

ERWIN BOARD OF COMMISSIONERS
REGULAR MINUTES
MARCH 6, 2014
ERWIN, NORTH CAROLINA

The Board of Commissioners for the Town of Erwin with Mayor Patsy Carson presiding, held its Regular Meeting in the Town Hall on Thursday, March 6, 2014 at 7:00 P. M. in Erwin, North Carolina.

Board Members present were: Commissioners William Turnage, Frankie Ballard, Randy Baker, Thurman Whitman, and Alvester McKoy.

Board Members absent was: Commissioner Ricky Blackmon.

Town Manager Richard Douglas, Town Clerk Cynthia Patterson and Town Attorney Mac Hunter were present.

Mayor Patsy Carson called the meeting to order at 7:00 P. M.

Commissioner Randy Baker gave the invocation.

Those present recited the Pledge of Allegiance.

APPROVAL OF AGENDA

Commissioner Baker made a motion to add under **Consent Items 3D** Section 4-1016 House Moving Board of Commissioners Written Consent Moving from 405 E. Jackson Blvd. to 413 Lucas Road and was seconded by Commissioner Turnage. The Board voted unanimously.

Commissioner Turnage made a motion to approve the agenda with the above changes and was seconded by Commissioner Whitman. The Board voted unanimously.

CONSENT ITEMS

Commissioner Baker made a motion to approve (**Item A**) Approval of Regular Minutes of 02/06/14, (**Item B**) Proclamation for Multiple Sclerosis Awareness Week March 3-9, 2014, (**Item C**) Financial Summary Report for January 2014, (**Item D**) Section 4-1016 House Moving Board of Commissioners Written Consent Moving from 405 E. Jackson Blvd. to 413 Lucas Road and was seconded by Commissioner Turnage. The Board voted unanimously.

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PUBLIC HEARING

CU-2014-002 CONDITIONAL USE APPLICATION FOR A PUBLIC FACILITY AS A SOLAR ELECTRIC POWER PLANT

Commissioner Ballard made a motion to go into Public Hearing at 7:02pm and was seconded by Commissioner Turnage. The Board voted unanimously.

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Erwin Planner Kathy Blake informed the Board that this will be a quasi-judicial hearing and all persons presenting evidence must swear or affirm their testimony.

Kathy Blake, Henry Campen, Cader Bryant, Louis Iannone, Brent Niemann, and Richard Kirkland all came forward and stated the oath.

Ms. Blake began the hearing in stating that this is a Conditional Use Permit application for a Public Facility as a Solar Electric Power Plant that borders Erwin Access Road, US 421 and Dunn Erwin Rail Trail. The applicant is Strata Solar. The zoning is R-10, M1 and B-2. There are two parcels identified as PIN 0597-96-8180.000 and PIN 1507-16-1715. The project area is depicted in green as an Entrance Corridor Overlay, in light purple as Industrial, and in white as Rural Density Development. A site plan was submitted and was amended by the Planning Board Members to include a landscape buffer of 20 feet with the Dunn Erwin Trail and 40 feet landscape buffer from west right of way of Erwin Access Road to wetlands area. Existing vegetation will remain. The landowner will be responsible for maintaining landscape/vegetative buffers in perpetuity. All required landscape vegetation that dies shall be replaced by the property owner at their expense. The Town shall inspect the site annually for potential violations. A minimum planting height of landscape plantings is 5 feet. The site plan has plants at 4 feet at time of planting. Northwest most property line maintain a minimum of a 20 foot vegetative buffer, maintaining the existing vegetation where practical for the full approximately 811 feet. Install plants in the 20 foot buffer area adjacent to the project fence. The Planning Board reviewed and voted in the affirmative on each Finding of Fact individually for CU-2014-002 and to recommend for approval CU-2014-002 and to include conditions listed above.

Ms. Blake stated that a Decommissioning Plan was prepared by Staff. It is modeled after the decommissioning plan that the Town of Angier accepted as well as combination with the template the State put out earlier this year for a model solar energy ordinance at which the Town Attorney has looked at. A copy was presented in the agenda packet with the change that the bond was taken out.

Staff recommends that prior to the issuance of a zoning permit, that the applicant submit a recombination plat to redistribute the 2 parcels so that 1 parcel is the project site and the second parcel is the remainder of the acreage.

Commissioner Baker stated that he would like first to hear from the citizen's.

Mayor Carson asked if anyone would like to speak in favor of the proposed Conditional Use Application to please come forward.

