

**Village of Misenheimer
Council Meeting - Community Building
Monday, October 10, 2022 6PM**

Council Present: Michael "Frizbee" Herron, Mayor
Micah Edquist, Mayor Pro-Tem
Jeff Watson

Staff: Anita Blair, Administrator/Clerk

Visitors: Mac McCarley, Village Attorney
Jeff Jacobs, EDP Renewables

Council Absent: Mike Burrage
Peter Edquist

Sabrina Fleischman, EDP Renewables

1. Call to Order: Mayor Herron called the meeting to order at 6:03 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 recognized Jeff Jacobs and Sabrina Fleischman from EDP Renewables and Village Attorney, Mac McCarley.

5. Approval 10/10/22 Council Meeting Agenda: Micah Edquist moved to approve the agenda as presented. Jeff Watson seconded the motion and it was approved by a 3 /0 vote.

6. Approval of 09/12/22 Council Meeting Minutes: Jeff Watson moved to approve the Council Meeting Minutes as presented. Micah Edquist seconded the motion and it was approved by a 3/0 vote.

7. Public Comment Period: No public comments were offered.

8. Misenheimer Solar, LLC Update – Jeff Jacobs-Project Manager & Sabrina Fleischman-Project Developer: Jeff Jacobs gave an overall update of the solar farm project. He reported that the crossing approvals from the North Carolina Department of Transportation (NCDOT) and Norfolk Southern Railway (NSR) have been obtained. Their general contractor, Infrastructure and Energy Alternatives, Inc. (IEA), is at the 75% design completion milestone and they are currently in the review period. Soon, they will be requesting a certificate of zoning compliance from the Village. They are working with Duke Energy and have installed the foundation pad for the actual point of interconnection. The switchpad construction will potentially begin this month or early next month.

Mr. Jacobs reported that they are working with Pfeiffer University to potentially hold an open house event for all parties involved. They expect to bring in the site team, engineering team and community for an informational session.

The primary focus of the discussion was regarding the potential use of Lions Club road as an additional access point. A Power Point handout was provided to Council. Mr. Jacobs stated they were approached by their contractor regarding Lions Club Road access. The primary reason for this request is due to wetlands that run between the Pickler and Hill properties. Until they have wetlands permitting, they do not have the rights to cross any of it. He explained that tree clearing must be completed by March 31, 2023 per the US Fish and Wildlife Service because of bats and birds. This puts a strain on their schedule and puts the tree clearing for this portion of the project in jeopardy. Sabrina Fleischman noted that the only access point besides crossing the wetlands was Lions Club Road.

Mayor Herron questioned how a multimillion dollar project of this magnitude not have realized that the wetlands were an issue much earlier.

Mr. Jacobs reviewed the current state of Lions Club Road noting the narrow, gravel, potholed, dusty and dirty conditions. He reviewed some potential solutions for a dust-free finish which were a chipseal paving technique, or a gravel plus Mag-water finish treatment applied for dust suppression along with widening, if legally allowed due to the Norfolk Southern Railway right-of-way. He noted that all ideas are on the table. He asked for temporary use until they can get the permit to cross the wetlands. They are expecting permitting in the February 2023 timeframe.

Ms. Fleischman stated that this access was for tree clearing and grading only and that all deliveries will be made on Glenmore Road. This access would not include large trucks with deliveries or anything with infrastructure.

Legal Counsel Mac McCarley clearly stated to the EDP representatives that if this had been communicated originally that the project would have never been permitted and that this has never been the conversation. This access has always been communicated for transmission lines only. No one has ever said construction or land clearing. He went on to explain that as we were working on the Road Maintenance Use Agreement that it was clearly described as "routine." We were led to believe that it was clearly to get the collection lines across the property. No one ever told us the story had changed. It appeared that this was intentionally omitted that you knew what you were going to do and ask for later.

Mayor Pro-Tem Micah Edquist concurred with Mr. McCarley's statements. He stated that he felt the Special Use Permit (SUP) will have been deviated from if the Newport lease is amended, which is part of the SUP, noting that an ingress and egress was never mentioned. He expressed disappointment and concern that this might be the indication of how the project might go before it even gets started. He stated firmly that he will never approve this request because this is the worst part of the solar farm logistically for traffic, the railroad, short turning radius, speed limit, and road conditions.

Mr. McCarley recapped stating there were two issues: 1) were we dealt with honestly and 2) the road is not appropriate for heavy equipment. Mr. McCarley specifically wanted to know when the wetlands dilennation was made. Mr. Jacobs stated that he would check and get back with the answer.

Anita Blair, Village Administrator, wrapped up by saying that the day the Village first learned of EDP's intent to construct an access site road on Lions Club Road was within approximately an hour of EDP's attorney requesting the tracking number of the signed Road Use Agreement. Further, an additional email was received from Mr. Jacobs requesting to confirm that this was a minor change. In addition, she said that "Good Neighbor Agreements" were sent out and the Village was not informed. A resident informed us about the letter. The agreement included a sound easement which we were told by an expert witness in the Special Use Permit hearing would not be affected. She noted that cumulatively, all of these things put question marks in our minds.

9. Review Unaudited Financial Status at 09/30/22: Micah Edquist reported the following reconciled bank balances at 9/30/22 as follows:

General Fund	\$ 822,935
Powell Bill Fund	\$ 129,004
Carolina Thread Trail	\$ 11,291 (Grant #2) Trail Acquisition Grant (Village, Richfield & New London)

Expenditure Authorization Report: Anita Blair reported an expenditure for Stanly County Arts Council in the amount of \$250. This is a contribution that is budgeted yearly.

10. Police Report – September, 2022: Mayor Herron review the Police Report with Council. It reflected 79 traffic stops, 44 total charges, 35 warning citations, 1 arrest, 86 calls, 191 details and 183 security checks. There were 3 mutual aid requests from the Stanly County Sheriff's Office and State Highway Patrol.

11. National Register of Historic Places Nomination Consultant Contract Approval: Anita Blair reported that Legal Counsel, Mac McCarley, said that we should view the letter as a purchase order rather than a contract. Mr. McCarley stated the half page letter is not a contract. Since the payments are due after the services are rendered with the

exception of the first payment, we can leverage our position through the NC Historic Preservation Office. They will be the quality control if she submits anything not up to standard.

Micah Edquist moved to approve and proceed with Hanbury Preservation Consulting to prepare the National Register Nomination. Jeff Watson seconded the motion and it was approved 3/0.

Mac McCarley left at 7:01 pm.

12. 20th Anniversary Celebration: Anita Blair requested that Council finalize a date for the celebration in 2023 in order to timely book a band and to develop a timeline for Gladstone project completion. Micah Edquist suggested having a miniature carnival for children and college students. He proposed shutting down Wesley Chapel Road for the event and having the carnival in the field on the corner lot at Wesley Chapel Road with parking at the Village Square.

13. Local Council of Government Meeting – Misenheimer Host: Anita Blair reported that the COG meeting is scheduled for November 29, 2022. She has contacted Sodexo about catering the event at Pfeiffer University. The back room is under renovation so it will be held in another area yet to be determined.

14. Other Business: Mayor Herron reported about attending a Rocky River Regional Planning Organization (RRRPO) meeting about electric vehicles recently. The Mayor’s desire is to have a charging station in Misenheimer.

Jeff Watson reported that he is unable to attend the Convention Visitor Bureau meetings due to his schedule. Anita Blair is the alternate.

15. Adjournment: The meeting adjourned at 7:18 pm.

Mayor Michael “Frizbee” Herron

Date

Anita Blair, Administrator/Clerk

Date