestyle and goals for this district. He noted that they feel that solar farms fit those criteria of an AR-40 designation for three reasons: (1) protection of the environment; (2) solar farms will not permanently alter the land that they will be built on; and (3) solar farms do not increase traffic or population due to the project. He stated that they feel that the text amendment is restricting in the AR-40 zoning district. He noted that they have enjoyed working in Granville County and hope to continue working in Granville County. He added that they estimate that each of the solar farms will bring in a tax base of approximately \$250,000 per project over the life of the project. He urged the Planning Board and Board of Commissioners to look at all the benefits of a solar farm.

Commissioner R. David Currin, Jr. asked Mr. Hawken how close he lived to a solar farm.

Mr. Hawken stated that he lived in Virginia and the closest solar farm to him is 50 miles.

**Bernard Holliday, 1738 Lake Road, Creedmoor, NC,** stated that in 2007 the North Carolina State Legislature mandated that public utilities produce renewable energy sources by 20% in the year 2025. He noted that Indiana promotes solar energy which provides many benefits to citizens. He added that solar farms will reduce companies from building more nuclear research centers. He stated that Granville County has a population of 59,600; and it would be strategic planning if all of our local townships would be a part of a Master Plan projection for the development of solar farms. He noted that by doing so we would be setting

new priorities for this century and develop jobs and relate this effort to what is available to us as a resource in terms of technological assistance.

Thomas Jackson, 302 A Park Avenue, Creedmoor, NC, stated that he is a City of Creedmoor Commissioner but not present in that capacity. He noted that he has ownership of land that will have the five mega-watt solar farm installed on it. He added that this facility is located in another County. He stated that this site will encompass 45 acres. He stated that tax credits are set to expire on December 31, 2015 at midnight and after that date solar farm construction will come to a halt all across this state unless the credits are extended. He noted that the moratorium declared now will have a major negative impact upon anyone being able to obtain these tax credits. He stated that he praised the County Commissioners for being concerned about solar farms and having questions.

With no one else wishing to speak, Chairman Currin declared the public hearing closed on behalf of the Planning Board.

Chairman Currin asked the Planning Board if there were any recommendations to the Board of Commissioners from the Planning Board.

Mr. Elvin Mangum asked if this was passed what would happen to the four solar farms that we already have approved.

Attorney Jim Wrenn stated that they already been granted special use permits so they would be able to continue to develop.

Mr. Baker stated that one is already operating and the three others have special use permits and could continue with the projects if they maintain their vested rights.

Chairman Currin asked if there were any actions from the Planning Board.

Chairman Smith closed the public hearing on behalf of the Board of Commissioners and asked if there were any comments from the Board.

Commissioner R. David Currin, Jr. stated that he has a problem with the appearance of these solar farms. He noted that his entire road is against this. He added that he has visited enough solar farms in the last month and he noticed that they are not screened. He stated that he read in the Triangle Business Journal about the concerns that were being brought up in other areas because of industrial appearance. He noted that we heard from Mr. Davis that there are a limited number of these that can be proposed. He added that we understand from Mr. Jackson's comments that this is all about tax credits. He stated that he has already written a letter against

this to the North Carolina Industrial Commission. He noted that to have to look at something like this for the rest of your life would be imposing on a person's quality of life. He added that he didn't expect to have to look at something like that in his neighborhood for the rest of his life. He stated that he is opposed to solar farms going in places like this. He noted that if it is an area that can be rezoned to Industrial 1 or Industrial 2 and people are not opposed to it, then that is fine but as a special use permit in AR-40, then the residents don't have a voice. He stated that as a public servant you shouldn't do something to somebody else that you wouldn't want done to you.

