

**MINUTES OF THE THOMASVILLE CITY COUNCIL MEETING ON MONDAY, OCTOBER 16, 2023 AT 6:00 PM AT 20 STADIUM DRIVE, THOMASVILLE, NC.**

Elected officials in attendance: Mayor Raleigh York, Jr.; Mayor Pro Tempore Hunter Thrift, and Council Members Ron Bratton, Doug Hunt, Wendy Sellars, Lisa Shell, and Payton Williams. Council Member Jeannette Shepherd had an excused absence.

1. Call to Order – Mayor York called the meeting of the Thomasville City Council to order and welcomed everyone in person and online.

2. Additions and Deletions to the Agenda – No changes were requested.

Council Member Thrift moved to approve the agenda as presented. Council Member Hunt seconded. Motion unanimously approved 6 – 0.

3. Recognitions and Presentations

C. National Breast Cancer Awareness Month (October) – This was presented by Council Member Sellars. She said, “Early detection is the key to survival... Just make sure you’re getting those annual mammograms. It’s super, super important.”

D. Domestic Violence Awareness Month (October) – This was presented by Mayor York.

4. Public Forum

A. Pastor Ellis McLendon spoke regarding the need for a homeless shelter in Thomasville with training programs. He also addressed the need for sidewalks on Douglas Drive to keep the children safe.

B. Joe Gray, a resident of Colonial Village, spoke regarding the need for maintenance the of overgrowth in the Unity/East Sunrise area, because vehicles can’t see around the curve. (Trinity representatives told him that area is Thomasville’s responsibility. Thomasville representatives have told him it is Trinity’s responsibility.)

Additionally, he requested that stop signs be added at the new exit and on down Unity from 62 to Blair, because traffic is too fast through that residential area. There are also no stop signs on the cut-off streets at County Line and East Sunrise. He believes NCDOT is doing a traffic study, but nothing has been done yet. He requested that a stop sign, flashing red light, or something be put up to slow people down.

Mayor York said he’d have staff look into those areas.

C. Pastor Kevin Sellars spoke regarding the need for a homeless shelter in Thomasville with programs to help people get back on their feet.

5. Public Hearings

A. <u>Request for Rezoning:</u>	(Z-23-06)
Applicant/Owner:	William & Martha Anderson
Location:	Lambeth Rd.
Parcel Number:	16348C0000410
Existing Zoning:	R-10 Low Density Residential
Proposed Zoning:	C-2 Highway Commercial

Mayor York advised that the Planning Board held a public hearing on September 26, 2023 and voted 5-1 to approve this request because:

- This area is adjacent to 109 – one of the major highways coming into Thomasville;
- Changing to a C-2 would promote retailing and personal services for residents and non-residents;

- The 2035 Comprehensive Plan encourages mixed-use and commercial use along 109; and
- This rezoning is reasonable and in the public interest due to its consistency with the comprehensive plan and, as a result, its furtherance of the goals and objectives of the comprehensive plan.

Mayor York opened the public hearing.

Applicant/Owner William Frank Anderson asked Council to approve the rezoning so he and his wife could put self-storage buildings on the land.

Henry Miller came forward to say that he was in favor of the rezoning. However, he asked that Council consider:

1. Extending vegetation and privacy buffers on the property on Lambeth Road to help preserve the residential look of the neighborhood; and
2. Limit access to 109 to preserve the residential nature of the adjoining properties.

No one else came forward to speak for or against it. Mayor York closed the hearing.

Council Member Hunt moved to approve this rezoning for the same reasons as the Planning Board. Council Member Williams seconded. Motion unanimously approved 6 – 0.

