

ADJOURNMENT

There being no further comments or business to discuss, the Regular Meeting was adjourned at 8:15 p.m. on motion made by Matthew Peeler, seconded by Edward R. Muzzulin.

Janice McKenzie Cole, Chair

Clerk to the Board

REGULAR MEETING

June 1, 2015

6:40 p.m.

The Perquimans County Board of Commissioners met in a regular meeting on Monday, June 1, 2015, at 6:40 p.m. in the Commissioners' Room located on the first floor of the Perquimans County Courthouse Annex.

MEMBERS PRESENT: Janice McKenzie Cole, Chair Edward R. Muzzulin, Vice Chairman
Kyle Jones Fondella Leigh
Wallace Nelson Matthew Peeler

MEMBERS ABSENT: None

OTHERS PRESENT: Frank Heath, County Manager Mary Hunnicutt, Clerk to the Board
Hackney High, County Attorney

After the Chair called the meeting to order, Commissioner Peeler led in prayer and the Chair led the Pledge of Allegiance. Ms. Cole said that the first item of business was to hold several public hearings.

PUBLIC HEARINGS

Conditional Use Permit No. CUP-15-02, by Zach Palmer for Carolina Telephone & Telegraph Co. LLC, d/b/a CenturyLink

Chair Cole opened the first Public Hearing stating that the purpose of the public hearing was to receive citizens' comments to install Public Utility Facilities at 163 Matthews Road, about 100 feet east of Pasquotank Blvd., on 7,100 sq. ft. portion of Tax Parcel No. 2-0082-0006. There were seventeen (17) people present. The Chair recognized Donna Godfrey who presented an overview of the request. Ms. Godfrey said that the Planning Board approved this request at their May 12, 2015 meeting. She further explained that the applicant was present if they needed to ask him a question. Chair Cole swore in Mr. Palmer. Mr. Palmer made a few comments. Commissioner Muzzulin asked if this would make any noise. Mr. Palmer said that it would only be a small electronic hum. He further added that you would have to be in close proximity to hear it. Commissioner Peeler asked if this upgrade would affect down range or just Albemarle Plantation. Mr. Palmer said that it would be in a range of about 3,000± feet from Albemarle Plantation. Mr. Peeler further asked that if this was basically for DSL service. Mr. Palmer said yes it was. Chair Cole asked if there were any further questions. There being none, she closed the first Public Hearing and opened the second Public Hearing which covered two items for the same property.

Rezoning Request No. REZ-15-02 & Conditional Use Permit No. CUP-15-03, by SOLNCPower10, LLC

Chair Cole opened the second Public Hearing stating that the purpose of the public hearing was to receive citizens' comments to consider Rezoning Request No. REZ-15-02, to rezone from CH, Highway Commercial to RA, Rural Agriculture District, a +/-9-acre portion of Tax Parcel No. 2-0059-0002 (located on southeast side of Ocean Hwy South (US Hwy 17), about 900 feet north of Snug Harbor Road) and to consider Conditional Use Permit No. CUP-15-03, to establish a Large Scale Solar Energy System (ground-mounted) on +/-40-acre portion of Tax Parcel No. 2-0059-0002, subject to approval of Rezoning Request No. REZ-15-02. There were twenty-one (21) people present. The Chair recognized Donna Godfrey who presented an overview of the request. Ms. Godfrey said that the Planning Board approved these requests at their May 12, 2015 meeting. Ms. Godfrey presented a revised CUP-15-03 for the Board to review. She further explained that there were some changes to the one that they received in their Agenda Packet and those changes were as follows:

- 1) The BCC's action to require a new condition for the Applicants, heirs or assigns to provide enhanced buffering within the Highway Corridor Overlay District (HCOD) portion of the project which is:
 - (a) Not already shielded from the public right-of-way by existing wooded wetlands to the north; or
 - (b) Not interrupted by vehicular access roads; or
 - (c) Located to the northwest of the access drive and/or inside the Highway Corridor Overlay District – from whichever point is farther from Ocean Highway South [US Hwy. 17 South]; and
 - (d) Is limited to the enhancement provided in the Belvidere Road Solar Farm project. (Note: This new condition will be accomplished by increasing the initial height of vegetation (from "at least three feet (3') to "at least five feet (5') in Condition "F" of the Final CUP); and
- 2) The Planning staff's corrections of two 'Scrivener's Errors' in the 5-31-15 Draft CUP, Condition "H" to change "southeast" to "northwest" and "outside" to "inside" regarding the extent of vegetative screening along portions of the project boundaries inside the HCOD.

She further explained that the applicant and property owners were present if they needed to ask them a question. Chair Cole asked if there were any questions regarding the Rezoning Request. Commissioner Peeler asked of Ms. Godfrey. Commissioner Peeler asked how far they are from the centerline of the road and the fence line. Mr. McLaughlin said that it was about 200 feet. He further asked that, if I-44 comes through there, will it be affected in any way. Ms. Godfrey said that she did not think it would affect it that much, although she has not discussed this matter with NCDOT. Chair Cole asked Mr. McLaughlin if he was aware of I-44 and Mr. McLaughlin said that he was and they would handle that when the time comes but feels that 200 feet would be sufficient. Chair Cole asked if there were any other questions or comments on the rezoning request. There being none, she moved to the Conditional Use Permit No. CUP-15-03. Chair Cole said that she understood that Mr. McLaughlin had a PowerPoint presentation and asked him if he would like to present it now. It was the consensus of the Board to do so later in the meeting. She then asked if there were any questions. Because they had questions, Chair Cole swore in Mr. McLaughlin. Commissioner Peeler asked that the current solar plants that we have now pave the road to the gates. He seems to feel that we need to continue that process with this one. Mr. McLaughlin said that the property owners want to keep it as a farm path since they are going to continue to farm it. Mr. Peeler further stated that he was concerned with emergency vehicles having access to the property and not getting stuck. Mr. McLaughlin said that he would make sure that the emergency vehicles would have access to the property. There being no further questions or comments, Chair Cole closed the Public Hearings and proceeded with the Regular Meeting at 7:00 p.m.

AGENDA

On motion made by Edward R. Muzzulin, seconded by Matthew Peeler, the Board unanimously approved the Agenda as amended.

CONSENT AGENDA

The following items were considered to be routine and were unanimously approved on motion made by Edward R. Muzzulin, seconded by Wallace E. Nelson.

1. **Approval of Minutes:** May 4, 2015 Regular Meeting
2. **Personnel Matters:**

| Employee Name | Employee Job Title | Action Required | Grade/Step | New Salary | Effective Date |
|---------------------|-------------------------|-----------------|------------|-------------|----------------|
| Caitlyn Colson | Fill-In/Part-Time EMT-I | Appointment | 66/1 | \$15.45/hr. | 6/1/2015 |
| John Jones | Fill-In/Part-Time EMT-I | Appointment | 66/1 | \$15.45/hr. | 6/1/2015 |
| Claude Morrissey | Fill-In/Part-Time EMT-I | Appointment | 66/1 | \$15.45/hr. | 6/1/2015 |
| Kimberly Whitehurst | Fill-In/Part-Time EMT-I | Appointment | 66/1 | \$15.45/hr. | 6/1/2015 |
| Michaela Madden | Fill-In/Part-Time EMT | Appointment | 63/1 | \$13.54/hr. | 6/1/2015 |
| Jessica Hassell | Fill-In/Part-Time EMT | Appointment | 63/1 | \$13.54/hr. | 6/1/2015 |
| Logan Midgett | Fill-In/Part-Time EMT | Appointment | 63/1 | \$13.54/hr. | 6/1/2015 |

3. **Step/Merit Increases:**

| Employee Name | Employee Job Title | Grade/Step | New Salary | Effective Date |
|----------------|----------------------------|------------|-------------|----------------|
| Donna Phelps | Deputy Register of Deeds | 58/7 | \$26,156 | 6/1/2015 |
| Sandra Willard | IMC II | 63/2 | \$28,859 | 6/1/2015 |
| Joe Ann White | Social Worker III | 69/4 | \$39,462 | 6/1/2015 |
| Vivian Long | Full-Time Telecommunicator | 60/10 | \$30,740 | 6/1/2015 |
| Naomi Twine | Part-Time Telecommunicator | 60/5 | \$13.08/hr. | 6/1/2015 |

4. **Budget Amendments:**

**BUDGET AMENDMENT NO. 26
GENERAL FUNDS**

| CODE NUMBER | DESCRIPTION OF CODE | AMOUNT | |
|--|-------------------------|----------|----------|
| | | INCREASE | DECREASE |
| 10-348-018 | Mentoring Focus - Local | 1,288 | |
| 10-672-570 | Mentoring Focus Funds | 1,288 | |
| EXPLANATION: Increase in local funds for FY 2014-15 funds raised with raffle fund raiser. | | | |