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Wallace Truelove of US Hwy 421 came forward and stated the oath. Mr. Truelove had a question concerning the field with a circle of trees, will they be removed? Ms. Blake stated that there were plans to remove the trees in question. Mr. Truelove also stated that there are 3 trees on his property that he would like to have removed and gave permission to have them removed as well.

David Strickland of Hwy 421 came forward and stated the oath. Mr. Strickland expressed concerns with the buffering at which will not be any buffering from his property line at the corner to the panel.

Mr. Henry Campen, Attorney for Strata Solar came forward. Mr. Campen proceeded to review a booklet that was given to the members of the Board and Staff at the beginning of the meeting. Mr. Campen stated that there are 3 affidavits for this proceeding, Mr. Iannone, Mr. Niemann, and Mr. Kirkland at which they will be given to the Board and also a summary of list of 7 findings that your ordinance requires and must make in order to grant the permit.

Cader Bryan came forward and addressed the Board. Mr. Bryan's parents are the owners of this property. They have strong roots in this community so it's good to be back in Erwin. My grandparents lived here for 60 years at which my mom was raised here. I still have an Aunt and Uncle who lives on Denim Drive and a cousin and her family live on South 7th Street. So I'm very excited about this project that I think will have positive outcome for everyone involved including the Town of Erwin. I am concerned about the possibility of the decommissioning bond of which what impact it will have on the project and was in my conversation with the Strata. Representatives don't think that's necessary because the outcome will be positive and manageable for all sides. I appreciate the opportunity to speak this evening and thank you very much.

John Daniel came forward and addressed the Board. Mr. Daniel has been fortunate enough to marry into this fine family. I'm married to Susan Bryan. We live in Charlotte and a native of Charlotte however we have spent a lot of time in Dunn and Erwin. I think very highly of this community. I'm a lawyer by trade and I have been assisting Mr. and Mrs. Bryan as they have negotiated with the Strata Solar people. Because of their advanced years they wanted a lawyer to help them deal with Strata Solar. The first thing I'm going to say is how impressed I am with Strata Solar. They have been very up front with me and very clear about their intentions and just very impressed with the organization and think the Town of Erwin would have a good experience with Strata Solar. I have done some investigation about them and the whole solar

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industry and think this is an exciting opportunity for the Town of Erwin and sees no down side. I know there is some discussion about decommissioning concerns, I have talked with their lawyer about this and talk with the Town of Erwin's lawyer Mr. Hunter about this and I'm satisfied that a bond would not be necessary but I'm not the expert on this and Mr. Campen is and I'm sure he could answer any questions you may have about that. Thank you for letting me speak to you.

Louis Iannone came forward and addressed the Board. Mr. Iannone works for Strata Solar, if you would like to follow my affidavit; I'm pretty much using that as an outline. I'm a Site Developer for Strata Solar. I acquire sites and then take them through the process as we are doing tonight. Strata Solar is a solar development and construction company headquartered in Chapel Hill and employ about 80 professional staff in our office in Chapel Hill. We today have completed over 50 solar power plants in similar size to this and operate those as well. So we do everything from what we are doing right here to operating the plant and we are in the business long term. One correction to your affidavit, we are the 6th largest developer in the Country. That includes very high production solar energy states such as California, Arizona so you can image they are big developers in those states. North Carolina is actually the 5th rank solar energy generation state. We are by far the largest developer in North Carolina. So I'm familiar with these projects. I have been working for this company for about 9 months. I'm also familiar with this Conditional Use Permit request and I personally toured the property and assisted with the design and assisted with preparing this application. So we submitted a special use permit as a municipal facility under your code. We proposed to construct a solar electric power plant on land approximately 76 acres owned by the Bryan's and you can see where the plan is located. I trust you know this location. The property as Kathy explained is currently zoned M1, R6, and B-2 and municipal facilities are allowed as conditional uses in each of these zoning districts with a conditional use permit and as a public policy in the State of North Carolina by general statute to promote renewable energy. Under State law electric utilities are required to purchase an increasing amount of renewable energy. This farm is being developed under this policy. As part of that process we apply with the North Carolina Utility Commission for a certificate of Public Convenience and Necessity and have been granted over 70 of these. As part of that process the utility commission submits our application to nearly every other state agency and it goes through and all of those agencies have the opportunity to return comments. We rarely have a comment returned. We have not had any under this application. We will be interconnecting to Duke Energy Progress. So our facility will connect to the power grid and we will sell energy directly to Duke Energy. That is a very valuable asset which has had some discussion about the bond and I think what occurs to me that this facility may never be decommissioned. It's such a valuable location and franchise that we believe it could easy be refitted in 20 to 30 years and continue to generate energy and will be paid for. Can't image how it will not be maintained it's too valuable of income producing. We will contribute \$12,000 annually to Harnett County. I believe in the later part of the package Mr. Campen has explained how we meet several of your land use plan goals.

