

**Village of Misenheimer**  
**Council Meeting - Community Building**  
**Monday, November 14, 2022 6PM**

**Council Present:** Michael “Frizbee” Herron, Mayor  
Micah Edquist, Mayor Pro-Tem  
Jeff Watson  
Mike Burrage  
Peter Edquist

**Staff:** Anita Blair, Administrator/Clerk

**Visitors:** Mac McCarley, Village Attorney  
Jeff Jacobs, EDP Renewables  
Sabrina Fleischman, EDP Renewables  
Rob Anders, EDP Renewables  
John & Mandy Pickler, Land Owners  
Mike Riemann, CTT Representative

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

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

**3. Ethics Statement:** Anita Blair read the Ethics Statement asking if any Council members present may have any potential conflict(s) of interest or any known or perceived conflict(s) of interest related to the meeting Agenda presented.

Micah Edquist reported that he was approached by IEA, the Misenheimer Solar contractor, about renting his office space. Legal Counsel, Mac McCarley stated that it was a conflict of interest and that he should be recused by a motion and second by the Village Council and he should refrain from any further discussion with anyone on Council regarding Misenheimer Solar and cannot participate in solar discussions.

Jeff Watson moved to recuse Micah Edquist from participating in any solar discussion moving forward. Peter Edquist seconded the motion and it was approved 4/0.

**4. Introduction of Visitors:** Mayor Herron recognized Jeff Jacobs, Sabrina Fleischman and Rob Anders from EDP Renewables, Misenheimer land owners John and Mandy Pickler, Village Attorney, Mac McCarley, and Carolina Thread Trail (CTT) Representative, Mike Riemann.

**5. Approval 11/14/22 Council Meeting Agenda:** Mike Burrage moved to approve the agenda as presented. Jeff Watson seconded the motion and it was approved by a 5/0 vote.

**6. Approval of 10/10/22 Council Meeting Minutes:** Jeff Watson moved to approve the Council meeting minutes as presented. Mike Burrage seconded the motion and it was approved by a 5/0 vote.

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

**8. Transition Status of Village Attorney – DeWitt F. “Mac” McCarley:** Mac McCarley, Village Attorney, reported that he retired October 31, 2022 and was working part time with the Town of Southern Pines. The Village of Misenheimer has the opportunity to retain Mr. McCarley as their legal counsel through his firm McCarley Law, PLLC at the same rate charged through Parker Poe.

Mike Burrage moved to retain Mac McCarley as the Village Attorney at the same rate currently being paid along with the alternative to retain Parker Poe on future matters, if needed. Peter Edquist seconded the motion and it was approved 5/0.

**9. Misenheimer Solar, LLC Forestry Plan & Civil Site Plan Permitting Review Update** – Jeff Jacobs, Project Manager, reported that EDP Renewables heard the Village Council’s concern regarding Lions Club Road and the plan was completely changed. Lions Club Road will be used to enter the solar site for underground collection purposes only. Glenmore Road will be the primary access for deliveries and personnel going to the site.

The design package was sent to the Village which included the forestry plan, civil design, construction notes and fencing detail. This information was provided in advance and was available for Council members. Time was spent during the meeting for Council member questions and review. Bi-weekly meetings are being held with Duke Energy and the construction schedule for the point of interconnection should be available soon.

Jeff Jacobs reported that permission was received to use timber matting for a temporary crossing of the wetlands until they could get final permitting from the US Army Corp of Engineers and North Carolina Department of Environmental Quality (NCDEQ).

Anita Blair stated that the forestry plan needed to be more specific before approval could be made. The forestry plan needs to address specifics on the tree type, height at planting and more. Mac McCarley stated that the SUP specifically states that the forestry plan must include a continuous year round visual buffer. He suggested that the Village Council authorize the Administrator to hire a landscaper to walk the perimeter to tell us what it will take to have a continuous year round visual buffer. Advice is needed before the forestry plan can be approved. Mr. McCarley stated that the SUP requires that if plant material dies, it will be replaced.

