



**MOORE COUNTY BOARD OF COMMISSIONERS**

**TUESDAY, AUGUST 16, 2016**

**REGULAR MEETING**

The Moore County Board of Commissioners met for a Regular Meeting at 5:30 p.m., Tuesday, August 16, 2016 in the Commissioners' Meeting Room on the second floor of the Historic Courthouse in Carthage, North Carolina.

**Commissioners Present:** Chairman Nick Picerno, Vice Chairman Randy Saunders, Jerry Daeke, Catherine Graham, Otis Ritter

**Commissioners Absent:** None

\*\*\*\*\*

Chairman Picerno called the meeting to order at 5:30 p.m. Reverend Matthew Privett of Bethel Baptist Church provided the invocation and Health Department Director Robert Wittmann led the Pledge of Allegiance.

The Chairman asked whether any commissioner had a conflict of interest concerning agenda items the Board would discuss during the meeting and no conflicts were stated.

**PUBLIC COMMENT PERIOD**

There were no speakers.

**ADDITIONAL AGENDA**

Upon motion made by Chairman Picerno, seconded by Vice Chairman Saunders, the Board voted 5-0 to remove from the agenda a public hearing regarding an economic development incentive agreement with Reliance Packaging as well as a resolution regarding the occupancy tax rate. Upon motion made by Chairman Picerno, seconded by Commissioner Graham, the Board voted 5-0 to add to the agenda the recognition of DSS Board members.

**RECOGNITIONS**

County Government Internship Program Participants

Sarah Miller, 4-H Youth Development Agent, recognized 2016 Moore County Government Leadership Academy participants. The participants shared their experiences through the program and were awarded certificates of completion. Interns were: Abigail Gulley, Joanna Gulley, and Hari Patel.

## Department of Social Services Board Members

Commissioner Graham recognized DSS Board members, including Dr. Katherine Dunlap, Dr. John Kerr, Tony Price, Dr. Lorna Clack, and herself. She reviewed their individual professional and civic experience, and noted that together they represented over 100 years of service to the public. Dr. Dunlap had a conflict and could not be present, but all others were in attendance at the meeting and were recognized by Commissioner Graham, and she commended the service of all. Chairman Picerno thanked the DSS Board members.

### **PRESENTATIONS**

#### Report on the 2016 Session of the Tax Board of Equalization and Review

Commissioner Daeke presented a report on the 2016 activities for the Board of Equalization and Review. Upon motion made by Commissioner Daeke, seconded by Vice Chairman Saunders, the Board voted 5-0 to accept the report, which is hereby incorporated as a part of these minutes by attachment as Appendix A.

### **CONSENT AGENDA**

Upon motion made by Vice Chairman Saunders, seconded by Commissioner Graham, the Board voted 5-0 to approve the following consent agenda items:

Minutes: August 2, 2016 Regular Meeting and Closed Session  
Budget Amendment  
Tax Releases/Refunds – July 2016  
Money Market Annual Percentage Yield Agreement Amendment  
Martin Starnes & Associates, CPAs, P.A. Contract Amendment  
Globe Communications Contract Amendment # 2  
Atkins North America, Inc. Contract Amendment # 2  
2017 Emergency Management Planning Grant Application  
FY17 JCPC Funding Plan Revision

The budget amendment and tax releases/refunds resolutions are hereby incorporated as a part of these minutes by attachment as Appendices B and C, respectively.

### **PUBLIC HEARINGS**

#### Public Hearing/Planning – Conditional Use Permit Request: HCE Moore II – Stage Road

HCE Moore II, LLC requested a Conditional Use Permit to construct a commercial solar collector facility on approximately 27.5 acres of an overall approximately 127 acre parcel (ParID 00005347) located on State Road, owned by William Richard Pressley as identified in Moore County tax records. Per Moore County Planning Department staff, this case was properly advertised, a public hearing sign was posted on the property, and all adjacent property owners were notified. The hearing on this matter was quasi-judicial in nature, and Commissioner Graham asked to be recused based on a potential conflict. Upon motion made by Chairman Picerno, seconded by Commissioner Ritter, the Board voted 5-0 to recuse Commissioner Graham from this matter. At the conclusion of the hearing, upon motion made by Chairman Picerno, seconded by Vice Chairman Saunders, the Board voted 3-1 (*Picerno, Saunders, Ritter – for; Daeke – opposed*) to deny the Conditional Use Permit.