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Copy of Affidavit will be included with minutes.

Brent Niemann came forward and addressed the Board. Mr. Niemann stated he was a Civil Engineer with Strata Solar. Mr. Niemann has been with Strata Solar for a year and a half. In that year and half he has worked on at least 100 solar farms of this size or larger. Strata Solar proposes to construct 41 acres of the 76 acre parcel. We are on both sides of the Erwin Access Road as well as the South side wetland feature. We have had the Core of Engineers on site as well as NCDNR to evaluate the streams and buffers. This is reflected in our site plan. There is a little patch of wetland break in the woods so we miss most of the impacted areas, if there are small impacts we will permit them through the nationwide process with the Core of Engineers. The solar farm will contain rows of photovoltaic cell solar panels mounted to steel racking that is mechanically driven in the ground. The site will be constructed in one phase. The solar cell configuration contains no moving parts. The electric components will have an Underwriters Laboratories listing and the facility will comply with the edition of the National Electrical Code adopted at the time of construction. The creation of solar energy is virtually silent. The only sound is the quiet hum of equipment converting and conveying electricity to the power grid during daylight hours. Solar panels are designed to absorb rather than reflect light. The solar farm will not have any lighting and no chemicals or hazardous substances will be utilized on the site. The solar panels will be less than 10 feet in height as measured from the grade to their highest point, much lower than the typical house. The area beneath the solar panels will be planted with grass or other vegetation to stabilize the soil. The active area of the solar farm will be enclosed by a 6 foot high chain link fence with 3 strands of barbed wire along the top of the fence to prevent unauthorized access to the site. The solar farm will not be staffed daily. Employees will visit the site weekly to maintain the equipment and manage vegetation. The site will not require water or sewer services. If approved tonight, construction should begin in October. Strata Solar will obtain an erosion control permit from the North Carolina Department of Environment and Natural Resources before starting construction on the proposed solar farm. For these reasons stated above, it is my professional opinion that the proposed solar farm will not impair the integrity or character of the surrounding or adjoining districts nor be detrimental to the health, morals or welfare. Access to the site will be from proposed driveways on Erwin Access Road. A driveway permit application will be submitted to the North Carolina Department of Transportation for the driveways shown on the submitted site plan. For the reasons stated above, it is my professional opinion that adequate measures have been or will be taken to provide ingress and egress to minimize traffic congestion with respect to the proposed use. As reflected in the site plan and the application materials, the proposed use conforms in all respects to applicable regulations.

Copy of Affidavit will be included with minutes.

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Richard Kirkland came forward and addressed the Board. Mr. Kirkland stated that he is a Certified General Appraiser located out of Fuquay. He has been working the area since 1996. Mr. Kirkland was hired by Strata Solar to conduct an analysis to determine whether Strata's proposed solar farm to be located on the west side of Erwin Access Road will impair the integrity or character of surrounding or adjoining districts. He has visited this site and neighborhood and also visited 20 or more solar farms across North Carolina as part of my evaluation. The solar farm will consist of solar panels that generate no noise, no smell and less traffic than one typical residential dwelling. There will be no hazardous materials used on the solar farm. The solar panels will be approximately 10 feet in height, much lower than the typical house. He conducted a series of matched pair analyses. A matched pair analysis considers sales of two similar properties where there is only one difference between the properties. This analysis enables one to determine whether that one difference has any impact on value. In this case the difference was presence of an adjoining solar farm. Among the matched pairs I examined were residential properties adjoining solar farms compared to comparable properties that do not adjoin solar farms and also matched pairs of vacant residential and agricultural land. In all five instances, my analysis revealed that there was no impact on the price paid for real estate that adjoins a solar farm versus property that does not. My analysis of more than 20 solar farms across North Carolina showed that in the majority of instances the adjoining land was used for residential and/or agricultural uses. The data and analysis supporting my opinion is contained in my report attached to this affidavit.

Copy of Affidavit will be included with minutes.

Mayor Carson asked if anyone would like to speak against the proposed Conditional Use Application to please come forward.