B. <u>Request for Rezoning</u>	(Z-23-07) Solar Farm at Baptist Children's Home
Applicant:	Kayla Marshall
Owner:	Baptist Children's Homes of North Carolina c/o Sam Barefoot
Location:	Farmview Road & Baptist Children's Home Road
Parcel #s:	1633400000029, 16106000B0001, 1633800000007 & 1615800080001
Existing Zoning:	R-10, R-8, M-2 Proposed Zoning: CZ-M-1
Conditional Use Permit:	Solar Energy

Mayor York advised that the Planning Board held a public hearing on September 26, 2023 and voted 6-0 to approve this request because:

- The rural nature of the land to be used for the Solar Farm and the land surrounding the property provide a significant buffer for adjoining properties. (As long as it will include Opaque fencing, where the project abuts residential properties and no other buffers exist).
- Analysis shows no negative impact to property values where the Solar Farm abut nearby properties.
- The Solar Farm is a compatible use for the property owned by Baptist Children's Home.
- Find that this rezoning is reasonable and in the public interest due to its consistency with the comprehensive plan and, as a result, its furtherance of the goals and objectives of the comprehensive plan.

Mayor York opened the public hearing.

Tom Terrell, attorney for Farmville Solar, handed out notebooks to Mayor, Council and the City Attorney and City Clerk, which included:

- Sam Barefoot's letter of support on behalf of the Baptist Children's Home;
- the application;
- site plan with added conditions to accommodate neighbors;
- landscape plan, for anywhere additional landscaping is needed;
- health and safety report;
- market impact study by Kirkland and Associates; and
- a Powerpoint presentation.

A copy of this notebook can be obtained upon request of the City Clerk.

All speakers in favor of and against this rezoning were sworn in for the quasi-judicial part of this public hearing, except Mike Floyd, who said he wasn't giving any evidence.

Mr. Terrell asked for a 5-year vesting period to get this project up and running, since it will take a while for Duke Energy to approve this project. He said, "This company will have spent in the millions of dollars before they can get something out of the ground. The statute authorizing you to make that decision is 160D-108.1(c) and (e)(1) and (e)(2)."

Tom Delafield, Director of Project Development for Renewable Energy Services presented the Power Point presentation on behalf of Farmview Solar. He requested a conditional rezoning to M-1 and a special use permit.

See the Power Point presentation on file for all the specific details.

In summary, he said:

- This farm may incorporate battery storage, at Duke Energy's discretion.
- It will provide approximately \$2.5M in net new taxes to the County.
- The total project area is 321 acres, but only about 240 acres will be included.
- The solar farm will be about .5 miles from the Downtown.
- Many environmental and engineering studies have been done and have come back favorable.
- There were 2 public information meetings for property owners within 100 feet of the project (but only about 5 or 6 people attended.)
- If approved by Duke Energy, this project would start construction in 2026 or 2027, with final engineering and design to follow.
- It would adhere to City's setback requirements with 35' buffers in the front, and 20' on side and rear with even more significant natural buffers along roadways and adjoining properties.
- Equipment would be 30' from the centerline of North Hamby Creek with a 15' vegetative buffer around the entire project boundary.
- "The site is wooded right now, and we plan to preserve that timber and that vegetation where possible." They have submitted a landscaping and buffer plan.
- "The site will avoid all wetlands and flood plains."
- They requested some 7'-8' wildlife-friendly non-opaque fencing and will plant pollinator-friendly clover ground cover. Opaque fencing will be used in highly residential areas, such as along Johnstontown Road, Escape Lane and Dogwood Road.
- They may need to relocate Farmview Road, at their expense, as approved by the Utilities Director, except in array areas that will not be included in the project.
- Solar Farms are minimal impact, because they don't create noise, light, odor, vibration, emissions or traffic, vegetation will conceal the panels after some years of growth, and they will comply with the flood plain development requirements, so they don't affect the property value of surrounding areas.
- They created a landscaping plan, in case some additional landscaping is needed.
- The solar farm life is about 35 years. During that time, it is monitored remotely 24/7. It will be mowed 5-6 times per year. The equipment is inspected monthly/quarterly/annually.
- At the end of it's life, it will be decommissioned. The Decommissioning Plan was submitted with the application.
- It will be registered with NCDEQ.
- *Benefit to the Community:* "The solar farm will produce approximately \$2.5M in net new taxes for the County. The EPA estimates it will produce over \$1M of public health benefit every year. During construction, which we think will take between 12-18 months, we'll use about 150 people, and we are committed to working with the City and the County EDC and the Thomasville Chamber to utilize local contractors and suppliers wherever possible for things like fencing, grading, wiring, conduiting, timber services, fuel, sanitation, equipment rentals, lodging, food, etc. Solar farms do not require any demand or any City services,

so that means no additional emergency services, no children in school, and doesn't require the extensions of any other traditional forms of infrastructure. And having a distributed resources or distributed generator like a solar farm improves the resiliency of the Thomasville electrical grid."