The transcript of the hearing is hereby incorporated as a part of these minutes by attachment, and documents submitted for the record are hereby incorporated by reference, both as Appendix D. Documents are located in the permanent August 16, 2016 meeting file in the office of the Clerk to the Board of Commissioners.

Call to Public Hearing/Planning – Conditional Use Permit Request: Mining – Williams Sand and Clay, LLC – NC Hwy 211

Planning Director Debra Ensminger asked the Board to call a public hearing regarding a Conditional Use Permit request for a sand mine. Upon motion made by Vice Chairman Saunders, seconded by Commissioner Ritter, the Board voted 5-0 to call for a public hearing on September 6, 2016 at 5:30 p.m. for the following request: Williams Sand and Clay, LLC is requesting a Conditional Use Permit for the use of a sand mine on approximately 50 acres (two phases of approximately 25 acres per phase) of an overall approximate 660 acre parcel (ParID 00013401) located north of and adjacent to NC Hwy 211 and east of and adjacent to Samarcand Road, owned by Arthur R. & Sons Williams, as identified in Moore County tax records.

### NEW BUSINESS

#### **Planning:**

Request for Approval to Modify the Cost Allocation Plan for the Community Development Division

Planning Director Debra Ensminger requested the Board's approval to modify the Cost Allocation Plan for Community Development. Upon motion made by Commissioner Graham, seconded by Commissioner Ritter, the Board voted 5-0 to approve the modified Cost Allocation Plan for Moore County's Community Development Division.

Request for Approval of Resolution for Road Additions to NC State Roadway System

Ms. Ensminger asked the Board to adopt a resolution recommending the addition of roads located in the Sinclair subdivision to the State roadway system. Upon motion made by Commissioner Daeke, seconded by Vice Chairman Saunders, the Board voted 5-0 to approve the resolution supporting the addition of 0.77 miles of North Prince Henry Way, 0.04 miles of Riley Lane, 0.51 miles of Turriff Way, 0.08 miles of Birnam Lane, 0.09 miles of Lothian Lane, and 0.06 miles of Bagpipe Lane within Sinclair subdivision to the State roadway system and accept maintenance responsibilities. Upon motion made by Commissioner Ritter, seconded by Commissioner Daeke, the Board voted 5-0 to authorize the Chairman to execute the resolution. The resolution is hereby incorporated as a part of these minutes by attachment as Appendix E.

Request for Approval to Submit FY17 Rural Operating Assistance Program Application

Administrative/Transportation Program Manager Lydia Cleveland requested the Board's approval to submit the fiscal year 2017 ROAP application. Upon motion made by Chairman Picerno, seconded by Vice Chairman Saunders, the Board voted 5-0 to approve and authorize the County Manager and Chief Financial Officer to sign the FY2016-2017 Rural Operating Assistance Program application.

#### **Health:**

Request for Approval of Mutual Aid Agreement between Moore County and Hoke County for Back-Up SIDS Counselor

Health Director Robert Wittmann requested the Board's approval of a mutual aid agreement with Hoke County for a back-up SIDS Counselor. Upon motion made by Vice Chairman Saunders, seconded by Commissioner

Ritter, the Board voted 5-0 to approve the mutual aid agreement between Moore County and Hoke County concerning a Backup Sudden Infant Death Syndrome Counselor, and authorize the Chairman to execute the same. The resolution approving the agreement is hereby incorporated as a part of these minutes by attachment as Appendix F.

**Public Works:**

Request for Approval of Contract Extension for Generator Project

Public Works Director Randy Gould asked the Board to extend the construction contract term for a generator project with Sanford Electric Company, Inc., to December 31, 2016. Upon motion made by Commissioner Graham, seconded by Vice Chairman Saunders, the Board voted 5-0 to approve the contract amendment to extend the Sanford Electric Company, Inc. contract completion date to December 31, 2016.

Request for Approval for Purchase of Water Meters

Mr. Gould requested approval to purchase water meters to be installed for new services throughout the year. Upon motion made by Commissioner Ritter, seconded by Commissioner Daeke, the Board voted 5-0 to approve the purchase of the meters from Carolina Meter & Supply in the amount of \$35,394.40 plus tax.