Mr. Henry Campen came forward and informed the Board that this will conclude this testimony. Mr. Campen very briefly reviewed of what was heard and findings of what was required in the Ordinance.

Copy of Evidence Supporting Required Findings for a Special Use Permit under Part 9, Article 11 of the Town of Erwin Zoning Ordinance will be included with minutes.

Mr. Campen then addressed the staff's recommendation that a bond be required to Strata Solar for this facility, willing to agree to a decommissioning plan as conditional use permit but Strata objects to a bond. The form of decommissioning plan that Ms. Blake indicated matches the format recently adopted by a large group of some 200 site holders that came together to put together a model solar ordinance for the staff. I have a list here of organizations that participated in adoption of this model ordinance. The significance of this is that group after working on this for 8 to 9 months did not include the requirement for a bond in their model ordinance. We agree with that decision. Strata does and here is why. The solar farm will be an operating asset. Will be a generating asset for many many years this is basically a 50 year asset. They have a long term contract with Duke Energy Progress which will be renewed and

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extended for a long period of time. Maybe an idea for a bond comes from some fault that solar farms maybe come obsolete at some point. There is simply no evidence to support that. Look at the market, we had electric rates increasing, the utilities has announced intention to file for additional rate increases so the cost of electricity is going up. The cost of solar power is going down. The prices of solar panels have dropped dramatically over the past several years. So the cost of solar has decreased, all of this is going to make the value of this facility greater as the years go on. Solar energy is an increasable important part of our energy landscape. Duke Energy own actions establishes, 2 weeks ago they issue a request for proposal for 3 hundred megawatts of solar power. That's 50 of these facilities. They want to own that much solar because they believe that solar is subjecting an increasing important part of the energy landscape. This farm is as Mr. Iannone indicated simply too valuable of an asset to be decommissioned. That's not going to happen. No one is going to walk away from revenue generated asset of this magnitude. It was mentioned about the bond in Catawba County, Strata Solar Farms has built 50 solar farms in North Carolina. Catawba County they had no choice, they had a commitment to an investor that couldn't back out of it their hands were tied. That's not the case here so one community out of 50 has required this bond, legally that evidence that is not something that's necessary for approving. Think about other adoptions that the Board had approved over the years in the community, whether it's building a Wendy's or Progress Energy Substation which is in your jurisdiction. Was the owner required to post a decommissioning bond for any of those facilities? I rather doubt it. Particularly restaurants that is notorious for going out of business. An empty Wendy's to use that as example, is not a revenue generating asset year after year after year. If it goes dark, it goes dark it's not producing any revenue. This asset will produce revenue as long as there is sunshine. My client would like to make a multi-million investment in this community. That will create jobs during construction and create tax revenue for the County. We ask in this case you will not jeopardize this opportunity for your community over something that is not necessary specifically the bond. Thank you very much.

Town Attorney Mac Hunter stated that the issue with the bond has been all along and in Mr. Hunter's opinion should require a bond. After hearing the testimony tonight, convinces Mr. Hunter that the value of this property is going to be such, while we can't get to the property to do anything that the property itself is not going to be allowed to be closed down and left sitting there. Financial Institute will be involved in this matter will certainly come in and sell it to someone or remove the solar panel from the premises and sell them. Someone will come in and buy it. I'm personally convinced that the value is there. Mr. Hunter told the members of the Board that he was not a Board member and they will need to make the decision based on a business decision and the manager has a decommissioning report at which staff has prepared and was based on the Town of Angier.

Town Manager Richard Douglas asked Strata Solar if the revised language is acceptable in place of the bond. Mr. Campen stated that no it is not for this reason, that language that is highlighted in yellow will be very offensive and problematic to our investors. Strata may not be able to attract investors because of uncertainty of this.

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This equipment is very expensive, it's financed, and there are senior lien holders that have security interest in all of this equipment. If something was to happen that bank or insurance company or institute investor is going to have first priority position that can't be upset by this. Nevertheless, will spook investors to the point that will jeopardize the ability of Strata to attracting investment in this particular project to build it. Mr. Hunter and I have talked about this before, if this is a complex issue, I understand the issue that you are trying to get at, we talk that this is a statutory procedure for local community to declare something in a nuisance and obey the nuisance and there by create under states statues in your ordinance a lien on the property and that lien would have first priority just like a tax lien. That's the best way it seems to Mr. Campen to protect the Towns interest is to use Statutory procedure that is already in place because of prior of anything over and above what is State's law.