Commissioner Edgar Smoak stated that he noticed some emails that came out last week that were talking about Duke Power and the major contracts they were doing. He noted that he is concerned that these things are a thing of the future. He stated that he understood Commissioner Currin's concerns. He noted that maybe in a few more years the power companies are going to need them. He asked if the real problem exists in some of the conditions that are put in the special use permit. He noted that less than 20 years ago, everyone was upset about cell towers. He added that now people want them built because they can't talk on their cell phone. He stated that there are things that change in life. He noted that we need to look at a way of having them, but have them in a way that will fit people in the community. He added that he wanted to make the citizens happy with what they have in their community. He noted he would hate to see us get put in a situation where Granville County would get excluded from what is coming in the future.

Commissioner R. David Currin, Jr. stated that his neighborhood has been a beneficiary of an 800 foot radio tower. He noted that the radio tower is not profitable because the company stopped paying the lease on it and the lights went out and they were concerned that a plane would hit it. He stated that the FAA would not require them to put lights back on the tower. He noted that in the past 18 months that tower was sold as scrap iron and they dealt with the tower for at least 20 years. He added that the energy companies are under a lot of pressure with the things that they are doing. He stated that this is a quality of life issue. He noted that if residents don't want solar farms to come in their neighborhood, they should be able to say we don't want it here.

Commissioner Mims stated that what he was hearing was an aesthetics problem with the solar farms. He noted that at the public hearing for the four approved solar farms there was no opposition.

Commissioner R. David Currin, Jr. stated that he felt like citizens had not been notified of the hearing.

Commissioner Mims stated that he was sure the Planning Director had stated that the notices were put out. He noted that maybe the notification methods were a North Carolina legislative issue. He added that the notice was put in the paper just like it was for tonight's hearing and no one showed up to oppose the four approved solar farms. He stated that he agreed that people should have a say about what goes on in their neighborhood.

Commissioner R. David Currin, Jr. stated that the notice signs were way off the roadway and only two houses were notified.

Commissioner Mims stated that there are some characteristics of solar farms that are undeniable. He noted that you don't have any traffic, smell or noise and they provide tax revenue. He added that there are some pros and cons. He stated that the Board of Commissioners should ask the Planning Board to make some recommendations as to how to tighten up the requirements.

Commissioner Smoak asked if we needed to change the setbacks or the public notifications.

Chairman Smith asked if the Board of Commissioners should send this back to the Planning Board and give them 45 days to come back with a recommendation.

Attorney Jim Wrenn stated that before the Board of Commissioners can take any action on the matter, the Planning Board has to make a recommendation within 45 days.

Upon a motion by Elvin Mangum, seconded by Chandler Wynne, and unanimously carried, the Planning Board voted to table for consideration the amendment to the Land Development Code ("LDC") that would amend the table of uses by removing the ground-mounted solar power energy systems ("solar farms") land use as a special use in the Agricultural Residential 40 (AR-40) zoning district until the October 16<sup>th</sup> Planning Board Meeting and will bring back a recommendation to the Board of Commissioners.

**AFTER HOLDING PUBLIC HEARING, BOARD APPROVED PLAN CONSISTENCY STATEMENT AND THE AMENDMENT TO THE LDC THAT WOULD CHANGE THE NON-RESIDENTIAL STREET YARD SETBACK FROM 75 FEET TO 50 FEET IN THE AGRICULTURAL RESIDENTIAL DISTRICT 80 (AR-80), AGRICULTURAL RESIDENTIAL DISTRICT 40 (AR-40), RESIDENTIAL DISTRICT (R-25) AND MOBILE HOME PARK DISTRICT (MHPD) ZONING DISTRICTS**

Chairman Currin stated that this is a hearing for the purpose of receiving comments from the public on a proposed amendment to the LDC that would change the non-residential street yard setback from 75 feet to 50 feet in the Agricultural Residential District 80 (AR-80), Agricultural Residential District 40 (AR-40), Residential District (R-25) and Mobile Home Park District (MHPD) Zoning Districts. He then declared the public hearing open on behalf of the Planning Board.

Chairman Smith declared the public hearing open on behalf of the Board of Commissioners.

Chairman Currin recognized Barry Baker, Planning Director, for a brief overview of the proposed amendment to the Land Development Code to the Planning Board and Board of Commissioners.