**Administration:**

Request to Consider Bid for Abandoned Well Sites

County Manager Wayne Vest discussed that the County had six abandoned well sites within the Seven Lakes West Landowners boundaries. He said the Seven Lakes West Landowners Association was interested in the well sites; however, when the bid was received, there was one bid amount for all six properties instead of itemized bids. The legal department consulted with the School of Government and confirmed that the properties should be bid individually to maintain the most competitiveness in the process. Mr. Vest recommended the County provide this information to the Association and request that if there is still interest in the properties, a bid be submitted for each lot. Upon motion made by Chairman Picerno, seconded by Commissioner Ritter, the Board voted 5-0 to instruct Mr. Vest to do the same (as Mr. Vest explained).

**APPOINTMENTS**

Recreation Advisory Board

Upon motion made by Vice Chairman Saunders, seconded by Commissioner Graham, the Board voted 5-0 to remove James Tepatti from the Recreation Advisory Board.

Upon motion made by Vice Chairman Saunders, seconded by Chairman Picerno, the Board voted 5-0 to appoint Michael Gatti to the Recreation Advisory Board to fill the unexpired term of Mr. Tepatti through February 28, 2018.

Workforce Development Board

Upon motion made by Chairman Picerno, seconded by Vice Chairman Saunders, the Board voted 5-0 to reappoint Kristin Richmond to the Workforce Development Board for a three-year term expiring July 31, 2019.

## Library Board of Trustees

Upon motion made by Commissioner Daeke, seconded by Commissioner Ritter, the Board voted 5-0 to waive the term limits for Theron Bell and Clara Bernicken on the Library Board of Trustees and to reappoint Ms. Bell and Ms. Bernicken to the Library Board of Trustees for three-year terms expiring August 31, 2019.

## Transportation Advisory Board

Upon motion made by Vice Chairman Saunders, seconded by Commissioner Graham, the Board voted 5-0 to appoint Yvette Ausby to the Transportation Advisory Board for a three-year term expiring August 31, 2019.

## **MANAGER'S REPORT**

County Manager Wayne Vest announced that this day was Chief Financial Officer Caroline Xiong's birthday. All present sang "Happy Birthday" to Ms. Xiong, led by Public Works Director Randy Gould.

## **COMMISSIONERS' COMMENTS**

Commissioner Daeke discussed the benefit of Moore County's tax base in comparison to other counties, noting that Moore collected much more in revenue despite a lower tax rate. Commissioner Graham expressed her thankfulness for this.

Chairman Picerno clarified comments he made during the Board's previous regular meeting regarding the Department of Social Services and policies recently adopted by the DSS Board. He said his comments were not directed at the members of the DSS Board and he did not intend to indicate wrongdoing on their part. He discussed the timing of the creation of a policy governing public comment and agenda items for the DSS Board, and the concept of perception being reality in politics. Chairman Picerno said that he did not mean to hurt anyone with his comments and he apologized if he did. He explained his desire for the death of a Moore County toddler to be investigated fully.

## **CLOSED SESSION**

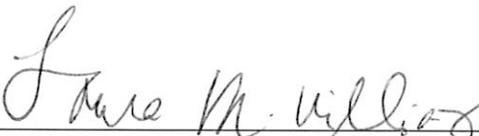
Upon motion made by Commissioner Graham, seconded by Commissioner Ritter, the Board voted 5-0 to enter into closed session pursuant to N.C.G.S. 143-318.11(a)(3) to preserve the attorney-client privilege.

The Board reported no action following closed session.

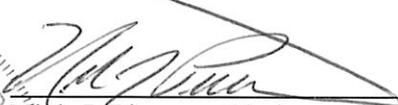
Upon motion made by Commissioner Graham, seconded by Vice Chairman Saunders, the Board voted 5-0 to come out of closed session and seal the minutes.

## **ADJOURNMENT**

There being no further business, upon motion made by Commissioner Graham, seconded by Vice Chairman Saunders, the Board voted 5-0 to adjourn the August 16, 2016 regular meeting of the Moore County Board of Commissioners at 10:19 p.m.