- "Farmview Solar will power approximately 3,500 homes. The power generated will be distributed by Duke Energy and will likely serve local residents and businesses."
- "We are redeveloping an underutilized managed timber tract to provide reliable income for the Baptist Children's Home. Farmview Solar will provide a substantial increase to the Davidson County tax base. And it encourages economic development through an increase in local demand during construction."
- The project location is outside of all city historic districts. Mills Home Orphanage Cemetery is outside of the project fence line.

Council Member Williams said there was a lot of concern about the trees that were going to be cut down. Mr. Delafield advised that these trees are part of a "managed timber tract," which are trees that were planted as an investment and were grown with the intention of being thinned out and cut down for income.

Council Member Sellars asked what will happen to the equipment after the solar farm is decommissioned. Mr. Delafield said after 35 years, the solar panels may still be at about 80-85% capacity, which isn't enough for utility use, but still may be good enough for another use or will be recycled. They are about 95% recyclable.

Nick Kirkland with Kirkland Appraisals is a certified general appraiser and is an expert in property value impact. He came to testify about the impact study.

He said, "Overall, this would be a harmonious use in the area in which it's proposed."

He added, "Homes near solar farms are selling for the same prices as homes directly next to solar homes...Therefore, it's my professional opinion that the proposed use will not negatively impact the adjoining property values."

Tommy Cleveland, a licensed engineer specializing in solar, prepared the health and safety report for this matter. In his professional opinion, "There's no health or safety concern to the public if this project is developed. It's using the same kind of solar panels that hundreds of other projects across North Carolina are using. There haven't been any problems with this. This site's also got batteries, which are a little bit newer than solar panels, but also have been out in the field now for quite a few years, especially in some states other than North Carolina, and there are no concerns for public health or safety."

Sam Barefoot, Senior Vice President of Baptist Children's Home, said one of his jobs is finding sustainable economic support for BCH. Another is finding the highest and best use for the 5,000+ acres of their land for their mission of "Sharing hope, changing lives for children."

He said BCH got out of the farming business in the 1990's and planted trees instead. The trees are coming to fruition at this time. Sam has looked at many different ways to use the land, including meeting with Fed Ex regarding a hub, but none of them fit what he wanted to see in Thomasville. Farmview Solar, on the other hand, is very well vetted and has a good reputation. They have provided tremendous amounts of details.

He said BCH serves 10,000 children in the system in NC. They're currently growing foster homes, and it will take money to be able to sustain that mission. That is what is driving them with this project. They need to come up with a good plan for the future to give some sustainable income to BCH of NC. He feels the solar farm is "the highest and best use for Baptist Children's Homes to help sustain us as we go forward."

Mayor York asked if anyone else wanted to speak in favor of the rezoning.

Pastor Mike Floyd of First Baptist Church came forward. He said the solar farm will provide stable funding for the long-term care of children for 35 years or more, so it's an important investment.

Mayor York asked if anyone wanted to speak against the rezoning.

Joey Ellsbrook said he is in favor of the children having income. He was, however, concerned about an increased smell from the wastewater treatment plant when the trees are cut. He asked that the City address that if a problem arises.

David Stanley said the construction would be a nuisance and would run off all the wildlife. He said he's not against the solar farm, but we need trees, and he doesn't want to lose the peace and natural beauty back there. He was concerned about only having a 15' barrier.