**Barry Baker, Planning Director, 122 Williamsboro Street, Oxford, NC,** stated that all public notices as required by local and state law had been accomplished for this public hearing. He noted that the Development Review Committee met on September 4<sup>th</sup> and reviewed the proposed text amendment and they did not have any comments regarding the proposed text amendment. He stated that included in the agenda packet was a copy of the proposed text amendment petition and language and a copy of adjacent Kerr-Tar Council of Governments Counties' Non-residential Setbacks in Residential Zones. He noted that this would change the street yard setback from 75 feet to 50 feet and the residential zones for non-residential uses. He stated that the Planning Board did discuss this at last month's meeting.

Chairman Currin asked Mr. Baker how many other counties were looked at for comparison and if some of them were at the 50 foot setback.

Mr. Baker stated that they looked at four counties: Person, Warren, Franklin and Vance Counties.

Chairman Currin stated that he believed some of them are right at 50 foot setbacks.

Mr. Baker stated that was correct. He noted that dwelling setback in residential zone is also 50 feet.

Commissioner Zelodis Jay stated that there is a church down the street and that because of the text amendment they can't put a canopy over the door to keep the rain from going into the church.

Mr. Baker stated if the canopy projects into the setback, then that is correct.

Commissioner Jay stated he was concerned for the churches that had been established in the County prior to the current setbacks.

Commissioner Mims asked if this text amendment was approved, would the issue for churches be resolved.

Chairman Currin indicated that this was what the Planning Board was trying to do with this text amendment.

Chairman Smith asked for clarification that this would align Granville County with our sister counties.

Mr. Baker stated that he believed it would.

With no one else wishing to speak on the matter, Chairman Currin declared the public hearing closed.

Chairman Smith then declared the public hearing closed.

Upon a motion by Chandler Wynne, seconded by Elvin Mangum, and unanimously carried, the Planning Board adopted the staff comments regarding the comprehensive plan as the Planning Board's written consistency statement pertaining to the text amendment and amended the Land Development Code to change the non-residential street yard setback from 75 feet to 50 feet in the Agricultural Residential District 80 (AR-80), Agricultural Residential District 40 (AR-40), Residential District (R-25) and Mobile Home Park District (MHPD) Zoning Districts.

Upon a motion by Commissioner R. David Currin, Jr., seconded by Commissioner Zelodis Jay, and unanimously carried, the Board approved the Plan Consistency Statement and the amendment to the LDC that would change the non-residential street yard setback from 75 feet to 50 feet in the Agricultural Residential District 40 (AR-40), Residential District (R-25) and Mobile Home Park District (MHPD) Zoning Districts as follows:

**AMENDMENT TO THE GRANVILLE COUNTY LAND DEVELOPMENT CODE (LDC) THAT REDUCES THE NON-RESIDENTIAL STREET YARD SETBACK IN RESIDENTIAL ZONING DISTRICTS FROM 75 FEET TO 50 FEET**

*Whereas*, the Granville County Board of Commissioners found it necessary to adopt the Granville County Land Development Code on July 12, 1999, to provide for the orderly, planned, and efficient growth of Granville County; and,

*Whereas*, the need to amend and/or change this same code from time to time exist to provide for its efficient administration and enforcement or to address changing conditions of the growth and development of the County; and,

*Whereas*, the Granville County Planning Board held a joint public hearing with the Board of County Commissioners on the proposed amendment on September 18, 2014 and after a study of evidence presented, made a favorable recommendation on the adoption of the proposed amendment on September 18, 2014; and,

*Whereas*, a notice of public hearing was given as provided in North Carolina General Statute 153A-323 and the Granville County Land Development Code for a Text Amendment and a joint public hearing was held by the Board of Commissioners with the Planning Board on September 18, 2014, at which, evidence was presented at the public hearing.



Whereas, the Granville County Board of Commissioners hereby adopts the following Plan Consistency Statement:

**GRANVILLE COUNTY BOARD OF COMMISSIONERS' PLAN CONSISTENCY STATEMENT:**

The Granville County Comprehensive Land Use Plan (the Plan) is silent in regard to the proposed text amendment.

