

Village of Misenheimer
Council Meeting - Community Building
January 14, 2019

Council Present: Michael "Frizbee" Herron, Mayor
Jeff Watson, Mayor Pro Tem
Micah Edquist, Finance Officer
Peter Edquist

Staff: Anita Blair, Administrator/Clerk

Sworn Visitors: Katherine Ross, Peter Moritzburke,
Isaac Old, Isaac Panzarella, Ed Listerman, Jonathan
Blasco, Richard Kirkland, Lane Peeler, Linda Peeler, Paul
Key, Joyce Cody, Colleen Perry Keith, John Pickler

Council Absent: Mike Burrage

1. Call to Order: Mayor Herron called the meeting to order at 6:00 pm.

2. Moment of Silence: Mayor Herron requested that a moment of silence be observed.

3. Ethics Statement: Anita Blair read the Ethics Statement asking if any Council members present may have any potential conflict(s) of interest or any known or perceived conflict(s) of interest related to the meeting Agenda presented. None were noted.

4. Introduction of Visitors: Mayor Herron asked all visitors present to state their names.

5. Approval of 1/14/19 Agenda: Micah Edquist moved to amend the agenda presented to add a closed session pursuant to NCGS 143-318.11(a)(5) regarding property acquisition and NCGS 143-318.11(a)(3) attorney-client privilege. Jeff Watson seconded the motion and it was approved 4/0.

6. Consideration of Special Use Permit Application for Solar Energy Power Generation System:

Quasi-Judicial Public Hearing – Mayor Herron stated the purpose of the quasi-judicial hearing was to hear and consider the Special Use Permit Application of Orion Renewable Resources, LLC (applicant) for a Solar Energy Power Generation System.

Mayor Herron and Village Attorney, Mac McCarley, described the hearing process in detail. Mac McCarley then qualified each council member individually to determine if any council member:

- 1) Had a fixed opinion prior to the hearing that was not susceptible to change?
- 2) Had communications about the matter before the hearing? If so, with whom and about what?
- 3) Had a close familial, business, or other associational relationship with a person affected by the application?
- 4) Had a financial interest in the outcome of the matter?

Mac McCarley asked the applicant if they wished to challenge any member of Council on the grounds supporting disqualification to sit for the hearing. All questions were answered satisfactorily by Council and the applicant did not challenge any Council Member.

Mayor Herron declared the Public Hearing open.

Mayor Herron administered the following oath to the Village Clerk, Anita Blair. "Do you swear or affirm to tell the truth, the whole truth, and nothing but the truth in the matter before the Council?" The Village Clerk in turn administered the oath to all persons giving testimony.

Anita Blair briefly explained sections 11.4 and 5.34 of the zoning ordinance which were relevant to the proceedings. She also presented the Planning Board recommendation to the Village Council which was: Approval of the Special Use Permit Application with the following conditions: To be compatible with adjoining uses: 1) the applicant should provide a forestry plan that will create a continuous year-round visual buffer to the project, and 2) the applicant

should be required to increase the setback in the northern corner to at least 50 ft and consider requiring all setbacks shown as 25 ft. submitted to the Planning Board to be increased to 50 ft.

The applicant and applicant’s representative presented their case as to why they should receive the Special Use Permit. Katherine Ross, Attorney for the applicant, reviewed all requirements in detail noting that each requirement had been met or exceeded. The following people presented their testimonies as expert witnesses in their respective fields and their handouts were entered as evidence into the record.

- Peter Moritzburke - Orion Renewable Energy Group, Development Consultant
- Isaac Old – RSG, Sound Analysis Consultant
- Isaac Panzarella – NC Clean Energy Technology Center, Licensed Professional Engineer
- E. A. Listerman – Registered and Certified Forester
- Jonathan Blasco – Timmons Group, Landscape Architect
- Richard Kirkland – Kirkland Appraisals, LLC, Real Estate Appraiser

Council questioned the expert witnesses after each of their presentations. At the conclusion of the expert witness presentations, additional comments, questions, concerns, and support were heard from community members.

Katherine Ross recapped all findings, rebutted expressed concerns, and asked the Village Council to approve the Special Use Permit application presenting four conditions open for conversation.

- 1) Provide a forestry plan for a continuous year-round buffer
- 2) No mining activity on the property
- 3) Any decrease in setbacks reflected in the layout shall be considered a major change to the Ordinance and will require an amendment to the Special Use Permit
- 4) Will pay a \$50,000 one-time fee in lieu of installing a hardscape sidewalk along Wesley Chapel Road

Mayor Herron concluded the evidence portion of the hearing. No further comments were permitted.

Mayor Herron closed the Public Hearing and Council began deliberation.

Micah Edquist moved to approve the Special Use Permit with the conditions presented. Mayor Herron proposed a friendly amendment to put barrier plantings around the whole perimeter of the fence. Mac McCarley did not feel there was evidence in the record to support this condition. Micah Edquist did not accept the amendment to the motion. Jeff Watson seconded the motion and it was approved 4/0.

A recess was called at this time and the meeting reconvened at 10:18 pm.

Mac McCarley recapped all findings of fact for each of the six requirements needed to grant the Special Use Permit. Micah Edquist moved to approve the findings of fact and grant the Special Use Permit. Jeff Watson seconded the motion and the motion was approved 4/0. (See attachment “Order of the Misenheimer Village Council Granting a Special Use Permit.”)

7. Approval of 12/12/18 Council Special Meeting Minutes: Micah Edquist moved to approve the special meeting minutes as presented. Peter Edquist seconded the motion and it was approved 4/0.

8. Review Unaudited Financial Status at 12/31/18 – The report was provided for Council review and reflected the following balances at 12/31/18:

General Fund	\$ 482,201
Powell Bill Fund	\$ 85,480
Carolina Thread Trail	\$ 8,131 (Grant #2) Trail Acquisition Grant (Village, Richfield & New London)

9. Police Report – December, 2018: The police report was provided for Council review and reflected the following: Total traffic stops-236, total charges-187, vehicle crashes-1, arrests-10.

Jeff Watson left at this time. A vote was not taken to excuse him; therefore, all votes are counted as affirmative for the remainder of the meeting as if he was present.

10. Resolution Supporting the North Stanly Bicycle & Pedestrian Plan: A resolution supporting the North Stanly Bicycle and Pedestrian Plan was presented. Peter Edquist moved to approve the resolution. Micah Edquist seconded the motion and it was approved 4/0.

11. Other Business: No other business was heard.

12. Closed Session to Discuss Property Acquisition NCGS 143-318.11(5) & NCGS 143-318.11(3) Attorney Client Privilege: Peter Edquist moved to enter into closed session. Micah Edquist seconded the motion and it was approved 4/0.

Micah Edquist moved to end the closed session. Peter Edquist seconded the motion and it was approved 4/0.

13. Adjournment – The meeting adjourned at 11:08 pm.

Mayor Michael “Frizbee” Herron

Date

Anita Blair, Administrator/Clerk

Date