

**HAMLET CITY COUNCIL REGULAR MONTHLY MEETING
HAMLET CITY HALL COUNCIL CHAMBERS
201 MAIN STREET, HAMLET, NC 28345
TUESDAY, July 8, 2014 – 7:00 PM**

MINUTES

Governing Body Present:

Mayor	William Bayless
Mayor Pro Tem	Johnathan Buie
Council Member	Tony Clewis
Council Member	Jesse McQueen
Council Member	Eddie Martin
Council Member	Pat Preslar

Staff Present:

City Manager	Marchell David
City Clerk	Tammy Kirkley
City Attorney	TC Morphis
Acting Police Chief	Rodney Tucker
Fire Chief	David Knight
WTP Supt.	Robert Brown
Zoning	Gail Strickland
Museum Manager	Miranda Chavis
IT	Zach Garner
Park & Rec Director	Mitch Bowman
Public Works Dir.	Billy Stubbs

Others Present: approximately 50 attendees. Media -2

- 1. Call to Order.** Mayor Bayless called the meeting to order.
- 2. Invocation.** Councilman Tony Clewis offered the invocation.
- 3. Adoption of Agenda.** Council Members Preslar and Buie motioned to adopt the amended agenda as presented that includes two items under the Closed Session- Attorney Client Privilege and a Personnel matter. The vote passed 5-0.
- 4. Minutes Approved:** *Closed Session June 10, 2014, Regular Meeting Minutes June 10, 2014 and Emergency Meeting June 23, 2014.* Council Members Buie and McQueen moved to adopt the minutes as submitted. The April 8, 2014 Closed Session Minutes were removed for amendments. The vote passed 5-0.
- 5. Comments from Attendees.**
 - **Ron Mayo-** reported that the Fourth of July events and Fun Day were very successful. He commended the Police & Fire Departments, as well as, Miranda Chavis with the Depot. The Cruise-In was a success also. He gave his appreciation to council.

Mayor Bayless then took a moment to note a recent issue with dogs running about around McDonald Avenue and said that a lady was dog bitten around this area today. He reported that the county has taken over as the dog warden. The Mayor apologized publicly for this unfortunate event and reiterated that city is doing the best that can at the moment to address the issue. The Sheriff's Department was thanked for their efforts and participation.

- 6. Presentation by Sandra Sea of CSXT Communication Affairs & Safety.** Mrs. Sea presented council and said that CSX is out and about within the community. She provided a telephone number for non-emergency calls and said there are also numbers located at the crossings for emergencies. The non-emergency number is 1-877-tellCSX. She pointed out that there is someone in Jacksonville, Fla. taking the calls and they will send callers to correct location. Mrs. Sea reported another outlet for the community is Operation Lifesaver; this is a national nonprofit organization that partners with CSX and it educates the public on Railroad Crossing Safety. She invited volunteers to learn and assist with this program. Ms. Sea also reported another safety program being launched is "See Tracks-Think Train.org". She welcomed volunteers to help with the Operation Lifesaver program; the injury rates for NC is a somewhat increased. Ms. Sea reported on the outreach and volunteerism extended at the Hamlet City Lake within the last year or so sponsored in part by Beyondourrails.org. CSX also sponsors a NASCAR driver, David Reagan #34, which sponsorship correlates with the "I break for trains campaign". Ms. Sea concluded by asking the city to let CSX know if they can do anything for the Hamlet Community. Councilman Preslar suggested adding a link for CSX Safety and contact numbers to the city's new website.
- 7. Proclamation.** The Mayor read aloud a proclamation recognizing CSX's 60th Anniversary to the Classification Yard in Hamlet. The proclamation was presented to Ms. Sandra Sea.
- 8. Preview of New City Website.** Zach Garner, Information Technology with the City of Hamlet presented a power point presentation to the public as a preview of the newly created city website. Mr. Garner wanted to redo the website and modernize it somewhat. Councilman Preslar suggested adding businesses in Hamlet. Councilman McQueen confirmed the web address is found under Google. Mr. Garner went through a number of updates and changes to the site and welcomed feedback from council and the public. He also reported that he is working on building a responsive site, which will allow the site to adjust its sizing for mobile phones, notebooks, I pads and the like. Council thanked Mr. Garner for his commendable work on the new site and in getting the site up-to-date and citizen friendly. The website address is: www.hamletnc.us.
- 9. Public Hearing-** Solar Farm Ordinance. Mayor Bayless explained that Hamlet has not had a Solar Farm Ordinance. The city attorney has worked with the city in helping to draft a proposed ordinance. The Mayor then opened the floor to the public hearing.