Rob Anders, Associate Director of Development, noted that EDP Renewables pride themselves on environmental stewardship. Their business model is long-term for the life of the project and it is important to get off on the right foot because they are in the project for the long haul.

Sabrina Fleishman, Project Developer, stated that the Operations and Maintenance office on site will be the point of contact for any issues that arise during the project. This is in addition to the team that is present and available.

Peter Edquist moved to authorize the Village Administrator to engage a landscaper to review the detailed forestry plan that EDP Renewables will be submitting. Mike Burrage seconded the motion and it was approved 4/0. Micah Edquist was recused.

Mac McCarley inquired about the significant investment memo. The EDP Renewables team had copies of the previously submitted document. Mr. McCarley suggested that the Administrator and he review the document and have a recommendation for the December meeting.

EDP Renewables personnel questioned procedure and what is expected to finalize permitting. Per Mac McCarley, if the forestry plan is received, reviewed by a Village contracted landscaper, and approved by Village staff, and the significant investment memo is satisfactory, then action by the Village Council in December to approve the two items will satisfy the requirements for Village zoning compliance.

**10: Carolina Thread Trail Railroad Crossing – Mike Riemann:** Mr. Riemann reported that he had worked on the Wesley Chapel railroad crossing with Norfolk Southern Railway (NSR) and NC Department of Transportation (NCDOT) for three years. He is currently seeking a contractor willing to work with both entities. He asked Council if they had a preference of all asphalt for both the railroad crossing and sidewalk or if they wanted the sidewalk to be concrete. He stated that if concrete is used, this will cross the access road running parallel with the railroad. This road is used by Misenheimer residents that live off of that road. This will require the road to be closed and will limit access for residents living off of that road. Micah Edquist suggested that concrete is more pleasing and that would be his preference. No other Council comments were heard.

**11. Review Unaudited Financial Status at 10/31/22:** Micah Edquist reported the following reconciled bank balances at 10/31/22 as follows:

General Fund	\$ 827,207
Powell Bill Fund	\$ 129,064
Carolina Thread Trail	\$ 11,183 (Grant #2) Trail Acquisition Grant (Village, Richfield & New London)

**Powell Bill History Report:** Anita Blair reviewed the Powell Bill History report noting that a municipality of our size is not allowed to accumulate more than 20 allocations. We are currently \$14,895 away from that threshold which means we have approximately one year left of accumulations before we start losing these funds if they are not spent. We have \$60,000 committed to the Wesley Chapel Railroad crossing. She encouraged Council to identify projects for this money soon in the event the railroad crossing does not come to fruition within the year.

**Audit Firm Merger:** Anita Blair reported that the Village audit firm, William R. Huneycutt, CPA has merged with Taylor & Parsley, CPA's in Lexington. The new firm is called Huneycutt, Parsley & Taylor, CPA's, PLLC. A revised audit contract with the new firm name is required.

**12. Health Insurance Renewal – BCBS –** The Village was able to remain under the Blue Cross Blue Shield (BCBS) grandfathered plan. There was a health insurance increase of 1.16%, dental decrease of 10.64% with life insurance remaining the same as last year. The overall combined increase was .31% which equates to \$9.98/month.

**13. Police Report – September, 2022:** Mayor Herron reviewed the Police Report with Council. It reflected 87 traffic stops, 39 total charges, 48 warning citations, 4 arrests, 55 calls, 195 details and 189 security checks. There were 3 mutual aid requests from the Stanly County Sheriff's Office and State Highway Patrol.

**14. 20<sup>th</sup> Anniversary Celebration:** Council tentatively selected September 16, 2023 for the anniversary celebration date.

**15. Local Council of Government Meeting – Misenheimer Host:** Council was reminded that the Village was hosting the Local Council of Government Meeting on November 29, 2022 at the Pfeiffer University Stokes Student Center. All Council members were encouraged to attend.

**16. Other Business:** No other business was heard.

**17. Adjournment:** The meeting adjourned at 7:28 pm.

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Mayor Michael "Frizbee" Herron

Date

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Anita Blair, Administrator/Clerk

Date