5. **Board Appointments:**

| NAME | BOARD | ACTION | TERM | EFFECTIVE DATE |
|-----------------------|--|---------------|--------|----------------|
| Gordon, Nettie | Adult Care Home Advisory Committee | Reappointment | 3 yrs. | 7/1/2015 |
| Layden, Douglas | Local Library Board | Appointment | 4 yrs. | 7/1/2015 |
| Koehl, George | Local Library Board | Resignation | 4 yrs. | 7/1/2015 |
| White, Kent | Recreation Advisory Committee - At Large | Reappointment | 3 yrs. | 7/1/2015 |
| White, Pete | Recreation Advisory Committee - At Large | Reappointment | 3 yrs. | 7/1/2015 |
| Nixon, Chad | Recreation Advisory Committee - New Hope | Reappointment | 3 yrs. | 7/1/2015 |
| Holman, Lillian | Senior Tarheel Regional Advisory Board | Reappointment | 1 yr. | 7/1/2015 |
| Blanchard, Terissa J. | Social Services Board (2 nd Term) | Reappointment | 3 yrs. | 7/1/2015 |

6. **Resolutions:** The following Resolution was approved by the Board:

**PROCLAMATION
VULNERABLE ADULT AND ELDER ABUSE AWARENESS MONTH
IN THE COUNTY OF PERQUIMANS COUNTY, MAY 8 - JUNE 22, 2015**

WHEREAS, each year, more than two million vulnerable and older adults are victims of abuse, neglect, and exploitation, and research has shown that older adults who are abused, neglected and exploited are three times more likely to die within ten years than those who are not; and

WHEREAS, according to national statistics, elder abuse is grossly under reported because vulnerable and older adults who are being abused find it very difficult to tell anyone due to shame and fear; and

WHEREAS, in 2014 there were almost 23,000 reports of abuse, neglect or exploitation of vulnerable and older adults made to North Carolina's 100 county departments of social services not only by doctors and other professionals but by family members and concerned citizens in our communities; and

WHEREAS, Perquimans County's vulnerable and older adults of all social, economic, racial and ethnic back-grounds may be targets of abuse, neglect or exploitation, which can occur in families, long-term care settings and communities; and

WHEREAS, protecting Perquimans County's vulnerable and older adults is a community responsibility and all citizens are charged under North Carolina General Statute (GS 108A-102) to report suspected abuse, neglect or exploitation to the Perquimans County Department Social Services; and

WHEREAS, North Carolina enacted the nation's first elder abuse law in 1973; and

WHEREAS, May 8, 2015 through June 22, 2015 is Vulnerable Adult and Elder Abuse Awareness Month in North Carolina and this time frame ties the awareness period to both the Mothers' Day and Fathers' Day holidays, in the hopes of reinforcing the spirit of respecting and valuing, not just parents, but all elders; and

WHEREAS, we all have a responsibility to support the safety, welfare, and dignity of Perquimans County's vulnerable and older adults;

NOW, THEREFORE, the Perquimans County Board of Commissioners, hereby proclaims May 8 - June 22, 2015, as "ELDER ABUSE AWARENESS MONTH" in the County of Perquimans, and commend its observance to all citizens, asking them to wear purple Elder Abuse Awareness ribbons, and we further do hereby proclaim June 15, 2015, "WORLD ELDER ABUSE AWARENESS DAY"; and urge all citizens to work together to help protect elder adults from abuse, neglect, and exploitation because it is imperative that we refuse to tolerate the indignity of Elder Abuse.

This the 1st day of June, 2015

Janice McKenzie Cole, Chair
Perquimans County Board of Commissioners

ATTEST:

Mary P. Hunnicutt, Clerk to the Board

DOROTHY HODGES, ALBEMARLE PLANTATION

Ms. Hodges explained that Albemarle Plantation is again planning a July 3rd fireworks show at the Plantation and is coming before the Board for approval. She apologized that Ms. Byrum had not arrived yet with a copy of the paperwork. She said that the same company, Pyrotechnics Contract, will be

handling the fireworks. Bethel Volunteer Fire Department would be on sight to handle any emergency fires. Commissioner Peeler asked if the contract was similar to last year's contract. She said it was. She requests permission to hold the fireworks and she would provide the Board with a copy of the contract.

BILL JENNINGS, TAX ADMINISTRATOR

Mr. Jennings presented the Board with his monthly report. He further thanked the Board, his staff, and County Manager Heath for their prayers, cards, letters, patience and assistance during his recent illness. He introduced Bob Pearson who is handling the Revaluations for the County. Mr. Pearson updated the Board on their progress.

SUSAN CHANEY, SOCIAL SERVICES

Ms. Chaney said that she did not have monthly report but did update the Board on her department.

PRESENTATION OF FY 2015-2016 BUDGET MESSAGE

County Manager Heath presented the following FY 2015-2016 Budget Message to the Board:

June 1, 2015

To: The Honorable Chair, Board of Commissioners, and taxpayers of Perquimans County

I respectfully submit the proposed budget for Perquimans County for the Fiscal Year 2015-2016 (FY 2016). The budget has been prepared in accordance with the North Carolina Local Government Budget and Fiscal Control Act. The budget identifies the estimated revenues and expenditures for the FY 2016 for Perquimans County.

Fiscal Year 2015 was a challenging budget year for Perquimans County and FY 2016 promises more of the same. Perquimans' economic growth, like many Counties in our region, is still in a weakened state, as evidenced by our classification as a Tier 1 county. Although we have seen marked improvement in sales tax revenues, ad valorem property tax growth remains modest at 1.25 %.

Despite the continued stagnation of economic conditions that leads to little revenue growth, the FY 2016 budget proposes no tax increase, keeping the ad-valorem property tax rate at \$0.44/\$100 value. As compared below, Perquimans County has a very favorable tax rate compared to other Northeast North Carolina counties:

| <u>County</u> | <u>FY 2015 Tax Rate (per \$100 value)</u> |
|-------------------|---|
| Camden County | \$0.59 |
| Chowan County | \$0.70 |
| Gates County | \$0.64 |
| Pasquotank County | \$0.76 |

(Source: North Carolina Association of County Commissioners website- Tax Survey FY 2014-2015)

General Fund Budget Summary

The General Fund budget is \$14,635,035 for 2016, up from the current year's amended budget of \$13,704,262. General Fund requests from all sources totaled \$16,123,452, which is approximately \$1,488,417 more in expenses than expected revenues. To fully fund all budget requests would have required a nine cent tax increase. To enable the funding of increased school current expense and capital requests, increased health care costs for County employees, and additional monies for capital projects, this budget designates \$971,221 of general fund balance to be utilized. Even with this amount of fund balance used, we will still maintain a fund balance of over 28%, much more than the 8% recommended by the Local Government Commission. Perquimans has a history of controlling spending below budgeted amounts, so it is unlikely that we will have to utilize the full amount of fund balance listed.

General Fund Revenues

Property taxes account for the vast majority of general fund revenues. Before 2009, Perquimans County's property tax base experienced substantial annual growth mainly due to housing construction and land development for subdivisions, and therefore the County could count on several hundred thousand dollars of additional ad-valorem property taxes each year to fund annual increases for departmental and agency needs. The figures below depict annual tax base growth for the past several years. FY 2008's growth has not been included since that was a revaluation year.

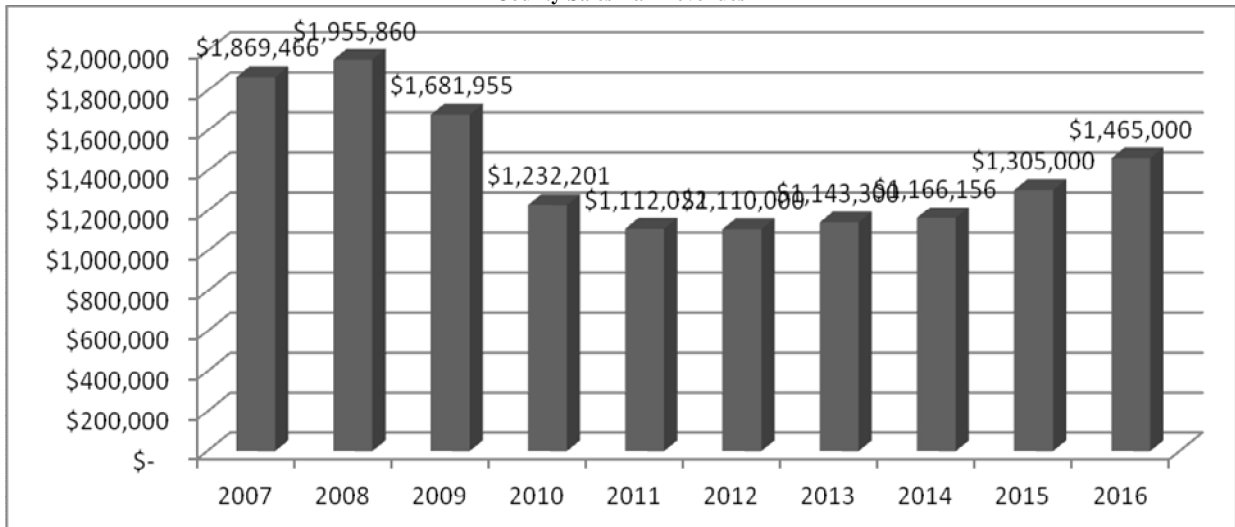
Property Tax Base Growth

| | | |
|------|-----------------|-------|
| 2004 | \$722,987,820 | 6.65% |
| 2005 | \$790,916,972 | 9.40% |
| 2006 | \$836,935,559 | 5.81% |
| 2007 | \$886,868,795 | 5.96% |
| 2009 | \$1,594,738,937 | 1.50% |
| 2010 | \$1,612,290,534 | 1.10% |
| 2011 | \$1,626,715,116 | 0.89% |
| 2012 | \$1,642,807,013 | 0.97% |
| 2013 | \$1,647,454,667 | 0.28% |
| 2014 | \$1,657,012,860 | 0.58% |
| 2015 | \$1,677,803,970 | 1.25% |

As you can see, the increase in estimated property tax base growth is 1.25% for next fiscal year, which is the first year in four years that we exceeded 1% growth. The total real property tax base (including business and public service company property) for FY 2016 is \$1,677,803,970. We are projecting that motor vehicles taxes will stay static for the upcoming fiscal year.