**NOW THEREFORE, BE IT ORDAINED BY THE GRANVILLE COUNTY BOARD OF COMMISSIONERS THAT:**

**SECTION 1.** Amend Section 32-262, Table 04.100B of the Granville County Land Development Code by amending the following language (**bold** denotes added language and ~~strike through~~ denotes deletion):

<i>Minimum</i>	
<i>Lot Area per DU</i>	<i>Street Yard*</i>
<i>Agricultural Residential District 80 (AR-80)</i>	<i>Agricultural Residential District 80 (AR-80)</i>
2 ac.	<del>75</del> <b>50</b>
<i>Agricultural Residential District 40 (AR-40)</i>	<i>Agricultural Residential District 40 (AR-40)</i>
2 ac.	<del>75</del> <b>50</b>
<i>Residential District (R-25)</i>	<i>Residential District (R-25)</i>
2 ac.	<del>75</del> <b>50</b>
<i>Mobile Home Park District (MHPD)</i>	<i>Mobile Home Park District (MHPD)</i>
2 ac.	<del>75</del> <b>50</b>

**SECTION 2.** Should any provision of this Ordinance amendment be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall have no effect to the validity of the Granville County, North Carolina Land Development Code as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**SECTION 3.** This Ordinance shall take effect and be in force upon the date and time of adoption.

**SECTION 4.** This Ordinance duly adopted by the Board of Commissioners of the County of Granville, North Carolina, this the 18<sup>th</sup> day of September, 2014.

Upon a motion by John Currin, seconded by Elvin Mangum, and unanimously carried, the Planning Board continued the regular meeting of the Planning Board in the Auditorium of the Granville Expo and Convention Center.

**BOARD DECLARED A SHORT BREAK**

At this point, Chairman Smith called for a break while the Planning Board moved to the Auditorium.

**AFTER HOLDING PUBLIC HEARING, BOARD APPROVED A 60-DAY MORATORIUM ON SOLAR FARMS IN THE AR-40 DISTRICT**

Chairman Smith declared the public hearing open and then recognized Mike Felts, County Manager, for a brief overview of the proposed ordinance imposing a moratorium on Solar Farms in the AR-40 District.

County Manager Felts stated that the purpose of the public hearing is to hear public comments on a proposed ordinance entitled "Moratorium on Ground-Mounted Solar Power Energy Systems ("Solar Farms") in the Agricultural Residential 40 (AR-40) Zoning District." The Granville County Board of Commissioners believes that it is in the best interest of the County to place a moratorium on development approvals related to ground-mounted solar power energy systems ("Solar Farms") in the Agricultural Residential 40 (AR-40) Zoning District until the Granville County Planning Board and the Granville County Board of Commissioners are able

to further evaluate the effects such land uses have on the County and its citizens. He noted that all advertisements had been made and properly advertised. He added that included in the agenda packet was a draft moratorium ordinance regarding ground-mounted solar power energy systems ("Solar Farms") in the Agricultural Residential 40 (AR-40) Zoning District.

Chairman Smith asked if anyone was wishing to speak to come to the podium and state your name and address for the records.

**Jon Davis, 315 Dorado, High Point, NC,** stated that he was against the moratorium in Granville County because he has worked with some of the local farmers on their properties. He noted that they have asked him to come to their property and help them out with possibilities of doing this on their site because they want to diversify their land use. He stated that they are farming and they are struggling. He noted that in his years of doing solar farms, each one is unique. He added that they have put a lot of effort into these sites. He stated that in the solar industry, it does use tax credits. He noted that he hopes the Board would not put a moratorium in Granville County.