Maggie Clark- NCSCA advocate for policies that create economic growth throughout NC through investment and renewable energy and energy efficiency. She talked about a template for a solar ordinance that their organization helped to create. NCSCA and NC Solar Center at NC State University came up with the template ordinance and she noted the many others who were consulted in in the creation of the document.

She provided background information on the 6 month process in developing the ordinance. Ms. Clark said the American Planning Association has adopted this template ordinance as the “go to” solar zoning documents.

Ms. Clark said NCSCA is pleased to see that the majority of Hamlet’s proposed ordinance mirrors very closely to the template ordinance. She made three points about how it differs from the template ordinance and how it may hinder solar development. She talked about the issues with the setbacks, the cost of the opaque safety fencing and the decommissioning of the solar farms if they do not produce power for 6 months.

Greg Ness- FLS Energy – affiliate FLS Finance owns property on Freeman Mill Road. He thanked council for reviewing the template ordinance and for reviewing the best practices for this unique business in North Carolina. He wanted to verify Ms. Clark’s noted three points and he said those are agreeable in practicality with FLS.

Mr. Ness addressed key concerns that frequently come up in this type of hearing: noise level- he has talked to engineers and such and said the only moving part on a solar farm is the inverter, which is a fan that cools the equipment inside of the box. The inverter sounds like the hum of a refrigerator- a quite white noise. He said it’s about a 10-20 ft. max distance where you can hear the white noise. Another question he gets is concerning the glare. Mr. Ness said if there is any glare at all, he considers that lost revenue, which is a no-no in the industry and he explained that this is not an issue with the typical solar panel. Mr. Ness talked about the importance of preserving rights to develop property and he pointed out the system sizing’s for levels 1-3. Mostly one will see a level 3 system, which is a larger one that is being developed. He explained the differences in the size of solar farms. Mr. Ness stated that he is in support of this ordinance and he will be happy to talk to anyone with concerns.

Tony Clewis confirmed that Mr. Ness owns 50 acres in Hamlet’s ETJ and that Mr. Ness’ plans to build a farm that will have approximately 20,000 panels over 25-28 acres of the 50 acre site.

Pat Preslar inquired about potential leakage and contamination from the panels. Mr. Ness replied that the panels are made of flat silicon and sand and said it is in a purified form.

Bill Bayless reminded council and the public that they are considering an ordinance for the city and that council is not considering a solar farm application.

Mr. Morphis talked about the distention between levels 1-3, page 4 and page 8 Section 3, the table of permitted uses for solar systems. Setbacks: Level 1 – panel on top of person’s house. Level 2- larger ground base system, it can be located in the Agriculture Residential zoning area, a project of any size, light or heavy industrial is considered a Level 2, in that case you have a 125 ft. setback for Level 2 and a Level 2 project will be a zoning compliance issue and there no special use permit needed, which is staff level. Level 3- is where most solar farm projects will end up and anything in Agriculture Residential zoning district, over a half acre and anything in the B2 District, Level 3 projects are not allowed in light or heavy industrial areas.

Mr. Morphis said Mr. Ness is talking about a Level 3 project and will have to go through a special use permit process. It is allowed in an Agriculture Residential zoning district. Section 3 – Level 3 explains where this is allowed and via a special use permit.

Bill Bayless asked about a new industrial area that will be coming available and if this is put in first will this have an effect on the park or would it stop heavy industrial from being put in at this location and Mr. Morphis said it should not and explained. Pat Preslar talked about probable solar farms for the city to generate revenue. Mr. Morphis said for tonight what is important is to understand Levels 1-3, understand what staff can do with zoning permit and what can be done via special use process. He suggested if something needs discretion then it needs be through the special use process. Mr. Buie asked if this will affect the permitted usages for other industries in the area. Mr. Morphis stated this is an additional use in light and heavy industrial zones and doesn't affect other existing usages in any way. There is nothing that affects proposed usages off site, this ordinance deals with setbacks a solar farm has to meet on its property. Gail Strickland talked about Level 2 – RA and less than a half-acre, light or heavy industry could be any size could go in Industrial I-1 or I-2 and permits issued at city hall and that's where you find most of the solar farms. She talked about Level 3 – RA, since homes can be around or may be in business areas to use the special use process; this would go to the Board of Adjustments and have a public hearing. Mrs. Strickland reiterated that set-backs would have to be adhered to.

Mr. Ness noted that most solar farms are located in Agriculture Residential areas because of the cost of land and avoiding conflicting uses of buildings next door that would shade the panels.

Jesse McQueen said he is not against hindering tax value nor is he against bringing in revenue. He said he doesn't see where this would benefit the city; he doesn't know of anywhere in the city in size that would allow the farm. He is concerned this would be approving an ordinance to allow someone to put something outside of the city limits that could harm or hurt our citizens. Mr. McQueen said the ordinance is well written; however he is not for it.