Sales tax revenues are the second largest source of County general fund revenues. Based on good returns from this fiscal year, sales tax revenues are projected to grow by a total of \$160,000. The chart below shows the history of sales tax revenues since 2007.

County Sales Tax Revenues



In addition to the sales tax revenues, there are three other important sources of revenues that provide insight to the strength of the local county economy. They are Building Inspection Fees, Register of Deed Fees, and Land Transfer Tax Revenues. While sales taxes reflect retail sales, these other revenues are construction and real estate based. Expected Land Transfer Tax revenues in FY 2016 are \$210,000, \$40,000 less than last year, and well below the FY 2006 total of \$1,188,541. Building Inspection Fees and Register of Deed Fees revenues remain at among the lowest levels in over a decade, projected at \$210,000 combined. This represents a \$15,000 decrease in revenue from these two fees for FY 2016.

A continuing revenue for this budget year will be a projected \$500,000 Medicaid hold-harmless allocation from the State.

General Fund Expenses

Most of the departmental operating budgets remain fairly static compared to the current budget year. By way of comparison, the five largest General Fund expenses by department or agency are as follows:

| <u>Department/Agency</u> | <u>Proposed FY 16 Funding</u> | <u>% of Total GF Budget</u> |
|----------------------------|-------------------------------|-----------------------------|
| Perquimans County Schools | \$3,476,103 | 23.8% |
| Social Services | \$2,565,538 | 17.5% |
| Emergency Medical Services | \$1,140,835 | 7.8% |
| Sheriff Department | \$1,126,964 | 7.7% |
| Albemarle District Jail | \$890,734 | 6.1% |

School Funding

As presented by the Board of Education and school staff earlier this spring, the Perquimans County School System has requested \$2,489,955 for school current expense, an increase of \$189,955 over last year's County appropriation of \$2,300,000. This represents a 8.25% increase from the previous fiscal year. Much of the requested increase in Local Current Expense is associated with the potential cessation of State funding for School Resource officers and Driver's Education costs.

The proposed FY 2016 County budget increases by \$75,000 to a total of \$2,375,000 for Local Current Expense (3.25% increase) and increases to \$264,500 for Capital Outlay. The capital outlay includes parking lot lighting at Perquimans Central School, playground fencing at Hertford Grammar School, sidewalk repair at Perquimans Middle School, restroom renovations at Perquimans High School, Maintenance building roof repair, and Transportation Building site work and drain pit. The capital outlay budget also includes the 3rd of five lease payments for an activity bus. The School system has also requested \$175,000 for a capital reserve for sustainability of their 1:1 technology initiative. This is in response to the Golden Leaf grant that the School received, which requires that funding for the devices be sustainable. The County will instead maintain these monies in its fund balance with an aim to fund sustainability once the devices are sold back and new ones are acquired.

Building and Facility Initiatives

Perquimans County will engage in several new facility projects in FY 2016. The proposed budget for next year allocates approximately \$30,000 for additional expansion to the Senior Citizens facility. This funding should allow for an expansion of the outdoor game space to include a seventy foot canopy, and construction of various game courts.

\$40,000 is being allocated for security improvements at the Clerk of Court's office and a new metal detector for the Courthouse Annex. \$20,000 is being designated for various parking lot improvements throughout the County buildings.

\$120,000 is being budgeted for the replacement of the generator at the Perquimans County Emergency Services Building. A new back-up power supply, or UPS, is also part of the budgeted figure. The Emergency Services Building generator is necessary to supply constant power to this building, as it houses our 911 Communications, Emergency Medical Services, and our Emergency Management department.

Finally, this budget designates \$500,000 towards the construction of a new County Library. The total cost of construction is projected at \$3,000,000, so the County will obtain a loan for the balance, with the first payment being due in the following fiscal year. It is hopeful that the project will be well under way or near completion by the end of the fiscal year 2015-2016.

Capital Outlay

Outside of the normal replacement of electronic items such as computers and copy machines, the major capital items included in the FY 2016 budget are the replacement of two Sheriff Department vehicles (\$59,000), a new vehicle for the Inspections Department (\$23,000), stair chairs, defibrillation equipment and wireless device for ambulances for EMS (\$22,675), and a Chuck wagon utility vehicle, batting cage, outdoor volleyball court, gym floor covering and portable pitching mounds for the Recreation Department (\$29,250).

Personnel

The proposed FY 2016 budget contains no cost of living adjustment for County employees, but maintains merit and salary step increases for those employees who qualify. The budget proposes to continue to fully cover the cost of employee health insurance, at a \$190,000 increased total cost to the County, or a \$2000 additional annual expenditure per employee. Increased medical costs for our employee health plan were a major factor in this year's budget, and negated our ability to provide any cost of living adjustment for this year. The County, along with its partners in the self-funded pool, also made changes to the medical and prescription plans to make what we offer to employees sustainable in the long term.

The North Carolina Local Government Employees Retirement System has decreased the employers' contribution from 7.17% to 6.77% for the employee.

This budget includes a new code enforcement officer for Inspections; an additional EMS shift supervisor; assigns additional operational oversight for Communications to the Emergency Services Director; adds an additional social services worker; conversion of GIS Mapper to GIS Mapper/Planner; includes additional funds for part time EMS and 911 tele-communicators; and reflects an increased share of salary costs of Cooperative Extension workers to the County from the State of North Carolina.

Other Noteworthy Items

- Funding for the County Fire Departments increases to \$65,000 each, up from \$62,500 for each department last year.
- Funding for the Perquimans County Library stays at \$160,000, not including the allocations for new construction.
- Due to backlogs on the State level, \$10,000 has been budgeted for the Sheriff to expand DNA/drug testing capabilities to process cases more quickly.
- Tri-County Animal Shelter funding remains at \$60,000.
- Albemarle District Jail remains a considerable expenditure, at \$890,734.

Water Fund

Perquimans continues to make significant investment in its overall ability to provide water to its customers. Our system is an aging one, with infrastructure aged at over 30 years old in some places. This means that the County makes ongoing repairs to the lines in the system as needed throughout the year. Perquimans continues to purchase 150,000 gallons of reverse osmosis water from Pasquotank County that services customers on the Winfall plant side. The bulk water rate that Pasquotank County charges is expected to remain \$6.00 per thousand gallons. Also, Perquimans is investing on the Bethel plant side, as we have purchased the Manley well site, and will begin site work on that location in the upcoming fiscal year. We will also allocate \$50,000 for the replacement of aging water meters throughout our system. The total water fund budget for the Fiscal Year 2016 is \$2,143,772.

Despite these increases in maintenance, bulk water rates, and capital improvement costs, the water rates for Perquimans County will remain unchanged for the upcoming fiscal year.

Solid Waste Fund

The proposed solid waste fee for FY 16 is \$130, no increase from last fiscal year. This fee covers the cost of operating the five Convenience Site locations, the County's portion of the Perquimans-Chowan-Gates Transfer Station operating cost, and the tipping fee for the County's solid waste at the private landfill in Bertie County. The total solid waste fund budget is projected at \$882,330.

Conclusion

Limited real estate property tax base growth continues to negatively affect the County budget. We have, however, seen encouraging improvements in sales tax collections. These additional revenues, along with a percentage of fund balance appropriated, have allowed Perquimans County to hold the tax rate at 44 cents per hundred dollars of value. The tax rate in Perquimans has remained unchanged for the last five budget cycles. As indicated earlier, this budget focuses on increased spending for schools. We have provided a significant health benefit to our employees, and maintained merit and step increases for those who qualify. We have increased funding for our local volunteer fire departments. We have given funds for the construction of a new County Library. We have committed monies to an EMS generator project,

Senior Center outdoor expansion, and Courthouse security improvements. We have added or modified positions within the County's employ to bolster our ability to serve our citizens. Lastly, we have continued to fund services despite cuts in State funding with no reductions in mandates.