Commissioner Baker asked the question could a nuisance ordinance be enforced in our ETJ. Mr. Douglas stated that he has discussed this with the Town Attorney and it would be difficult to enforce the nuisance provisions. We can amend the ordinances to make it cross reference to the development section or code without with having experience in the past with nuisance vehicles you've got to have that cross reference to be able to enforce in the ETJ area.

Mr. Campen stated that to set the record straight the decommissioning plan absence the yellow highlighted language or bond requirement is fine, that runs with the land. A special use permit is an obligation that usually runs with the land. If Strata Solar were to sell this project sell this property to another developer they would still have the obligation to remove the decommissioning so that runs with the land. This is simply too valuable of an asset to decommission. It will generate revenue for years to come no one would want to shut this thing down.

Mr. Douglas stated that annexation has be brought up and mentioned only a portion of this 50% is in the Town's limit, that does calls for some concern and Strata Solar has been asked if they would consider annexation. Strata Solar is opposed to this but it does provide some concerns to be able to provide law enforcement, code enforcement nuisance abatement nothing we can't work through but it does provide concerns. Also Mr. Douglas pointed out the revenue it is primarily for the county, the Town will get very little tax revenue and it's across the board and the State so you are aware its only 20% of the value of the facility that is taxable. Don't want the Board to think that since this a multimillion dollar investment that all of this is taxable it's only a portion of it.

Commissioner Turnage made a motion to close public hearing at 8:35pm and was seconded by Commissioner Baker. The Board voted unanimously.

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Commissioner Baker made a motion to accept the Planning Board Findings of Facts as the Board of Commissioner's Findings of Facts and agree with all of those in affirmative, would also accept and approve the Conditional Use for the Solar Farm on Parcel identified as PIN# 0597-96-8180.000 and PIN# 1507-16-1715.000 with the conditions that the buffer as stated in Staff's comments be maintained along the area stated Erwin Access Road and Dunn Erwin Rail as stated for the landscape area and was seconded by Commissioner Whitman. The Board voted unanimously.

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TAXICAB CERTIFICATE OF CONVENIENCE AND NECESSITY,
TTA RESCUE & TAXI 111 SOUTH 13TH STREET

Commissioner Turnage made a motion to open public hearing at 8:45pm and was seconded by Commissioner Ballard. The Board voted unanimously.

Town Manager Richard Douglas informed the Board that a application has been submitted for a Taxicab Certificate of Convenience and Necessity. The location is 111 South 13th Street and the applicant is Katherine Tyler.

The applicant Katherine Tyler was not present.

Mr. Douglas stated that any taxi cab operation that intends to operate in Erwin must have a certificate of convenience and necessity issued by the Board of Commissioners (must be renewed annually). As part of the application process, a criminal background check and review of equipment are being completed by the Police Department, with a summary of results to be presented by the Interim Police Chief.

There are a number of issues concerning this application such as the state of the vehicle, the uncertain availability of insurance for the vehicle and criminal background issues most importantly having a revoked driver's license and a current charge being heard by Harnett County driving with revoked driver's license that happened a few days ago.

Staff does not recommend based on what we have found that a Certificate of Convenience and Necessity be issued for this applicant.

Mayor Carson asked if anyone would like to speak in favor of the proposed Taxicab Certificate of Convenience and Necessity to please come forward.

No one came forward.

Mayor Carson asked if anyone would like to speak against the proposed Taxicab Certificate of Convenience and Necessity to please come forward.

No one came forward.

Commissioner Baker made a motion to close public hearing at 8:58pm and was seconded by Commissioner Turnage. The Board voted unanimously.

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Commissioner Baker stated that based on an incomplete application and background check for this applicant he made a motion to deny the Taxicab Certificate of Convenience and Necessity, TTA Rescue and Taxi 111 South 13th Street and was seconded by Commissioner Ballard. The Board voted unanimously.

OLD BUSINESS

NFIP CORRECTIVE ACTIONS UPDATE

Town Engineer Bill Dreitzler came forward and informed the Board that he will be submitting the 5th status report with National Flood Insurance Program. That will eliminate another four tracks of land. The letter we received on November 1, 2013 list 18 different parcels that we had to deal with in terms of noncompliance issues. The four that we will be eliminating in my status report, 3 were because we were able to find and will be providing documentation that they were constructed prior to February 1997, which was when the flood hazard protection ordinance went into place. The fourth, Mr. Dreitzler was mapping the locations and was noticing that one of the properties on Waters Edge Drive was about as far from the Cape Fear River that you can possibly be in that development, so looked at the map again and pulled up the floods map and actually this house is in the 500 year flood plain and not the 100 year flood plain. Some of the property is but the structure is not. Mr. Dreitzler stated that he will be providing this documentation as well. That will actually bring us to 8 properties that will need to make corrective action.