  
Laura M. Williams, Clerk to the Board



  
Nick J. Picerno, Chairman



Appendix A  
8-16-16

## BOARD OF EQUALIZATION AND REVIEW 2016 FACT SHEET

TOTAL NUMBER OF PARCELS IN MOORE COUNTY	70,626
TOTAL NUMBER OF PARCELS REVIEWED BY THE BOARD	80
TOTAL OTHER APPEALS (PERSONAL PROPERTY, LATE APPLICATIONS, EXEMPTIONS, AUDITS, MOTOR VEHICLES)	48

### BOARD DECISIONS

TOTAL NUMBER OF PARCELS DECREASED IN VALUE	59
TOTAL NUMBER OF PARCELS INCREASED IN VALUE	5
TOTAL NUMBER OF PARCELS WITH NO CHANGE IN VALUE	16
VALUE OF PARCELS REVIEWED BY BOARD OF EQUALIZATION AND REVIEW	\$62,558,610
NET ADJUSTMENT BY BOARD	(\$4,496,780)
VALUE AFTER TOTAL ADJUSTMENTS AT BOARD'S ADJOURNMENT	\$58,061,830
PERCENT CHANGE (decrease of real property under appeal only)	-7.19%

#### PERSONAL PROPERTY / MOTOR VEHICLE

Personal Property / motor vehicles	\$234,058.00	
Resulting Values after Appeal	\$5,650.00	
Net resulting adjustment in Value	See notes	(\$228,408)

# BOARD OF EQUALIZATION AND REVIEW 2015 FACT SHEET

## SPECIAL NOTES

### General notes:

The last revaluation in Moore County was effective for 2015.  
The next reappraisal in Moore County is scheduled for 2019.

### Real Property / Motor vehicles Notes:

The decrease represents corrected listing and adjustments on business personal property and Motor vehicles

State of North Carolina  
County of Moore

We, the undersigned members of the Board of Equalization and Review of Moore County, hereby certify that these tax records constitute the fixed and permanent tax list and assessment roll and record of taxes due for the year 2016, subject to only such changes as may be allowed by law.

Jay D. Duke

Clifford D. Adams

Donna Livingston

Bobby Brooks

B. Yarnall

Members of the Board of Equalization  
and Review of Moore County



Appendix B  
8-16-16

**Fiscal Year 2016/2017**

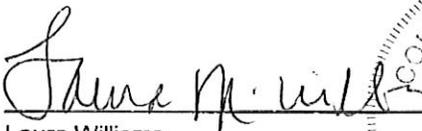
Budget Line Item Number	Budgeted Amount	Increase/ (Decrease)	Revised Budget
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School Lottery - Moore County School for Various Projects in amount of \$796,830.  
Close out Project Sandhills Farmlife School amount \$47,884.

Revenue	47043095 36821	Design Areal I ES	-	508,454	508,454
Expense	47062095 56653	Design Areal I ES	-	508,454	508,454
Revenue	47043095 36822	Keyless Entry Sys.	-	92,000	92,000
Expense	47062095 56654	Keyless Entry Sys.	-	92,000	92,000
Revenue	47043095 36823	Control Entry Vest.	-	90,000	90,000
Expense	47062095 56655	Control Entry Vest.	-	90,000	90,000
Revenue	47043095 36824	Site Investigations	-	42,376	42,376
Expense	47062095 56656	Site Investigations	-	42,376	42,376
Revenue	47043095 36825	Operable Partitions Replace	-	34,000	34,000
Expense	47062095 56657	Operable Partitions Replace	-	34,000	34,000
Revenue	47043095 36826	Adv Career Ctr-Site Investigations	-	30,000	30,000
Expense	47062095 56658	Adv Career Ctr-Site Investigations	-	30,000	30,000
Revenue	47043095 36814	Sandhills Farmlife - Sewer Main	70,310	(47,884)	22,426
Expense	47062095 56548	Sandhills Farmlife - Sewer Main	70,310	(47,884)	22,426

Approved this 16 day of August, 2016

  
 \_\_\_\_\_  
 Nicholas J. Picerno  
 Moore County Board of Commissioners

  
 \_\_\_\_\_  
 Laura Williams  
 Clerk to the Board



10/10/11  
10/10/11

10/10/11  
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Appendix C  
8-16-2016

**RESOLUTION AUTHORIZING AND APPROVING  
(CURRENT) RELEASES AND REFUNDS BY THE  
TAX ADMINISTRATOR**

**WHEREAS**, Gary E. Briggs, Moore County Tax Administrator, has certified a list comprised of various county taxes illegally levied and assessed, the amount certified as being in excess of the amount legally due by the taxpayer and therefore should be released or refunded in accordance with General Statute 105-381.