I'd like to thank the Department Heads for their stewardship in this budget process and their consideration of the marginal increase in County revenues. I would also like to thank the Board of Commissioners for your involvement in the budget process and for making difficult, but important decisions on behalf of the citizens of Perquimans County. Finally, I'd like to thank County staff: Tracy Mathews- Finance Officer, Mary Hunnicutt- Clerk to the Board, and Debbie Stallings- Assistant Tax Administrator, for their assistance and guidance in this process.

I thank each of you for your consideration of this proposal and welcome any changes the Board deems appropriate.

At the request of the Chairman and Board of Commissioners, a public hearing has been scheduled for Monday, June 15, 2015, at 7:00 p.m. in the Commissioners' Room of the Courthouse Annex for public comment and to consider adoption of the budget.

Submitted by:

W. Frank Heath, III
County Manager/Budget Officer

COMMISSIONER'S CONCERNS/COMMITTEE REPORTS

Chair Cole asked if there were any Commissioner's Concerns or Committee Reports. The following report was made:

➤ **Commissioner Peeler:** Commissioner Peeler stated that he assisted with the recent Golf Tournament at Albemarle Plantation and felt that it was a very positive experience. He thanked the community on how they presented themselves to these visitors.

UPDATES FROM COUNTY MANAGER

County Manager Heath presented the following updates:

- **Boat Ramp Project:** County Manager Heath reported that Golden Leaf had a progress report due on June 5th which has been submitted to them. He forwarded a recent e-mail to the Board about the North Carolina Wildlife beginning the process to hire a consultant to oversee the project.
- **Budget Meetings:** Mr. Heath thanked the Board for their attendance and assistance in May during the Budget Work Sessions.
- **Representative Steinburg:** The Board met with Rep. Steinburg on May 8th to discuss many legislative goals and projects of interest to Perquimans County.
- **State of the Region Meeting:** Several Board members attended the State of the Region meeting on May 14th in Greenville, NC. Christopher Chung, CEO of Economic Development Partnership of NC, presented information on business recruitment and tourism.
- **Personnel Policy:** Our consultant will be here at the July Work Session to present the proposed Personnel Policy.
- **County Manager's Graduation:** Chair Cole congratulated Mr. Heath on completing the Municipal & County Administration Course through the University of North Carolina School of Government.

PLANNING BOARD ITEMS

Donna Godfrey, County Planner, presented the following items for Board action:

Conditional Use Permit No. CUP-15-02, by Zach Palmer for Carolina Telephone & Telegraph Co., LLC, d/b/a CenturyLink: A Public Hearing was held earlier in the meeting to receive citizens' comments to install Public Utility Facilities at 163 Matthews Road, about 100 feet east of Pasquotank Blvd., on 7,100 sq. ft. portion of Tax Parcel No. 2-0082-0006. Ms. Godfrey said that the motion would have two parts. Matthew Peeler made a motion to find proposed Conditional Use Permit No. CUP-15-02 to be consistent and in harmony with the existing development pattern in and around Matthews Road in Hertford, NC. The motion was seconded by Edward R. Muzzulin and unanimously approved by the Board. Matthew Peeler made a motion to approve the following Conditional Use Permit No. CUP-15-02: to install and operate Public Utility Facilities at .163 Matthews Road, about 100 feet east of Pasquotank Boulevard, on 7,100 sq. ft. portion of Tax Parcel No. 2-0082-0006, conditioned upon items listed in the Conditional Use Permit and adopting the following Section 903 Findings to support the motion:

Section 903 Findings

- (a) That the use will not materially endanger the public health or safety, if located according to the plan submitted and approved;
- (b) That the use meets all required conditions and specifications;
- (c) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
- (d) That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Perquimans County Land Use Plan.

ORIGINAL DOCUMENT FOR SIGNING & RECORDING

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*-Beginning of Conditional Use Permit document to be recorded-
CenturyLink's Proposed Public Utility Facilities at 163 Matthews Road
Case No. CUP-15-02*

Requested by Zach Palmer

Do NOT record this page

CONDITIONAL USE PERMIT No. CUP-15-02

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On the date(s) listed below, the Board of Commissioners for Perquimans County met and held a public hearing to consider the following application:

Property Owner: William G. Garner, Manager
Perquimans Development, LLC
1003 B Red Banks Road
P.O. Box 3435
Greenville NC 27858

Easement Owner: Carolina Telephone and Telegraph Company LLC d/b/a CenturyLink
14111 Capital Blvd
Wake Forest NC 27587

Authorized Applicant: Zach Palmer for Century Link
809 Silver Linden Lane
Wake Forest NC 27587

Property Location: 163 Matthews Road, about 100 feet east of Pasquotank Blvd., on 7,100 square foot "Communication System Easement" portion of Tax Parcel No. 2-0082-0006

Tax Parcel No: 4-0054-0016 (portion of)

Zoning District: RA, Rural Agriculture

Proposed Use of Property: Pursuant to the Communication System Easement recorded in the Perquimans County Register of Deeds Office (at Deed Book 436, Page 445):

"...to install, construct, operate, maintain, expand, replace and remove a communication system that may require underground cables, wires, conduits, manholes, drains, splicing boxes, surface location markers, equipment cabinets and associated wooden or concrete pads, aerial lines or cables, poles, buildings and other

CONDITIONAL USE PERMIT No. CUP-15-02

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facilities or structures as are reasonably necessary for Grantee to exercise the rights granted to it..." For more details, see attached Statement by Zach Palmer, Applicant.

Meeting & Hearing Dates: Planning Board on May 12, 2015 and Board of Commissioners on June 1, 2015.

Having heard all the evidence and argument presented at the hearing(s), the Board finds that the application is complete, that the application complies with all of the applicable requirements of the Perquimans County Zoning Ordinance for the development proposed, and that therefore the application to make use of the above-described property for the purpose indicated is hereby approved, subject to all applicable provisions of the Zoning Ordinance pertaining to Section 907.25 (*"Public Utility Substations, Transformer Stations, and Other Facilities"*) and subject to the following conditions:

- (1) The Applicant shall conduct operations in accordance with the plans and application materials submitted to and approved by the Board of Commissioners (BCC), a copy of which is contained in the County Planning & Zoning Office and recorded with the Register of Deeds Office. Any Major Modification proposed to the approved plans shall require reapplication and approval by the Board of County Commissioners. "Major Modification" is defined as *"Any significant change in land use, and change in the project boundary and/or any change that results in an increase in the density or intensity of the project, as shown and described in the approved Conditional Use Permit and Site Plans."* However, it is understood that the conceptual layout of the Facilities as shown on the Site Plan may require adjustments in the exact location of the equipment within the proposed chain link fence. Minimum setbacks and buffering must comply with Section 907.25 of the Perquimans County Zoning Ordinance.
- (2) The Communication System equipment and related facilities shall maintain standard setbacks in the zoning district from street rights-of-way and double (2 times) the standard setbacks from any other property line. Reference is made to the *"60' ACCESS EASEMENT"* as depicted in the Communication System Easement on the Exhibit A Map, which provides a setback of 70.8 feet from the centerline of the paved roadbed of the existing Matthews Road. Based upon the assumption that the future 100' R/W of Matthews Road will be established on center with the existing paved roadbed of Matthews Road, a minimum setback of 75 feet measured from the centerline of said roadbed shall be followed for development of the project facilities to provide for compliance with the County's minimum front yard setback of 25 feet and the Property Owner's future plans to widen Matthews Road to a 100-foot Right-of-Way. There shall be no required setbacks from the side and rear boundaries of the Easement since the distance from the Easement boundaries themselves are in excess of double the minimum setbacks required from actual property lines and/or other adjacent rights-of-way (including Pasquotank Boulevard).
- (3) Any equipment producing noise or sound discernible at the property line shall be set back until it is no longer discernible or one hundred (100) feet, whichever comes first.
- (4) The Communication System facilities shall be enclosed with a security fence with a minimum height of seven (7) feet and screened with a minimum three (3) foot wide strip planted with dense evergreen vegetation such as Wax Myrtle, Wax-Leaf Ligustrum or other suitable plant material

CONDITIONAL USE PERMIT No. CUP-15-02
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expected to grow to at least seven (7) feet in height within three (3) years. The vegetated buffer shall be located adjacent to the property line and between the Easement Boundary and fence as shown on the attached Site Plan.