Mr. Delafield explained, "From the property line, you'll have 15' of vegetation that is on the BCH property, and then you're usually going to have some sort of 5' corridor in between the vegetation and the fence so that you can maintain the fence from the outside if you need to. Then you have the fence line and probably a 25' interior service road that's compacted and suitable for emergency vehicles that goes all the way around any array areas, and then the panels start, maybe 5' outside of that...The setback from property line to panel is much greater than 15'...and where the project basically adjoins dense residential and in the northwest corner, as well as on the eastern boundary, we are proposing to not do wildlife permeable fencing there, and instead do, likely, chainlink fencing with opaque screening on it."

Mayor York closed the public hearing.

City Attorney Whitman advised that there need to be two separate motions, the rezoning first and the conditional use second.

She also asked if they wanted to get the 5-year vesting now, instead of once the site-specific plans are finished. Mr. Delafield confirmed that they wanted the 5-year vesting now, because it is very unlikely that they'll have the site plans ready within 2 years. Attorney Whitman advised Council to make this motion pursuant to 160D-108.1(E)(2)

Mayor Pro Tem Thrift moved that Council approve the rezoning for Z-23-07 from R-10, R-8, M-2 to CZ-M-1 for the reasons that Mayor York stated earlier and because it is consistent with the Comprehensive Plan. Council Member Hunt seconded.

Mayor Pro Tem Thrift said he grew up in that area, and he's excited for this. He thinks it's going to be good for the Baptist Children's Home and for the community.

Council Member Williams said, "These trees were predestined to be cut down anyways, so it makes me excited that we're taking that land and using it for a sustainable, renewable energy. I think that's the best thing that probably could have come from it."

Motion unanimously approved 6 – 0.

Mayor Pro Tem Thrift then moved to approve the conditional use permit with a wildlife-permeable fence and to grant the 5-year vesting period based on 160D-108.1(E)(2). Council Member Hunt seconded. Motion unanimously approved 6 – 0.

6. Consent Agenda – Assistant City Manager Bowling spoke briefly about each of these items:

A. Consideration of Approval of Minutes – Briefing Meeting on 09/11/23

B. Consideration of Approval of Minutes – Council Meeting on 09/18/23

C. Consideration of ARPA Grant Project Ordinance

The ordinance appropriates all remaining ARPA grant funding in the General Fund to supplant FY 2024 PD salaries. Supplanting salary costs in the General Fund using ARPA grant funding allows us to expend and report all grant funds efficiently and timely and free up General Fund dollars to be used at the City Council's discretion for future projects, without the restrictions and regulations attached to federal grant funding.

D. Consideration of Grant Project Ordinance: Assistance to Firefighters Grant

This ordinance appropriates funding for the FY 2022 Assistance to Firefighters Grant. The Fire Department was awarded \$47,273 of federal grant funding for 13 complete sets of turnout gear. The City's contribution is \$4,727, which represents the required 10% match. The grant budget totals \$52,000.

E. Consideration of Budget Amendment P4-01

The amendment transfers funding for: the city's contribution to the FY 2022 FEMA Assistance to Firefighters Grant (AFG); the aforementioned ARPA supplanted General Fund payroll and Utility Capital Project Fund costs; a \$55,000 W/S Fund contingency appropriation for any additional costs of the new ARPA funded projects (\$50,000) and new furniture in the B/C Division at City Hall (\$5,000). The amendment also transfers the \$50,000 originally budgeted as a contribution to Davidson County EDC to the Administration Dept. for Main Street funding and implementation of the Streetscapes Plan. \$3,000 in General Fund contingency is appropriated in the Mayor/Council Division budget for public bus wrap advertising, and \$12,425 (15% match) is appropriated for the city's contribution to the GHSP DWI Taskforce grant project.

F. Consideration of Revised Grant Project Ordinance: Golden Leaf Project M – Nucor

The ordinance appropriates funding for an additional \$130,000 added to the total project budget for the cost of ordering larger 24" inch (previously 12") sewer piping for the extension to the Nucor plant. Golden LEAF will reimburse for the cost of 12" piping as per the original grant award. Davidson County has agreed to pay the difference in the cost to upgrade to the 24" piping.