**Scott Hawken, 117 4<sup>th</sup> SE, Charlottesville, VA,** stated that he is with Heliosage Energy. He noted that Heliosage is a utilities scale solar developer. He added that his concern with the moratorium in the County is the same as what was stated before which include: the benefits of projects such as these, preservation for farmers, tax benefits to the County, and approximately \$250,000 per project across the life of the project. He stated that the use in AR-40 would be compatible with the land use that is currently there. He noted that the special use permits can come with special conditions. He stated that the process that the County currently uses has flexibility to appease different committee members and make the project beneficial to the community. He noted that as far as the moratorium, landowners and companies are ready to move forward and a 60-day moratorium could mean the death of a project. He strongly encouraged the Board to not have a moratorium.

**Thomas Jackson, 302 A Park Avenue, Creedmoor, NC,** stated that he is a City of Creedmoor Commissioner but not present in that capacity. He noted that he does own the land under a five mega-watt facility that is being built. He stated that moratorium is a very high powered word. He asked the Board to reconsider that possibility.

Chairman Smith then recognized Commissioner Jay for comments.

Commissioner Jay asked Mr. Hawken if they contact the whole community about solar farms.

Mr. Hawken stated that there are two public notice periods; one is with the North Carolina Utilities Commission. He stated that before approval is at the state level they publish in the local paper as well that that project is going through approval at the state level as well as any requirements for the Planning Board. He noted that typically, adjacent property owners are noticed by letter and then a sign is usually placed on the site as well as public notice in the newspaper.

Commissioner Jay asked Mr. Hawken when can the entire community come and speak.

Mr. Hawken stated that a public notice is issued and the public can come out and hear a presentation from the company and then provide comments.

Commissioner Jay asked if before you make a decision on where you want to put the solar farm, have you heard any concerns from the community.

Mr. Davis stated that they try to find a site where there are not a lot of houses around. He noted that every site is unique on how you do it. He added that he likes to put solar farms where they are not impacting the residents. He stated that every meeting they have with Counties, everyone is invited to it. He noted that everyone should be aware.

Commissioner Jay asked if the public hearing notice sign that is put up is it where everyone can see it.

Mr. Davis stated that it should be done by the Planning Department.

Attorney Wrenn stated that state law requires it to be put on the site.

Commissioner Karan stated that he is against putting a moratorium in Granville County. He noted that we can solve what we need to solve through our special use process. He added that it comes back to the individual property ownership. He stated that the person who owns the property should have the right to utilize that property in a way they see fit. He noted that putting a moratorium in Granville County will send a negative image of the County. He stated that he is not a big proponent of the tax credits.

Commissioner Currin stated that he would ask to have a moratorium until the Planning Board has 45 days to look into this to see if there is a solution.

Commissioner Smoak stated that he is in favor of solar farms but he wants to look after the citizens of our County. He noted that the statement made by Commissioner Currin is highly

appropriate. He wants the Board to wait 60 days while the Planning Board has time to look at the matter. He noted that we may need to focus on better ways of screening and or moving setbacks to allow more screening or maybe change the public notice.

A motion was made by Commissioner Edgar Smoak, seconded by Commissioner R. David Currin, Jr., to wait 60 days while the Planning Board has the time to look at the matter and focus on better ways of screening and or moving setbacks to allow more screening and or maybe even change the public notice.

Chairman Smith asked for clarification regarding Commissioner Smoak's motion. He verified that the motion that was made to ask the Planning Board to look at setbacks and screening.

Chairman Smith asked was there any further discussion.

Commissioner Mims stated in order to approve a solar farm you have to have findings of fact. He noted that he was trying to determine what the facts are now. He added that he is hearing that everyone does not have a chance to comment. He stated that solar farms don't make any noise and don't have any traffic. He asked what is it that we are trying to accomplish.

Chairman Smith clarified with Commissioner Smoak that his motion was to have the Planning Board look at setbacks and buffering.

Commissioner Smoak asked for clarification on his motion from Attorney Wrenn. He noted that from what he heard no one has any problem with the noise, the things that people have problems with is primarily what they consider to be unrepresentable in their community. He noted that he would specifically like to see either with a zoning change or by changing the special use permit to have a better system of notifying the citizens so they can have their input and the possibility of changing either through zoning or the special use permit the amount of setbacks and buffering from residential and roads.