- (5) Pursuant to the attached Site Plan, CenturyLink does not anticipate the need for outside storage on the subject property, and there shall be no outside storage within the Communication System Easement.
- (6) Within 12 months of completion of construction, the Applicant shall provide certified "as built" drawings to the County showing the locations of the Communication System components as well as driveways, ditches, vegetative buffers, and all related site improvements.
- (7) For a period of up to 12 months after the Applicant submits the certified "as built" drawings, County staff may confirm compliance with the specific specifications determined to be within compliance according to Section 907.25 of the Perquimans County Zoning Ordinance.
- (8) Any impervious surfaces may require the Applicant to provide the County with proper permitting to ensure that storm water does not cause problems on the site or on adjacent properties. CenturyLink shall coordinate with and obtain approval from Perquimans County Soil & Water Conservation District on all drainage improvements;
- (9) The Conditional Use Permit is approved and recorded with the conceptual Site Plan preferably within the same week as the County takes action to approve this request. The Applicant's approved Site Plans are conceptual and minor adjustments may be made pending permits and approvals by other entities. Prior to commencing construction, Applicant shall prepare and submit a Site Plan which demonstrates compliance with minimum design standards of the County, State and other agencies as applicable, including but not limited to Site Considerations, Operation Considerations and Application Requirements, along with the Zoning Permit Application.
- (10) The Applicant shall obtain all required permits from other governmental agencies (local, state, and federal) prior to commencing construction or as otherwise required by the applicable laws and regulations. Building permits shall be obtained from Perquimans County for all components of the project which are required by the North Carolina Building Code.
- (11) Prior to construction of any building, the Applicant must provide a detailed Site Plan pursuant to Section 509 of the Perquimans County Zoning Ordinance. Where applicable the Applicant must comply with Article XIX Parking and Loading of the Perquimans County Zoning Ordinance and handicapped parking spaces shall be marked in accordance with State law.
- (12) The Planning Board and the Board of County Commissioners hereby acknowledge CenturyLink's intent to commence construction of the Communications System in 2015. During construction of the Communication System the Applicant shall provide the County with annual reports outlining progress to date along with circumstances that may result in delays. In the event construction is delayed beyond January 2017, the Applicant shall formally request an extension be granted by the Board of County Commissioners; otherwise the BCC may revoke the Conditional Use Permit. If the Conditional Use Permit is not recorded in the Register of Deeds Office by the Applicant within 3 months from the date of BCC approval, the BCC may revoke the Conditional Use Permit.

CONDITIONAL USE PERMIT No. CUP-15-02
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If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.

IN WITNESS WHEREOF, Perquimans County has caused this permit to be issued in its name, and the undersigned, being all the authorized applicants, agents, representatives, or property owners of the property above described, do hereby accept this Conditional Use Permit, together with all its conditions, as binding on them and their successors in interest.

_____ Date
Janice McKenzie Cole, Chair, Board of County Commissioners

Attest: _____ (Seal)
Mary P. Hunnicutt, Clerk to the Board Date

I, William G. Garner, Manager, Perquimans Development, LLC, of the above identified property, do/does hereby acknowledge receipt of this Conditional Use Permit. The undersigned does further acknowledge that no work may be done pursuant to this permit except in accordance with all of its conditions and requirements and that this restriction shall be binding on them and their successors in interest.

_____ Date
Perquimans Development, LLC
By: William G. Garner, Manager, its Manager

The State of _____
_____ County

I, _____, a Notary Public in and for the said State and County, do hereby certify that _____ personally appeared before me this day and acknowledged the due execution of the forgoing instrument.

WITNESS my hand and notarial seal, this the _____ day of _____, 20_____.

Notary Public

My Commission expires: _____
(Not valid until fully executed and recorded)

CONDITIONAL USE PERMIT No. CUP-15-02

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-End of Conditional Use Permit document to be recorded-
CenturyLink's Proposed Public Utility Facilities at 163 Matthews Road
Case No. CUP-15-02
Requested by Zach Palmer

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The motion was seconded by Edward R. Muzzulin and unanimously approved by the Board.

Rezoning Request No. REZ-15-02, by Heath McLaughlin, SOLNCPower10.LLC: A Public Hearing was held earlier in the meeting to receive citizens' comments to consider Rezoning Request No. REZ-15-02, to rezone from CH, Highway Commercial to RA, Rural Agriculture District, a +/-9-acre portion of Tax Parcel No. 2-0059-0002 (located on southeast side of Ocean Hwy South (US Hwy 17), about 900 feet north of Snug Harbor Road). Mr. McLaughlin presented a short PowerPoint that explained their project. Chair Cole asked if there were any questions. The following questions were asked:

- **Commissioner Peeler:** Mr. Peeler asked about the amount of tax base increase. Mr. McLaughlin said that it was based on your tax basis. After asking several other questions about the tax base, Mr. McLaughlin said that he was not sure of the amount but felt that it should be around \$5,000.
- **Commissioner Peeler:** Mr. Peeler asked that, with CUP's, we have a concern about visualization should there be any future development in the area. How well is the buffering for this solar farm in case a developer decides to develop the property around it. Ms. Godfrey said that it should not affect it and she further explained the difference between this solar farm and the other solar farms that have already been approved.
- **Commissioner Nelson:** Mr. Nelson feels that they should have enhanced screening and asked Mr. McLaughlin what they were proposing to give the extra screening. Mr. McLaughlin said that they envision evergreen type trees of about 3 feet that would reach about 7 feet after about three years. Mr. Nelson wanted more clarification which they did.
- **Commissioner Peeler:** Mr. Peeler asked how long was their contract. Mr. McLaughlin said that it was 20 years with an option period that could be around 30 years.
- **Commissioner Peeler:** Mr. Peeler stated that he hopes that the county would grow and, if it grows in this area and we develop a residential area here, he hopes that it would be protected from the view of this industrial power plant. Chair Cole clarified that the property was surrounded by wetlands. Mr. McLaughlin agreed.

Kyle Jones made a motion to find Rezoning Request No. REZ-15-02 to be consistent with applicable County Planning and Zoning policies (including Section 604.A and Article XVII of the Zoning Ordinance). The motion was seconded by Edward R. Muzzulin and unanimously approved by the Board. Kyle Jones then made a motion to approve Rezoning Request No. REZ-15-02, based upon the following Section 1302A(1) through (5) guidelines to rezone that 9-acre portion of Tax Parcel No. 2-0059-0002 located in the northeast quadrant about 150 feet east of Ocean Highway South (US Hwy 17) and approximately 880 feet north of Snug Harbor Road, from CH, Highway Commercial to RA, Rural Agriculture District.

Section 903 Findings

- (a) That the use will not materially endanger the public health or safety, if located according to the plan submitted and approved;
- (b) That the use meets all required conditions and specifications;
- (c) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
- (d) That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Perquimans County Land Use Plan.

The motion was seconded by Edward R. Muzzulin and unanimously approved by the Board.

Conditional Use Permit No. CUP-15-03, by Heath McLaughlin, SOLNCPower10.LLC: A Public Hearing was held earlier in the meeting to receive citizens' comments to consider Conditional Use Permit No. CUP-15-03, to establish a Large Scale Solar Energy System (ground-mounted) on +/-40-acre portion of Tax Parcel No. 2-0059-0002, subject to approval of Rezoning Request No. REZ-15-02. Commissioner Nelson asked that the buffering be the same that was required for the Belvidere Road Solar Farm. Ms. Godfrey said that they could tweak Item H in the Conditional Use Permit that she provided to the Board tonight. Mr. McLaughlin was okay with this change. Kyle Jones made a motion to find proposed Conditional Use Permit No. CUP-15-03 to be consistent and in harmony with the existing development pattern in and around Ocean Highway South and Snug Harbor Road. The motion was seconded by Fondella Leigh and unanimously approved by the Board. Kyle Jones then made a motion to approve the following Conditional Use Permit No. CUP-15-03: to establish a 5 Megawatt Large Scale Solar energy System (Ground Mounted) on +/-40-acre portion of Tax Parcel No. 2-0059-0002 located about 150 feet east of Ocean Highway South and approximately 880 feet north of Snug Harbor Road subject to approval of Rezoning Request No. REZ-15-02 and conditioned upon the addition of the enhanced buffer as described in Condition H to be established in accordance with that required on the Belvidere Road project adopting the following other Section 903 Findings to support the motion:

Section 903 Findings

- (a) That the use will not materially endanger the public health or safety, if located according to the plan submitted and approved;
- (b) That the use meets all required conditions and specifications;
- (c) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
- (d) That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Perquimans County Land Use Plan.

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-Beginning of Proposed Conditional Use Permit No. CUP-15-03
to be recorded by SOLNCPower10, LLC-
for

**Large scale, ground-mounted Solar Power Energy System
located east of Ocean Hwy South & north of Snug Harbor Road**

NOTES: This Final CUP is identical to the Draft CUP contained in the Addendum to the BCC's 6-1-15 Agenda with exception to changes made during or after the meeting, as follows:

- 1) The BCC's action to require a new condition for the Applicants, heirs or assigns to provide enhanced buffering within the Highway Corridor Overlay District (HCOD) portion of the project which is:
 - (a) Not already shielded from the public right-of-way by existing wooded wetlands to the north; or
 - (b) Not interrupted by vehicular access roads; or
 - (c) Located to the northwest of the access drive and/or inside the Highway Corridor Overlay District – from whichever point is farther from Ocean Highway South [US Hwy. 17 South]; and
 - (d) Is limited to the enhancement provided in the Belvidere Road Solar Farm project. (Note: This new condition will be accomplished by increasing the initial height of vegetation (from "at least three feet (3')" to "at least five feet (5')" in Condition "I" of the Final CUP); and
- 2) The Planning staff's corrections of two 'Scrivener's Errors' in the 5-31-15 Draft CUP, Condition "H" to change "southeast" to "northwest" and "outside" to "inside" regarding the extent of vegetative screening along portions of the project boundaries inside the HCOD.