Mr. Dreitzler met with a Masonry Contractor Jerry Baker which was recommended by Larry Wade from Freedom Homes who lives out in that neighborhood and also constructed a number of the homes. Both Mr. Wade and Wellons have both been very helpful in the research and trying to find these documentations. At the 8 locations, in terms of installing vents at the lower elevations and leaving the existing vents in place. Mr. Dreitzler intentions are to do the field inspections next week and with that will determine how many vents each at the 8 locations need to be installed to bring each of those homes in compliance with the ordinance. Looking at a approximately \$100 a vent so we are looking at less than \$5,000. Maybe less than that, don't think we will have that many vents at all of those locations but will not know that until the inspections are done.

This will leave the HVAC units as the other major cost implication. We have had some discussion and will be making a request for all of these locations pending the field inspections of FEMA that when we handle the HVAC units which are below the base flood elevation is that the homeowners due to the age of most of these structures when they have to replace them, they will have to be replaced in compliance with the ordinance. Mr. Dreitzler stated if FEMA accepts this then there will not be any additional cost of the Town of Erwin. There are a couple of minor items that are addressing of some out buildings in terms of anchoring, removing AC units/window units but really don't have a significant cost effect.

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So at this point, in going from 18 structures that we started with to the 8 that will have some corrective actions, in moving forward if the Board was comfortable with a budget of \$10,000 that we would not exceed at this point in time, would like to move forward with masonry in terms having the vents done. Make the request of FEMA to allow us to have the requirement of the homeowners address the HVAC whenever they are going to pull a permit to be replaced.

Mr. Douglas stated that what we are asking for is to have this on the Consent Agenda next month to perform a budget amendment with an authorization to spend up to \$10,000.

Commissioner Baker made a motion to allow Staff to spend up to \$10,000 for the mediation of homes effected by the Flood Plain and was seconded by Commissioner Turnage. The Board voted unanimously.

YARD SALES ZONING TEXT AMENDMENT

Town Planner Kathy Blake stated at your January 9, 2014 meeting, the Board of Commissioners held a public hearing to review the recommendation from the Planning Board and the recommendation from staff concerning proposed yard sale regulations. After questions to staff and discussion among the Board members, the Board of Commissioners directed to staff to research how some of the neighboring municipalities handle yard sales and to define a yard sale.

Staff reviewed 14 municipalities to find out if they regulate yard sales and if so, some of the basic limitations and has included the table with the results for your review. In summary, 13 do have yard sale restrictions; the majority do require permits, although not all charge a fee; 5 limit yard sales to 2 times per year and 48 hours per sale; and the majority limit sales to daylight hours and to residential areas.

ZT-2013-006 was sent to the Planning Board on February 17, 2014 with a definition for yard sale and includes a nonprofit exception. It also includes yard sale as an accessory use in residential zones, with sales only during daylight hours during a 48 hour period not more than 1 per month without a zoning compliance permit.

Planning Board Recommendation:

At their regular meeting on February 17, 2014, Planning Board reviewed the proposed text and amended (not a substantive change) the wording of the yard sale definition and then voted to recommend for approval ZT-2013-006.

After some discussion, it was suggested to amend Part 9 Chapter 4 Article 4 Section 9-4041.8 Accessory Uses with the following language:

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Yard sales, as defined in this ordinance, are specifically permitted as an accessory use in all residential zones in all properties currently used by residential purposes. Such sales may be conducted in the front yard provided sales do not exceed 48 hours (consecutive) in length, with sales only during daylight hours, and no more than 1 per month. No zoning compliance permits required for these sales.

Commissioner Baker made a motion to approve ZT-2013-006 Amendment to the Zoning Ordinance, Section 9-4041.8 to Define and Regulate Yard Sales and was seconded by Commissioner Turnage. The Board voted unanimously.

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ADJOURNMENT

Commissioner Turnage made a motion to adjourn at 9:15 pm and was seconded by Commissioner Baker. The Board voted unanimously.

**MINUTES RECORDED AND TYPED BY
CYNTHIA B PATTERSON TOWN CLERK**

Patsy M. Carson
Mayor

Cynthia B. Patterson, CMC
Town Clerk