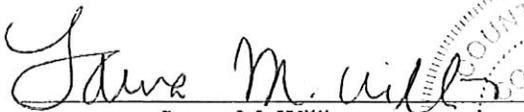
**BE IT RESOLVED** by the Board of Commissioners of Moore County that the taxpayers shown on said list of releases and refunds submitted by Gary E. Briggs, Tax Administrator, are hereby granted such tax release or refund of the county taxes shown and the County Finance Director is directed to make said refunds.

Adopted this the 16 day of August, 2016.

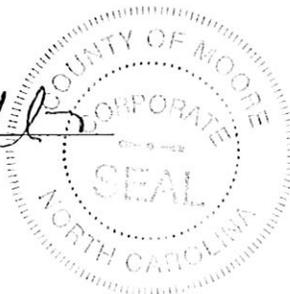


Nicholas J. Picerno, Chairman

ATTEST:



Laura M. Williams  
Clerk to the Board



**RESOLUTION AUTHORIZING AND APPROVING  
(DELINQUENT) RELEASES AND REFUNDS BY THE  
TAX ADMINISTRATOR**

**WHEREAS**, Gary E. Briggs, Moore County Tax Administrator, has certified a list comprised of delinquent taxes illegally due by the taxpayer and therefore should be released or refunded in accordance with General Statute 105-381.

**BE IT RESOLVED** by the Board of Commissioners of Moore County that the taxpayers shown on said list of releases and refunds submitted by Gary E. Briggs, Tax Administrator, are hereby granted such tax release or refund of the county taxes shown and the County Finance Director is directed to make said refunds.

Adopted this the 16 day of August, 2016.



Nicholas J. Picerno, Chairman

ATTEST:



Laura M. Williams  
Clerk to the Board



**REAL ESTATE / PERSONAL PROPERTY / MOTOR VEHICLE  
RELEASES  
OVER - \$100  
July-16**

<u>BILL YEAR</u>	<u>BILL NUMBER</u>	<u>NAME</u>	<u>REASON</u>	<u>AMOUNT</u>
2016	2494	CLASSICAL CONVERSATIONS INC	RELEASE LATE LIST PENALTY	219.23
2016	7478	CRUZ, KAYLA	MOBILE HOME DOUBLE-BILLED	228.99
2016	2914	DAGGETT, WILLIAM	MOBILE HOME DOUBLE-BILLED	330.22
2016	7020	DAVIS, SCOTTIE GENE	MOBILE HOME DOUBLE-BILLED	208.38
2016	6994	LOGAN, JUDITH	MILITARY	164.26
2012	66336	LYNN, ADAM TRENT	MILITARY	172.60
2016	47096	MCCRANN, MICHAEL	REAL ESTATE VALUED INCORRECTLY	119.76
2013	32169	SMALLS, CHRISTOPHER L	MILITARY	102.38
2013	40896	SPANG, DAVID J	MILITARY	238.18
<b>TOTAL</b>				<b>\$1,784.00</b>

**VTS/MUNIS MOTOR VEHICLES  
RELIEF - REFUNDS  
OVER - \$100  
July-16**

<u>Bill Year</u>	<u>Bill Number</u>	<u>Customer Name</u>	<u>Reason</u>	<u>Refund Amount</u>
2015	VTS - 0024586180	ADAMS, CHRISTOPHER JACOB	SUBMITTED TAG TO DMV	\$126.92
2015	VTS - 0031814586	ARABIAN, MATTHEW	MILITARY	\$135.31
2015	VTS - 0026862467	CLAUSEN, KURT	MILITARY	\$140.38
2015	VTS - 0015932343	ELLIS, RALPH IRVING	SUBMITTED TAG TO DMV	\$106.89
2015	VTS - 0018647905	GEORGE, KELLY	MILITARY	\$278.53
2015	VTS - 0032191626	HARRIS, ERIN & BUCY, DUSTIN	MILITARY	\$124.74
2015	VTS - 0029149387	HASH, CHRISTOPHER PATRICK	SUBMITTED TAG TO DMV	\$123.65
2015	VTS - 0025167852	JAMES, JOHN BLAISE	SUBMITTED TAG TO DMV	\$112.01
2015	VTS - 0031342784	LUZAR, RICKEY EDWARD	SUBMITTED TAG TO DMV	\$167.38
2015	VTS - 0010544879	MABE, TIMOTHY LEE JR	SUBMITTED TAG TO DMV	\$113.85
2011	3006897	MCDOWELL, LUCAS	MILITARY	\$120.11
2012	3006023	MCDOWELL, LUCAS	MILITARY	\$129.35
2013	4777	MCDOWELL, LUCAS	MILITARY	\$128.18
2015	VTS - 0029421342	REAVER, MICHAEL & VERONIQUE	SUBMITTED TAG TO DMV	\$104.95
2015	VTS - 0024878323	THOMAS, ARDRENNIA MARIA	SUBMITTED TAG TO DMV	\$124.20
<b>TOTAL</b>				<b>\$2,036.45</b>