Mr. Morphis said currently we do not have specific use regulations for solar farms and explained if we do not have one and receive an application, then we would have to allow it somewhere presumable with fewer restrictions. He said if council feels the ordinance is too lenient, and then to add requirements they feel appropriate. He gave examples of what council could add if desired. He said Hamlet needs something in place; otherwise there are no regulations at all. He confirmed that Hamlet could eliminate the farms within certain districts.

Mr. Morphis advised to allow the ground base solar farms somewhere (Level 2 & 3) but where could be restricted like heavy industrial or such. He recommended that solar farms as a ground mounted use be allowed somewhere in town but to what extent is up to council's discretion. Tony Clewis said he doesn't live too far from the area but doesn't want it in his back yard. He noted the pros and cons of a solar farm; he revisited the lowering of tax value and the aesthetics.

Ms. Clark reported that this is a huge growing industry in our state and noted a study in California that was performed regarding property values. The study found the solar farms actually increased property values. Ms. Clark noted that a study has not been conducted in NC.

Kaye Hunt questioned why they would buy the property before they got the ok to build the solar farm. Mr. Ness explained it is situated next to a good interconnection point with utilities. He stated there is enough space to maneuver the farm on the site and that the group planned on going through the conditional use process initially and several things came up. He said they withdrew the application to work with the City of Hamlet to do it correctly for future developers. Mr. Ness confirmed that he would be open to the property being annexed into the city. Mr. Buie said this location is not a good area for a solar farm.

Jesse McQueen pointed out what Mr. Preslar mentioned earlier about a solar farm and said it was not a discussed item, it was briefly mentioned.

Mr. Ness stated they were planning on having a world class solar farm. He confirmed they had a buffer of roughly 300 ft. built into the plans so as not to cause an aesthetic issue or a property value issue, if any. Mr. Ness said the assumptions of property values are on both ends, there is no evidence either way.

Councilman Martin asked about tabling the matter for further study. Mr. Morphis recommended that an ordinance be adopted tonight and if the board at a later date decides that some standards needs to be changed then to do so. He said if you do not have a solar farm ordinance in-place and there are no regulations, that's a use permitted in any zoning district. Mr. Clewis asked if council could take some of the things out that they are not happy with and discuss and add to it. Mr. Morphis confirmed that council could adopt tonight as permitted in a district then it would be permitted in that district until council amends it. Council briefly asked about spacing requirements.

Mr. Morphis recommended council to adopt the ordinance tonight in some fashion. He said he has no opinion if this is appropriate or not for Hamlet but he hears three members of the board with strong opinions about it. Mr. Morphis recommended that a version of this ordinance be adopted that comes as close as possible to a majority of the board. He stated he is hearing from council for it to be removed from an Agriculture Residential zoning district, require all Level 2 &3 uses be approved in special use permit. If removed from RA zoning district, it would not be allowed on the proposed site.

Mayor Bayless welcomed any other comments for the public hearing.

Wendy Massagee presented council and said she lives in the affected area. She noted that this property is almost a cut out with the city limits almost all the way around it. She provided council with a map.

With no further comments, the public hearing was closed.

10. Consideration of Adopting Solar Farm Ordinance. Mayor Bayless asked for council's wishes. Mr. McQueen asked if council makes the amendments as suggested, if there was an application to go on the discussed site tonight, then the applicant would not be able to go there. Mr. Morphis said if council removes Level 3 solar energy systems from the RA zone, then it would not be allowed on that property.

Mr. McQueen motioned to adopt this with all of the amendments Mr. Morphis mentioned. Mr. Clewis seconded the motion. Gail Strickland asked for clarification. The attorney mentioned a few other inclusions and deletions that may want to be considered in the amendments.

At 8:18 pm, a five minute recess was called by Mayor Bayless for the city attorney to identify in writing all of the desired amendments within the ordinance.

The meeting commenced at 8:34 pm. With there being revised changes to the ordinance, Councilman McQueen then withdrew his earlier motion.

Mr. Morphis said he has met with the city manager and the planning director and it has been recommended that the ordinance be adopted as written with the following changes: 1) ground mounted Level 1 solar energy system be removed completely from ordinance, 2) Level 2 solar energy systems not be permitted in the Agriculture Residential zoning district, 3) Level 3 solar energy systems not be permitted in the Agriculture Residential zoning district, and 4) that both Level 2 & Level 3 solar energy systems require a special use permit for approval.

Councilman McQueen motioned to accept the ordinance as listed with the amendments by the city attorney. Councilman Buie provided the second. The vote passed 5-0.