G. Consideration of Grant Project Ordinance: Governor's Highway Safety Program

The Police Dept. received a continuation grant from the N.C. Department of Transportation – Governor's Highway Safety Program for the second year of DWI Task Force grant funding for the period of 10/1/2023-9/30/2024. The grant is 85% funded by the state and includes a 15% city match of \$12,425.

H. Consideration of Resolution in Support of Operation Green Light

This Resolution will show the City's support of Operation Green Light from November 6 – 12 in Thomasville. This encourages residents and businesses in the City to display green lights in their windows in recognition of our current and past military members.

Council Member Sellars moved to approve all the items on the Consent Agenda. Council Member Shell seconded. Motion unanimously approved 6 – 0.

7. Regular Agenda

A. Consideration of Amendments to City Ordinances Chapter 54, Article 1:

- SECTION 54-12. SOLICITING AND BEGGING

Police Chief Dustin Carter said this amendment seeks to address aggressive panhandling, solicitation, or peddling in public places. It also prohibits certain conduct, such as unwanted touching, the usage of obscene or abusive language, or forcing oneself upon another while soliciting, panhandling, peddling, while under the influence of alcohol, or after having illegally used any controlled substance as defined in the NC Controlled Substance Act.

This amendment further addresses locations where panhandling, soliciting or peddling is prohibited, such as entrances to financial institutions, automatic teller machines, outdoor dining areas, transit stops, private property without the owner's consent, on city streets/medians/shoulders, in school zones during arrivals and departures of students, or within 50 feet of any city-owned or operated building or facility.

Any person who violates this ordinance shall be guilty of a misdemeanor as provided in NCGS 14-4 and upon conviction shall be subject to a maximum fine of \$500.

- SECTION 54-16. CAMPING ON PUBLIC AND PRIVATE PROPERTY

This ordinance would prohibit individuals from camping on public and private property due to such activity posing a public health and safety hazard, which adversely affects neighborhoods and commercial spaces.

The purpose of this section would seek to maintain streets, parks, and other public and private areas within the city in a clean, sanitary and accessible condition and to protect the health, safety and public welfare of the community. This ordinance makes it unlawful to camp upon any city-owned property, including without limitation, streets, sidewalks, parking lots, parking structures, easements, open spaces, parks and cemeteries, as well as any privately owned property without permission from the landowner.

Any person who violates this ordinance shall be guilty of a misdemeanor as provided in NCGS 14-4 and upon conviction shall be subject to a maximum fine of \$500.

- SECTION 54-17. URINATING AND DEFECATING ON PUBLIC PROPERTY

This ordinance would make it unlawful for any person to urinate or defecate on any public place, sidewalk, street, alley or right of way or in any public building, except in toilet facilities, or upon private property that is visible from any public place.

Any person who violates this ordinance shall be guilty of a misdemeanor as provided in NCGS 14-4 and upon conviction shall be subject to a maximum fine of \$500.

Council Member Hunt moved to approve all these ordinances. Mayor Pro Tem Thrift seconded.

Council Member Hunt said, "We're not trying to make it a crime to be homeless. What we're doing is, we had a lot of complaints about the panhandlers and people of that nature getting very vulgar, getting very up in people's faces, actually accosting a few women and things of that nature while asking for money. That's why I requested these ordinances to be written."

Council Member Sellars advised that Council has had numerous conversations about the increasing amount of unhoused individuals and panhandling, and the increasing need for homeless shelters. She said, "We want our community to know that this Council does not want to make being homeless a crime. We just want individuals to understand that there's a time and a place for everything...Everybody who's unhoused and you see out on the street, maybe, panhandling, they're not bad people. They just need a little assistance. The economy now days, with people losing jobs and just different situations and circumstances that they run across, can sometimes cause them to be unhoused."

Council Member Williams added, "(Cities) are kind of hamstrung by what we're able to do to help. Owning and operating a homeless shelter is outside of our purview. We have policies all the way up through the State statutes that don't allow us as a city to do things like that." She also shared that the DA is very understanding about folks' situations and will work with people if they are working to improve their situation, instead of enforcing a fine at that level.