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CONDITIONAL USE PERMIT No. CUP-15-03

On the date(s) listed below, the Board of Commissioners for Perquimans County met and held a public hearing to consider the following application:

Authorized Applicant: SOLNCPower10, LLC / Heath McLaughlin
176 Mine Lake Court, Suite #100
Raleigh NC 27615

Property Owners: Shelton H. Manley & Donald D. Manley
220 Snug Harbor Road & 128 Snug Harbor Road (respectively)
Hertford NC 27944

Site Location: +/-40-acre portion of 418.58-acre Tract located on the east side of Ocean Highway South, about 900 feet north of Snug Harbor Road (SR 1340).

Tax Parcel No.: 2-0059-0002

Zoning District: RA, Rural Agriculture (pending prerequisite rezoning of 9 acre portion currently zoned CH, Highway Commercial District)

Proposed Use of Property: To construct and operate a standard ground-mounted, fixed-tilt 5 megawatt, Large-Scale ground-mounted Solar Power Energy System on property located in Perquimans County, as described herein and depicted on the attached Site Plans. As stated by the Applicant:

“The proposed use for a portion of the Shelton H. & Donald D. Manley property is for the construction and operation of a 5 megawatt solar farm as depicted in the preliminary site layout to be included in the CUP Application. The primary purpose of the solar farm will be to produce distributed clean energy generation to be sold to Dominion Power acting as the utility responsible for electrical grid interconnection and power distribution on behalf of the solar power facility. The actual site is expected to encompass approximately 40 acres with a 6’ security fence with 12” of barbed wire to serve as a physical site boundary with appropriate buffering and setbacks in accordance with Zoning Ordinance requirements for Perquimans County. The solar photovoltaic system will consist of approximately 22,950 (305 watt) solar modules to be attached to a fixed-tilt, ground mounted racking

CONDITIONAL USE PERMIT No. CUP-15-03
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system with three utility-scale inverters used to convert the DC power produced from the conversion of sunlight into AC power for delivery to the electrical grid operated by Dominion Power. The solar modules will face south to capture sunlight during the day and the system will be constructed in compliance with National Electrical Code and NC State Building Code with Federal, State, and Local permits as required. The solar energy system shall not exceed fifteen (15) feet in height with a natural vegetative buffer in harmony with the rural agricultural use expected to continue on the property surrounding the solar farm. Minimal lighting will be used if necessary for standard security lighting if required and the solar farm is not expected to create a significant sight impact from Snug Harbor Road or Ocean Highway South during the day or night. Final system design and site layout will be complete once all studies, reports, and permitting has been completed and approved for interconnection by the Utility and Perquimans County.

Meeting & Hearing Dates: Planning Board on 5-12-15; & Board of Commissioners on 6-1-15.

Having heard all the evidence and argument presented at the hearing(s), the Board finds that the application is complete, that the application complies with all of the applicable requirements of the Perquimans County Zoning Ordinance for the development proposed, and that therefore the application to make use of the above-described property for the purpose indicated is hereby approved, subject to all applicable provisions of the Zoning Ordinance pertaining to “Solar Farm (Large-scale, ground-mounted Solar Power Energy System)” and other conditions as follows:

- A) The Applicant, heirs and assigns shall conduct operations in accordance with the plans and application materials submitted to and approved by the Board of Commissioners (BCC), a copy of which is contained in the County Planning & Zoning Office and recorded with the Register of Deeds Office. Any Major Modification proposed to the approved plans shall require reapplication and approval by the Board of County Commissioners. “Major Modification” is defined as “Any significant change in land use, and change in the project boundary and/or any change that results in an increase in the density or intensity of the project, as shown and described in the approved Conditional Use Permit and Site Plans.” However, it is understood that the conceptual layout of the Solar Farm as shown on the Site Plans may require adjustments in the exact location of the equipment within the proposed chain link fence, pending the outcome of final survey, wetlands delineation, storm water permits, Army Corp of Engineers requirements, and maximization of solar energy production, as applicable. Minimum setbacks and buffering must comply with Section 907.28 of the Perquimans County Zoning Ordinance. In addition, adjustments may be needed in the final locations of access roads within the overall subject property.
- B) The approved Site Plan includes a total 5 MW’s (AC) of solar power production throughout the subject property. The facility will generate power which will be sold directly to the Power Company servicing the facility. The Solar Farm will consist of a single phase of construction.
- C) Reference is made to the Applicant’s attached cover letter (Exhibit “A”), which indicates that the Applicant has reviewed the Zoning Ordinance for Perquimans County and is prepared and committed to satisfy the ordinance language adopted for Solar Energy Facilities as necessary for a Conditional Use Permit.

CONDITIONAL USE PERMIT No. CUP-15-03
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- D) The main point of ingress and egress for the facility will be directly off of Snug Harbor Road (SR 1340) and assigned 911 address: 131 Snug Harbor Road, Hertford, NC 27944. For both aesthetics and safety, the driveway entrance leading from the public road shall be surfaced with asphalt or six inches (6”) of concrete as measured from the edge of the road and up to 30’ to facilitate site access from Snug Harbor Road. The remainder of the access or service roads will be constructed of gravel and compacted soil to a width of 20 feet with a minimum 30-foot radius of curvature. The Access Roadway is further defined as: “A road bed having a width of 20 feet with a minimum 30-foot centerline radius of curvature, with 8” inches of gravel and compacted soil in order to provide reliable site access for site construction, maintenance, and emergency vehicles. Said roads must be maintained by the Applicant, heirs and assigns to allow access for emergency vehicles. The access roadway shall be located as specified on the plans, on the inside of the chain link fence, together with a turnaround area or “back-up space” contingent upon final measurements agreed to in consultation with Emergency Services Director for Perquimans County.
- E) Prior to final project approval and issuance of a Zoning Permit, the Applicant must apply for and obtain a Driveway Permit from the North Carolina Department of Transportation (NCDOT).
- F) No building structures are anticipated for the solar facility at this time; however, any future proposal to construct an Accessory Building on the property will require the Applicant, heirs and assigns to first apply for and obtain Zoning and Building Permits in compliance with minimum design standards and may require review by the Planning Board to determine if the proposed improvement constitutes a Major Modification. Prior to issuance of a Zoning Permit for any new site improvement or building, the Applicant, heirs and assigns must provide a Site Plan detailing the existing and proposed site improvements, pursuant to Section 509 of the Perquimans County Zoning Ordinance.
- G) The Solar Energy System equipment and any potential future buildings or structures, shall be secured and screened from routine view from public rights-of-way, existing residential uses and adjacent properties, through compliance with Sections 907.28B(3)(a) and (b), 1802 and 1803.
- H) More specifically, all solar panels and related equipment will meet all required buffering and setbacks along property or leased project boundary lines. The buffering will consist of a security fence plus screening, as required by Sections 907B(3)(a) and (b), 1802 and 1803, and will be continuous around those portions of the perimeter of the project which are not shielded by existing woods or which are interrupted by vehicular access roads or which are located northwest of the access drive and/or inside of the Highway Corridor Overlay District (HCOD), whichever is farther from Ocean Highway South (US Hwy. 17 South). Mounting structures and solar panels will not exceed the maximum height of 15’. Outdoor lighting is expected to be minimal. Standard access gates will be used for any entrances to the Solar Farm and will be kept locked and secured at all times when authorized personnel are not occupying the property. The Facility will meet all Local, State and Environmental requirements.
- I) The Solar Farm shall be enclosed with a 6’ security fence with 1’ of barbed wire with a minimum height of seven (7) feet and screened with either a minimum three foot (3’) wide strip planted with dense evergreen vegetation such as Wax Myrtle, Wax-Leaf Ligustrum or other suitable plant

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material with an initial height of at least five feet (5’) with expected growth of at least seven (7) feet in height within three (3) years or a twenty (20) foot wide strip of natural wooded area. The vegetated buffer shall be located adjacent to the property line and between the property line and fence. Minimum setbacks and buffering must comply with Section 907.28 of the Perquimans County Zoning Ordinance.