11. Approval of Contract- Marks Creek Industrial Park Property. Mayor Bayless reported in a previous meeting council approved to accept the Marks Creek Industrial Park property. The Mayor explained that a contract is needed to be approved for the acquisition of the property. Council Members Martin, McQueen and Clewis motioned to accept the contract as submitted. The Mayor further explained that the property is located off of Hwy. 177 S. and the Marks Creek Group has turned it over to the City of Hamlet. Any funds realized from said property will go back into Downtown Hamlet. The vote passed 5-0. Mr. Morphis reported that he will take care of coordinating the closing for the property with the attorney's office.

12. Recognition of Achievements and New Officers. Fire Chief Knight introduced the department's newest employee, *John Dewitt*. He said Mr. Dewitt replaces Matt Simmons and reported that he comes to Hamlet from Rockingham where he was a full time fire fighter and gave other background information. Acting Police Chief Tucker then recognized *Eddie Smith*, a Sergeant Detective with the Hamlet Police Department. He recognized Sergeant Smith for receiving his Certificate in the Criminal investigations Program with the NC Justice Academy. He explained that the program requires over 500 hours. Chief Tucker read aloud a plaque for the accomplishment. Mr. Smith was congratulated by council.

- 13. Appointment of Council Representative to the Hamlet ABC Board.** The Mayor reported that Mrs. Covington's term on the board has expired. Councilman Preslar nominated Eddie Martin to serve and Mr. Martin accepted the nomination. Mr. Clewis seconded. All were in favor 5-0.
- 14. Appointment to the Opera House Board.** Council Members Buie and McQueen motioned to appoint Lynne Blake to serve on the Opera House Board. The vote passed 5-0. There are now five members appointed to this board.
- 15. Appointment- Council Representative to LRCOG.** The mayor reported that Councilman Tony Clewis has served in this capacity for several years and is a benefit to the city. Johnathan Buie motioned to reappoint Tony Clewis to go back as council representative to the Lumber River Council of Governments, Council Preslar provided the second. All were in favor with a 5-0 vote. The Mayor stated out of seven counties, Mr. Clewis was elected to be the Chair and said it looks good on Hamlet.
- 16. Approval of Tax Releases.** The tax releases were approved as presented by motions of Councilman Clewis and Buie. All in favor. Vote passed 5-0.

Departmental Reports.

Mitch Bowman reported that a successful baseball season in Park & Rec has ended. He gave the registration dates for soccer. Mr. Bowman boosted an upcoming Golf Tournament and reported that the funds will be used for a train themed playground that will be placed a location in the city to be determined. The Mayor commended the newly erected flag at Memorial Park.

17. Manager's Report.

Marchell David thanked city staff for everything they did during her absence. She said she is looking forward to the upcoming year and looking forward to seeing progress.

- 18. Motion to go into Closed Session per NCGS Section 143.318-11 (a) (3) to discuss matters within the attorney-client privilege.** The Mayor said this will be concerning the SBI report, the crushed vehicles and a personnel matter. Council Members Preslar and Buie made the motions. The vote passed 5-0.

Open Session reconvened at 10:28 pm and the Mayor said there is a motion to be made from the closed session.

Councilman Buie motioned for the attorney to look into the shucks for the 23 crushed cars, to ask the attorney to call the SBI to look at the report to see where they are; and following that at the August 12th meeting, council will be looking at contacting an outside investigator regarding the administrative side and the scope of the towing policy and the crushed cars. Mr. Martin made the second to the motion. All were in favor 5-0.

19. Comments of Council

Pat Preslar thanked the Police Department, Miranda Chavis and the Hamlet Downtown Business Association for a good time during the fourth of July. He also said it has been a good baseball season for Park and Recreation. Mr. Preslar thanked Tammy & Jill for carrying through with the budget process and welcomed the manager back.

Jesse McQueen asked Chief Tucker to investigate any dog issues within the city.

Tony Clewis took a moment to thank Tammy, Jill, Edna, Gail and all who helped while the manager was out. He commended the Police and Fire Departments for their good work during the Fourth of July. All department heads were thanked.

Eddie Martin commended the good job on the fireworks display and downtown activities on the Fourth and noted it brought in a lot of visitors to the city.

Johnathan Buie thanked Zach Garner for the new city website and noted it was a long time coming and said it looks great.

20. Mayor's Comments

Mayor Bayless thanked Miranda Chavis, the police and fire chiefs and all who helped with the Fourth of July activities and said it was a real success.

21. Adjournment of Meeting

At 10:34 pm, Council Members McQueen and Preslar motioned to adjourn the meeting. The vote passed 5-0.

Respectfully submitted,


Tammy Kirkley, City Clerk