Appendix D  
8-16-2016

COUNTY OF MOORE )  
BOARD OF COMMISSIONERS )  
\_\_\_\_\_)

TRANSCRIPT  
Volume I of I  
Pages 1-159

Transcript of the public hearing held before the Moore County Board of Commissioners on August 16, 2016 regarding a Conditional Use Permit request for a solar collector facility.

**AUGUST 16, 2016**

*Appearances:*

Nick Picerno, Chairman  
Randy Saunders, Vice Chairman  
Jerry Daeke, Commissioner  
Otis Ritter, Commissioner  
Misty LeLand, County Attorney

-----  
*Transcribed by:*

Pamela K. Vaughn  
Court Reporter & Transcriptionist  
4225-G Edith Lane  
Greensboro, North Carolina 27409

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1                   CHAIRMAN:    The next item on the agenda is a  
2 request by H. C. E. Moore, II LLC for a Conditional Use  
3 Permit for the use of a solar collector facility.  The  
4 hearing on this matter is judicial in nature and will be  
5 conducted in accordance with special due process safeguards.

6                   Members of the Board may cross examine witnesses  
7 after the witness testifies when questions are called for by  
8 the Chairman of the Board.

9                   The testament that witnesses will give today  
10 shall be taken under oath.  If a witness wants the Board to  
11 see written evidence such as reports, maps, pictures or  
12 other exhibits, then he or she should be familiar with this  
13 evidence and should explain the document and ask that it be  
14 introduced during or at the end of his or her testimony.

15                  Any attorneys who speak should not give factual  
16 testimony but may summarize their clients' case.

17                  Anyone who wants to testify in this matter should  
18 have signed up on the sign-up sheet.  If you wish to speak  
19 and have not signed up, then we will give you that  
20 opportunity now.  Is there anyone here want to speak that  
21 has not signed up?  Very important.

22                  Now, all of you who wish to speak and have  
23 signed, please go to the front to be sworn in or to give  
24 your affirmation.

25                  (All witnesses sworn at one time.)

1 CHAIRMAN: I would also like to ask any of our  
2 Board members who have any information or special knowledge  
3 about the case to please describe that information for the  
4 record so that interested persons will know and can respond.

5 COMMISSIONER GRAHAM: Mr. Chair, fellow Board  
6 members, I have received emails from uh the - one of the  
7 opponents. I did review that with our county attorney and  
8 she did advise me that she didn't think that would be a  
9 reason for me to not sit and hear this. However, she did  
10 advise me that the other reason I discussed with her would  
11 cause it to be a conflict for me to sit and hear this. At  
12 some point in a discussion with Mr. Presley, who is the  
13 farmer that wants it on his property, uh we discussed the  
14 possibility of my husband and I purchasing some land from  
15 him; so, I think that any decision I would make could be  
16 construed to be wrong and for personal profit. So, for that  
17 reason I would ask to be recused.

18 CHAIRMAN: Make a motion Commissioner Graham be  
19 recused from this matter.

20 MALE VOICE: Second.

21 CHAIRMAN: A motion to second. Discussion. All  
22 in favor say aye.

23 (Several voices say aye.)