- J) The Applicant, heirs and assigns shall take every precaution to ensure there is no increased stormwater directed onto adjacent properties resulting from new construction and development on the subject property. Should unforeseen stormwater problems occur, the Applicant, heirs and assigns shall take immediate action to rectify the situation in coordination with the owner of any adjacent property adversely impacted by stormwater runoff.
- K) Applicant’s Obligation to Restore the Property at the end of the Lease Term: Pursuant to the Applicant’s Lease Agreement with the property owner, the Applicants, their heirs and assigns, shall do the following with respect to any portions of the Property disturbed in the course of Solar Operations:

- 1) Within six (6) months after completion of construction of the solar project, the Applicant, their heirs and assigns, shall restore such portions of the Property to a condition reasonably similar to its condition on June 1, 2015, except for any parts of the Property that the Applicant determines it needs for continuing Solar Operations; and
 - 2) Within twelve (12) months after the expiration, surrender or termination of this Lease, the Applicant shall:
 - (a) Remove from such portions of the Property any Solar Energy System owned or installed by Applicant thereon and
 - (b) Restore, in a commercially reasonable manner and to commercially reasonable standards, such portions of the Property to a condition reasonably similar to its condition as of June 1, 2015, specifically to a farmable condition.
- L) Other minimum design standards and requirements for the large scale Solar Farm include but are not limited to required Site Considerations, Operational Considerations, and Application Requirements, pursuant to Article IX, Section 907.28, as follows:
- 1) Height: Solar energy system structures and related equipment shall not exceed fifteen (15) feet in height.
 - 2) Solar Equipment Setback: Solar energy system structures and related equipment must meet the minimum zoning setback for the zoning district in which it is located, or 30 feet, whichever is strictest;
 - 3) Building and Parking Area Setbacks: The setback for any building and parking area proposed to serve the Solar Farm shall be in keeping with that required by the zoning district as it applies to any street right-of-way and any contiguous property line that is used or zoned for nonresidential purposes.

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- 4) Lighting: The project currently proposes no lighting; however, any departure from this plan shall utilize minimal lighting and no lighting other than normal security lighting and that required by government agencies shall be permitted.
- 5) Screening: In general, Solar energy system structures and related equipment and buildings shall be screened from routine view from public rights-of-way, existing residential uses and adjacent properties zoned Residential Agriculture, Historic Agriculture, Rural Agricultural, or Commercial Zoning Districts using the County's Buffers and Screening standards currently found in Article XVIII, Sections 1802 and 1803.
- 6) Operational Considerations: Any access gate which affords views from an existing residence must be kept closed and locked at any time the Solar Farm is not occupied by the operator for preventive maintenance, repair and similar activities, etc.
- 7) Application Requirements: The Applicant's approved Site Plans (Exhibit "B") are conceptual and minor adjustments may be made pending permits and approvals by other entities. Prior to commencing construction, Applicant, heirs and assigns shall prepare and submit Site Plans which demonstrate compliance with minimum design standards of the County, State and other agencies as applicable, including but not limited to Site Considerations, Operational Considerations and Application Requirements of the Zoning Ordinance, Section 907.28, as amended. Such Site Plan shall be prepared in accordance with Site Plan Requirements currently found in Section 509 to denote the dimensions of the subject property, the proposed arrangement of solar panels, the distances from the proposed site improvements to all property lines, and the location of proposed driveway(s). No portion of the Solar Farm may encroach into the required setbacks of any buffer areas. The Site Plan shall also show the location of any required buffers. Other application requirements include:
 - (a) Horizontal and vertical (elevation) to-scale drawings with dimensions, showing the location of the system on the property.
 - (b) All required permits from other governmental agencies (local, state, and federal) shall be obtained by the Applicant prior to commencing construction or as otherwise required by the applicable laws and regulations, including but not limited to the following:
 - (1) Building permits shall be obtained from Perquimans County for all components of the project which are required by the North Carolina Building Code.
 - (2) State stormwater permits and County review and approval may be required pursuant to Sections 509, 1902 and 1906, to ensure that storm water does not cause problems on the site or on adjacent properties.
 - (3) A Driveway Permit or documentation from NCDOT that the existing or proposed site access is acceptable for the proposed use prior to final project approval.
 - (c) Approved Solar Components: Solar energy system components must have a UL listing. If required, solar energy components to be designed with anti-reflective coating(s).
 - (d) Compliance with Building Code: All active solar energy systems shall meet all requirements of the North Carolina State Building Code and shall be inspected by a Perquimans County Building Inspector.

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- (e) Compliance with National Electric Code: All photovoltaic systems shall comply with the National Electrical Code, current edition.
 - (f) Collector substations, interconnecting switching stations, transmission voltage step-up stations and any other substations located within the project area shall be secured with fencing at least 7 feet in height.
- M) The Conditional Use Permit is approved and recorded with the Applicants' cover letter and conceptual Site Plans, to become the basis for the Zoning Permit issued by the Planning & Zoning Office upon submittal and approval of a final Site Plan. If the Conditional Use Permit is not recorded in the Register of Deeds Office by the Applicant, heirs and assigns within three (3) months from the date of BCC approval, the BCC may revoke the Conditional Use Permit.
- N) Annual Reports: The Planning Board and Board of County Commissioners hereby acknowledge the Applicant's intent to complete construction of the Solar Farm in 2015. During construction of the project, the Applicant, heirs and assigns shall provide the County with annual reports outlining progress to date along with circumstances that may result in delays. In the event construction will be delayed beyond June 1, 2016, the Applicant, heirs and assigns shall formally request an extension be granted by the Board of County Commissioners; otherwise the BCC may revoke the Conditional Use Permit.
- O) As-Built Drawings: Within 12 months of completion of construction, the Applicant, heirs and assigns shall provide certified "as built" drawings to the County showing the locations of the solar panel farm location, roads, transmission lines, equipment, components, and all related improvements.
- P) Continued Access and Inspections: For a period of up to 12 months after the Applicant, heirs and assigns submits the certified "as built" drawings, County staff may confirm compliance with the specific specifications determined to be within compliance according to the Perquimans County Zoning Ordinance, Sections 907.28B.(1)-(8), as amended.
- Q) Cultural Resources: The Applicant, heirs and assigns shall inform the County about any historical or archaeological resources found within the project boundaries and provide an opportunity for the County to document said resources. In addition, the Applicant, heirs and assigns shall submit a copy to the County of any inventory, study, plan, etc., required or prepared by State or Federal regulations or agencies which documents historical or archaeological resources found within the project boundaries.
- R) Sign Permits: A separate Sign Permit must be obtained from the Planning & Zoning Office and the Building Inspections Department for any sign not exempted by the Perquimans County Zoning Ordinance, Article XX.
- S) Applicant, heirs and assigns shall hold training sessions for emergency service personnel if requested by the Emergency Services Director with adequate advanced notice.

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If any of the conditions affixed hereto or any part thereof shall be held invalid or void without remedy, then this permit shall be void and of no effect.

IN WITNESS WHEREOF, Perquimans County has caused this permit to be issued in its name, and the undersigned, being all the authorized applicants, agents, representatives, or property owners of the property above described, do hereby accept this Conditional Use Permit, together with all its conditions, as binding on them and their successors in interest.

Janice McKenzie Cole, Chair, Board of Commissioners Date
 Attest: _____ (Seal)
 Mary P. Hunnicutt, Clerk to the Board Date

I (We), _____, authorized Applicant(s) of the above identified property, do/does hereby acknowledge receipt of this Conditional Use Permit. The undersigned does further acknowledge that no work may be done pursuant to this permit except in accordance with all of its conditions and requirements and that this restriction shall be binding on them and their successors in interest.

SOLNCPower10, LLC Date
By: Heath McLaughlin,

The State of _____
_____ County

I, _____, a Notary Public in and for the said State and County, do hereby certify that _____ personally appeared before me this day and acknowledged the due execution of the forgoing instrument.

WITNESS my hand and notarial seal, this the _____ day of _____, 20 _____.

Notary Public

My Commission expires: _____

(Not valid until fully executed and recorded)
Do NOT record this page
-End of Proposed Conditional Use Permit No. CUP-15-03
to be recorded by SOLNCPower10, LLC-
for
Large scale, ground-mounted Solar Power Energy System
located east of Ocean Hwy South & north of Snug Harbor Road

NOTES: This Final CUP is identical to the Draft CUP contained in the Addendum to the BCC's 6-1-15 Agenda with exception to changes made during or after the meeting, as follows:

- 1) The BCC's action to require a new condition for the Applicants, heirs or assigns to provide enhanced buffering within the Highway Corridor Overlay District (HCOD) portion of the project which is:
 - (a) Not already shielded from the public right-of-way by existing wooded wetlands to the north; or
 - (b) Not interrupted by vehicular access roads; or
 - (c) Located to the northwest of the access drive and/or inside the Highway Corridor Overlay District – from whichever point is farther from Ocean Highway South [US Hwy. 17 South]; and
 - (d) Is limited to the enhancement provided in the Belvidere Road Solar Farm project. (Note: This new condition will be accomplished by increasing the initial height of vegetation *from "at least three feet (3')"* to *"at least five feet (5')"* in Condition "I" of the Final CUP); and
- 2) The Planning staff's corrections of two 'Scrivener's Errors' in the 5-31-15 Draft CUP, Condition "H" to change *"southeast"* to *"northwest"* and *"outside"* to *"inside"* regarding the extent of vegetative screening along portions of the project boundaries inside the HCOD.

Do NOT record this page
CONDITIONAL USE PERMIT No. CUP-15-03
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CONDITIONAL USE PERMIT No. CUP-15-03
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The motion was seconded by Edward R. Muzzulin and unanimously approved by the Board.