Chairman Smith clarified with Commissioner Smoak that this was his motion and asked Commissioner Currin if he still was ok with seconding this motion.

Commissioner Currin stated that as long as the people have a voice.

Attorney Wrenn stated that the moratorium also states that the County Manager, County Planner and County Attorney, will review the land development ordinances currently in effect, and draft any proposed changes to the amendments presented at the September 18, 2014 joint meeting of the Planning Board and Board on or before October 16, 2014. He noted that this

instructs us to take these comments into account, get input from the Board, and come back with some recommendations.

Commissioner Currin seconded the comments that were made by Attorney Wrenn.

Commissioner Karan stated that the Planning Board will be studying this and making a recommendation regardless if a moratorium is in place or not.

Attorney Wrenn stated that they are only charged with making a recommendation on the rezoning request.

Commissioner Smoak asked if we approve this moratorium, then we are charging the Planning Board to do more to look at this more as a black and white issue.

Attorney Wrenn stated that the Board is stopping any other solar farms from coming in under the existing ordinance until such time that the Board comes to a conformed decision.

Commissioner Mims clarified that we are not stopping any solar farms, but allowing time for the Planning Board to come back with a recommendation.

Attorney Wrenn stated that is a temporary delay on development approval of 60 days to give an opportunity for this Board to charge the County Manager, County Planner and County Attorney to review and draft any proposed changes and bring it back to the Planning Board on or before October 16<sup>th</sup>. He noted that unless the Board takes further action, the moratorium isn't about stopping solar farms in the County but giving it a chance to put more restrictions for setbacks and buffering.

Commissioner Mims stated that his concern is the idea of directing farmers as to how they can use their farmland. He noted that you just can't locate solar farms anywhere. He added that the four that we have are only in the northern portion of the County. He stated that we don't have enough information to even have a moratorium. He asked even in the 60 days, what are we going to look at.

Attorney Wrenn stated that without a moratorium, if someone submits an application tomorrow they are judged under the grandfather clause and they have a vested right to continue.

Commissioner Karan stated that by putting a moratorium here we are sending a message to the world that we are obstructionists.

Commissioner Currin stated that the people need to be protected.

Commissioner Jay stated that the Planning Board needs to study this more and bring us back a recommendation.

Commissioner Smoak asked that the minutes of our meeting are available to the Planning Board.

When Chairman Smith called for the vote on the amended motion made by Commissioner Edgar Smoak, seconded by Commissioner R. David Currin, Jr., as clarified by County Attorney Wrenn, the Board approved a 60-Day moratorium on Solar Farms in the AR-40 District and directed the County Manager, County Planner, and County Attorney, to review the land development ordinances currently in effect and draft any proposed changes to the amendments presented at the September 18, 2014 joint meeting of the Planning Board and Board of Commissioners. The motion passed by a vote of 4-2 as follows:

Ayes: Commissioners Currin, Jay, Smith, and Smoak  
Nays: Commissioners Mims and Karan

Commissioner Currin stated that he had a matter for attorney-client privilege.

**BOARD WENT INTO CLOSED SESSION**

The Board went into closed session for attorney-client matters.

Upon a motion by Commissioner Edgar Smoak, seconded by Commissioner Zelodis Jay, and unanimously carried, the Board went into closed session as allowed by G.S. 143-318.11(a)(3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.

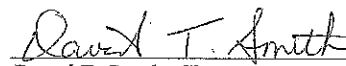
Upon a motion by Commissioner Edgar Smoak, seconded by Commissioner Ed Mims, and unanimously carried, the Board returned to regular session.

**BOARD ADJOURNED**

Upon a motion by Commissioner Zelodis Jay, seconded by Commissioner Ed Mims, and unanimously carried, the Board adjourned.

Respectfully submitted,  
Patrice D. Wilkerson  
Deputy Clerk to the Board

APPROVED BY:

  
David T. Smith, Chairman