24 CHAIRMAN: Opposed say no. Motion carries 4-0.  
25 Also before opening the hearing I'd like to give

1 any other Board members a chance to reveal any possible  
2 conflicts and withdraw from these proceedings, if necessary.  
3 Conflicts include but are not limited to a member having a  
4 fixed opinion prior to hearing the matter that is not  
5 acceptable to change, undisclosed communications, a close  
6 family, business or other association or relationship with  
7 an affected person, or a financial interest in the outcome  
8 of the matter. If an objection is raised to a member's  
9 participation and that member does not recuse himself or  
10 herself, the remaining members shall by majority vote rule  
11 on any objection - on that objection. Anyone?

12 (No response.)

13 In this hearing we will first hear from the  
14 Planning Staff, then from the applicant and the witnesses,  
15 and then from the opponents to the request. Parties may  
16 cross examine witnesses after the witness testifies when  
17 questions are called for. If you want the Board to see  
18 written evidence, such as reports, maps, exhibits, the  
19 witness who is familiar with the evidence should ask that it  
20 be introduced during or at the end of his or her testimony.  
21 We cannot accept reports from persons who are not here to  
22 testify. Attorneys who speak should not give factual  
23 testimony but may summarize their client's case. The County  
24 Attorney will correct you if you do not follow the proper  
25 procedures. Before you begin your testimony, please clearly

Debra Ensminger - County Planning Director

1 identify yourself for the record. At the end of all  
2 testimony, the staff will present their recommendations to  
3 the Board.

4 At this time I will open the public hearing and  
5 ask the Planning staff to make the presentation on this  
6 request.

7 MS. ENSMINGER: Good evening, Mr. Chairman and  
8 Members of the Board. Debra Ensminger, Planning Department,  
9 Moore County. H.C.E. Moore, II, LLC is requesting a  
10 Conditional Use Permit to construct a commercial solar  
11 collector facility on approximately 27.5 acres of an overall  
12 approximately 127 acre parcel, par I.D. number 0-0-  
13 0...(hesitates) 0-0-0-0-5-3-4-7 located at 415 Stage Road,  
14 owned by William Richard Presley as identified in the Moore  
15 County Tax Records. This case was properly advertised. A  
16 public hearing sign was posted on the property and all  
17 adjacent property owners were notified.

18 Background regarding the property, planning staff  
19 reached out to the Town of Carthage because it is close  
20 proximity to the E-T-J of Carthage and the Town has no  
21 concerns regarding the request. Current land use, one  
22 vacant stick built dwelling and two large metal storage  
23 containers within the project area and all three buildings  
24 will be removed as illustrated on the site plan. The use  
25 outside the project area is agricultural crops. Adjacent

1 land uses include single family homes and agricultural  
2 crops.

3           The Planning Board met on June the 2<sup>nd</sup> and  
4 recommended denial on a 4 to 2 vote due to the request not  
5 meeting the required finding of fact number three. The use  
6 will not substantially injure the value of adjoining or  
7 abutting property values unless the use is a public  
8 necessity. The motion for denial included the following:  
9 There has been no evidence saying that it will not, there's  
10 been suggestions unsubstantiated that it may not, but there  
11 has not been no proof - there has been no proof, excuse me,  
12 from the applicant that it will not given there has been no  
13 appraisal. The Planning Board asked several questions  
14 regarding the testimony, which we provided in detail  
15 attached in the minutes.

16           When considering this request tonight you're  
17 required to consider the findings of fact concerning the  
18 Conditional Use Permit. The proposed site plan meets all  
19 unified development ordinance requirements. In addition to  
20 the minimum requirements, the applicant is electing to  
21 preserve the 100 foot wide buffer, front vegetative buffer,  
22 excuse me, as illustrated on the site plan. The applicant  
23 is also electing to remove the existing buildings and two  
24 barns as illustrated on the site plan prior to the issuance  
25 of a certificate of occupancy.

1 Staff also recommends the additional condition as  
2 agreed upon by the applicant that should the zoning  
3 administrator, building inspector, environmental health, the  
4 fire marshal or NC DOT identify minor changes, staff shall  
5 be authorized to accept such minor modifications to the site  
6 plan as necessary.

7 And at this time I'll be glad to answer any  
8 questions that you have of me.

9 CHAIRMAN: Does any board member have any  
10 questions for Planning Staff regarding this request?  
11 Commissioner Daeke.

12 COMMISSIONER DAEKE: You mentioned that it  
13 didn't - the reason they defeated it 4-2 is because it  
14 didn't meet the zoning?