Council Member Bratton said, "I think it's very important that we understand that we initially, when we got our ARP money, we looked at some social things. Pretty much what we found out was that our money is not for that. It's Davidson County who is supposed to handle social issues. They have the health department and all of those. So, there's not any funding from the City. It has to come from the County. That's my understanding, that they handle social programs. We couldn't use the money we got from the government to do it, so we can't do anything really about it."

Motion unanimously approved 6 – 0.

#### B. Consideration of Replacement of Article II. Noise Ordinance

City Attorney Whitman introduced an ordinance to replace our existing noise ordinance, which would be more effective and in line with our community and how we function now. She said it still included a "reasonableness standard" for our officers to use, but it specifically puts in noise time limits as follows:

Sunday through Thursday, 10:00 PM - 7:00 AM

Friday and Saturday, 11:00 PM - 7:00 AM

New Year's Eve, Everybody's Night, July 4<sup>th</sup>, 2:00 AM – 7:00 AM

Mayor Pro Tem Thrift moved to approve this ordinance. Council Member Hunt seconded. Motion unanimously approved 6 – 0.

#### 8. Committee Reports and Appointments, Mayor's Report and Appointments, City Manager's Report, City Attorney's Report

Council Member Williams mentioned that October 9 was Indigenous People's Day. In honor of that, she recognized the indigenous people of Thomasville and Davidson County, including the Keyauwee, Cheraw, Cattawba, and Occaneechi people.

Council Member Hunt congratulated Keith and Heather at the Chamber of Commerce for putting on another great Everybody's Day. He also thanked the City staff who did the clean up after the festival. He said, "I came through there a couple hours after it was over, and you couldn't tell anything even happened that day. It was spic and span. It was great."

He also reminded people to be extra cautious and looking out for the kids when driving on Halloween.

Additionally, he encouraged people to make their voice heard and get out and vote.

Council Member Shell said Everybody's Day was great, as was Fun in the Park. She said a lot of people came out, and that's good to see in our community.

Mayor York recently attended retirement receptions for former City Council Members Ricky and Jane Murphy. He wished them well in their retirement.

He also thanked his Administrative Assistant Rita Leta, the Mayor's Cup Golf Tournament Committee and everyone who volunteered and helped with the Mayor's Cup. He also thanked the golfers on the 35 teams for participating. It raised a sizeable amount of money for Habitat and Communities in Schools.



City Manager Brandt thanked Assistant City Manager Bowling for stepping in and managing the Council process this month. He attended a planning conference for a few days.

He said there were many great events going on in Thomasville in the last two weeks, including Everybody's Night, Everybody's Day, a Safety Event, Party in the Park, a Car Show Downtown, PACE Shrimp Boil, Chili Cookoff, Mayor's Cup, Blythe Leonard's Pink Day and more.

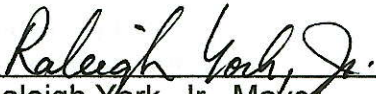
City Attorney Whitman also encouraged people to fulfil their civic duty and vote.

Assistant City Manager Bowling – He thanked City staff for all that they do that allows so many events to be able to be successful.

He gave a shout out to the Fire Department for winning the Chili Cookoff and for participating in Blythe Leonard's Pink Day. They were able to raise \$584 for that event, which beat their goal, so Division Chief Sam Olshinski dyed his eyebrows and mustache bright pink. The funds were added to Blythe's charity of choice, Novant Health Thomasville Medical Center's Foundation for Mammography Fund and the non-profit Cancer Services of Davidson County.

Additionally, he said he's thankful for all that Baptist Children's Home does for our community.

9. Additional Items – N/A
10. Adjournment – Council Member Sellars moved to adjourn. Council Member Shell seconded. Motion unanimously approved 6 – 0.

  
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Raleigh York, Jr., Mayor

  
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Wendy S. Martin, City Clerk