15 MS. ENSMINGER: No, sir. The finding of fact,  
16 they did not have an appraisal-

17 COMMISSIONER DAEKE: Oh, because of the-

18 MS. ENSMINGER: -report.

19 COMMISSIONER DAEKE: -value. Okay.

20 MS. ENSMINGER: Yes. And, from what I  
21 understand, they have that tonight to present to you.

22 COMMISSIONER DAEKE: Okay.

23 MS. ENSMINGER: In their testimony.

24 COMMISSIONER DAEKE: Thank you.

25 CHAIRMAN: Any other questions?

1 (No response.)

2 CHAIRMAN: We'll now hear from the applicant and  
3 other proponents of the request. If there are attorneys or  
4 other representatives who will give a general summary of the  
5 client's position, then I'd like you to go first.

6 We're going to have to get you an office here.

7 (Laughter.)

8 MS. ROSS: It's a pleasure to see you again.  
9 It's been a couple of times. Thank you to the staff. Uh, I  
10 do know that we have a little bit of a different, uh,  
11 position this evening and just to check in in terms of how  
12 the Board would like for witnesses to come forward and  
13 testify, uh, we're going to share a microphone; would that  
14 work for everyone? You want us over here?

15 CHAIRMAN: You see any problem with that?

16 COUNTY CLERK: Would you prefer to share a  
17 microphone or the attorneys here and the-

18 MS. ROSS: Uh, I think probably my preference  
19 would be to both be on this side but I don't know if there's  
20 a preference here. It's a pretty far distance-

21 COUNTY CLERK: Yeah.

22 MS. ROSS: -was my only thought. So, if you  
23 have trouble hearing us, let us know. How about that?

24 As the Board knows, I am Katherine Ross with  
25 Parker Pell Adams and Bernstein. I am here this evening

1 representing H.C.E. Moore II in the matter of the  
2 Conditional Use Permit that you just heard the planning  
3 director present to you.

4           We have worked closely with the Planning Office  
5 and with the staff and we appreciate all of their work and  
6 assistance on bringing you this application this evening.  
7 As the Commission knows, the county ordinance requires that  
8 H.C.E. Moore II, as the applicant for the use permit, carry  
9 the burden and to provide you evidence to prove certain  
10 findings which are that the use will not materially endanger  
11 the public health or safety if located where proposed and  
12 developed according to plan. You will hear evidence this  
13 evening from several witnesses. You will hear from Charles  
14 McClure, the developer of the facility, who works with  
15 H.C.E. Moore II and it's parent company Holocene. You will  
16 hear from Mr. McClure that the design meets or exceeds all  
17 of the required conditions and specifications of the county  
18 ordinance and will not materially endanger the public health  
19 or safety if located where proposed and developed according  
20 to plan. In fact, I believe you heard from Staff that all  
21 of the ordinance requirements were met.

22           The second finding is just that. That the use  
23 meets all required conditions and specifications.

24           The third finding is the use will not  
25 substantially injure the value. Substantially injure the

1 value of adjoining or abutting property, unless the use is a  
2 public necessity. You will hear this evening from an MAI  
3 North Carolina licensed appraiser, Richard Kirkland. I  
4 believe the Board is familiar with Mr. Kirkland from some  
5 past hearings. As you know, he will present an in depth  
6 impact analysis analyzing not only the impact of the  
7 proposed H.C.E. Moore II farm on adjoining and abutting  
8 properties and concluding that there is no substantial  
9 injury to property value. But he does that through  
10 methodologies that are used by appraisers across the state,  
11 that are used by appraisers across the nation, in fact. And  
12 looking at matched paired sales and looking at the uses of  
13 adjoining and abutting property, both for this solar farm  
14 and for other solar farms that have been approved operating  
15 in Moore County and in surrounding counties.

16 Finally, you will hear that the location and  
17 character of the use, if developed according to the plan as  
18 submitted and approved, will be in harmony with the area.

19 You will hear also from Chris Sandifer, a North  
20 Carolina electrical licensed engineer. He will provide  
21 expert testimony on the low impact of the proposed facility,  
22 specifically about the limited impact that it has on the  
23 land, that it has on the proposed site, as well as the  
24 larger parcel, as well as on the adjoining and abutting  
25 properties. And you will hear also from Cory Darnell of