Revocation of Drinking Hole Road CUP: Donna Godfrey presented a request from Shelley Layden and Thomas & Rebecca Winslow to withdraw Conditional Use Permit No. CUP-14-03 which previously approved a Large Scale Solar Farm on the 92.16-acre tract located in the 200-block (on the south side) of Drinking Hole Road (SR 1118), on the east side of County Line Road (SR 1002), and known as Tax Parcel No. 5-0032-0089. The reason for the request is because the recorded CUP document may adversely affect the loan approval for the buyer who wishes to conduct traditional farming on the property. Ms. Godfrey explained that we currently do not have procedures in place for revoking or withdrawing the Conditional Use Permits. After her research, she found a Resolution that we could use to process this request. Chair Cole asked if there was a motion to approve this Resolution. On motion made by Matthew Peeler, seconded by Wallace E. Nelson, the Board unanimously approved to adopt the Resolution to rescind Conditional Use Permit No. CUP-14-03:

RESOLUTION RESCINDING CONDITIONAL USE PERMIT
(No. CUP-14-03) ISSUED for TAX PARCEL No. 5-0032-0089

WHEREAS, on or about May 5, 2014, Perquimans County issued Conditional Use Permit No. CUP-14-03 for Tax Parcel No. 5-0032-0089, located in the 200-block (on the south side) of Drinking Hole Road (SR 1118), on east side of County Line Road (SR 1002), for a Large Scale Solar Power Generating Facility; and

WHEREAS, said Conditional Use Permit No. CUP-14-03 was recorded in the Perquimans County Register of Deeds Office at Deed Book 427, Page 685; and

WHEREAS, on or about May 19, 2015, Shelley Layden, Authorized Applicant for the Property, submitted a request to Perquimans County to withdraw the conditional use permit because the Property is no longer under contract for the development of a Solar Power Plant; and

WHEREAS, on or about May 22, 2015, Thomas P. and Rebecca N. Winslow, the owners of the Property, submitted a request to Perquimans County to resolve, revoke, cancel and remove the deed encumbrance of the conditional use permit, because they did not renew the solar project contract; and

WHEREAS, the Perquimans County Board of Commissioners has considered the requests by Shelley Layden and Thomas and Rebecca Winslow, and determined that there will be no adverse impacts to adjoining properties by granting the request to rescind the conditional use permit;

NOW, THEREFORE, BE IT RESOLVED BY THE PERQUIMANS COUNTY BOARD OF COMMISSIONERS: That the conditional use permit approved for Tax Parcel No. 5-0032-0089, located in the 200-block (on the south side) of Drinking Hole Road (SR 1118), on the east side of County Line Road (SR 1002), for a Large Scale Solar Power Generating Facility be, and the same hereby is, Withdrawn/Resolved/Revoked/Cancelled/Removed/Released/Rescinded at the request of the applicant and the owners of the Property, Shelley Layden and Thomas and Rebecca Winslow, respectively;

BE IT FURTHER RESOLVED, that this Resolution shall become effective upon adoption.

Adopted this, the 1st day of June, 2015.

Janice McKenzie Cole, Chair

ATTEST:

Mary P. Hunnicutt, Clerk to the Board

STATE OF NORTH CAROLINA
COUNTY OF PERQUIMANS

I, _____, a Notary Public of the County and State aforesaid, certify that **Mary P. Hunnicutt**, either being personally known to me or proven by satisfactory evidence, personally came before me this day and acknowledged that she is Clerk to the Board of Perquimans County, and that by authority duly given and as the act of the Board, the foregoing instrument was voluntarily signed in its name by its Chairperson and voluntarily attested by her as its Clerk to the Board for the purposes stated therein.

Witness my hand and official stamp or seal, this _____ day of June, 2015.

Notary Public

My Commission Expires:

(Affix Notarial Seal)

JCPC CERTIFICATION FOR FY 2015-16/INTER-AGENCY COUNCIL APPOINTMENTS

County Manager Heath presented the following Juvenile Crime Prevention Council Certification and Council Appointments for FY 2015-16:

NC Department of Public Safety, Division of Juvenile Justice
 Juvenile Crime Prevention Council Certification

Fiscal Year: 2015 -2016

| | |
|---------------------------|---------------------------|
| County: Perquimans | Date: May 12, 2015 |
|---------------------------|---------------------------|

CERTIFICATION STANDARDS

STANDARD #1 - Membership

- A. Have the members of the Juvenile Crime Prevention Council been appointed by county commissioners? Yes
- B. Is the membership list attached? Yes
- C. Are members appointed for two year terms and are those terms staggered? Yes
- D. Is membership reflective of social-economic and racial diversity of the community? Yes
- E. Does the membership of the Juvenile Crime Prevention Council reflect the required positions as provided by N.C.G.S. §143B-846? Yes

If not, which positions are vacant and why?
 Not all positions are available in the county

STANDARD #2 - Organization

- A. Does the JCPC have written Bylaws? Yes
 - B. Bylaws are attached or on file (Select one.)
 - C. Bylaws contain Conflict of Interest section per JCPC policy and procedure. Yes
 - D. Does the JCPC have written policies and procedures for funding and review? Yes
 - E. These policies and procedures attached or on file. (Select one.)
 - F. Does the JCPC have officers and are they elected annually? Yes
- JCPC has: Chair; Vice-Chair; Secretary; Treasurer.

STANDARD #3 - Meetings

- A. JCPC meetings are considered open and public notice of meetings is provided. Yes
- B. Is a quorum defined as the majority of membership and required to be present in order to conduct business at JCPC meetings? Yes
- C. Does the JCPC meeting bi-monthly at a minimum? Yes
- D. Are minutes taken at all official meetings? Yes
- E. Are minutes distributed prior to or during subsequent meetings Yes

STANDARD #4 - Planning

- A. Does the JCPC conduct an annual planning process which includes a needs assessment, monitoring of programs and funding allocation process? Yes
- B. Is this Annual Plan presented to the Board of County Commissioners and to DPS? Yes
- C. Is the Funding Plan approved by the full council and submitted to Commissioners for their approval? Yes

STANDARD #5 - Public Awareness

- A. Does the JCPC communicate the availability of funds to all public and private nonprofit agencies which serve children or their families and to other interested community members? RFP, distribution list, and article attached) Yes
- B. Does the JCPC complete an annual needs assessment and make that information available to agencies which serve children or their families, and to interested community members? Yes

STANDARD #6 — No Overdue Tax Debt

- A. As recipient of the county DPS JCPC allocation, does the County certify that it has no overdue tax debts, as defined by N.C.G.S. §105-243 (1), at the Federal, State, or local level? Yes

Briefly outline the plan for correcting any areas of standards non-compliance.
 None

Having complied with the Standards as documented herein, the Juvenile Crime Prevention Council may use up to \$15,500 of its annual Juvenile Crime Prevention fund allocation to cover administrative and related costs of the council. *Form JCPC/OP 002 (b) JCPC Certification Budget Pages* detailing the expenditure budget must be attached to this certification.

The JCPC Certification **must be received by June 30, 2015.**

**JCPC Administrative Funds
 SOURCES OF REVENUE**

| | |
|---|----------|
| DPS JCPC | |
| Only List requested funds for JCPC Administrative Budget. | |
| | <u>0</u> |
| Local | <u>0</u> |
| Other | <u>0</u> |
| Total | <u>0</u> |

JCPC Chairperson Date

Chairman, Board of County Commissioners Date

DPS Designated Official Date

Juvenile Crime Prevention Council Certification (cont'd)

Perquimans County FY 2015-16

Instructions: N.C.G.S. § 14313-846 specifies suggested members be appointed by county commissioners to serve on local Juvenile Crime Prevention Councils. In certain categories, a designee may be appointed to serve. Please indicate the person appointed to serve in each category and his/her title. Indicate appointed members who are designees for named positions. Indicate race and gender for all appointments.

| Specified Members (G.S. 147-33.61) | Name | Title | Designee | Race | Gender |
|--------------------------------------|----------------------|----------------|--------------------------|------|--------|
| 1) School Superintendent or designee | Dr. Dwayne Stallings | Superintendent | <input type="checkbox"/> | w | M |
| 2) Chief of Police | n/a | | <input type="checkbox"/> | | |
| 3) Local Sheriff or designee | Eric Tilley | Sheriff | <input type="checkbox"/> | w | M |

| Specified Members (G.S. 147-33.61) | Name | Title | Designee | Race | Gender |
|---|---------------------|----------------------------|--|------|--------|
| 4) District Attorney or designee | n/a | | <input type="checkbox"/> | | |
| 5) Chief Court Counselor or designee | Sherri Ellington | Chief | <input type="checkbox"/> | w | F |
| 6) Director, AMH/DD/SA, or designee | Tracey Webster | SOC Coordinator | <input type="checkbox"/> | b | F |
| 7) Director DSS or designee | Susan Chaney | Director | <input type="checkbox"/> | w | F |
| 8) County Manager or designee | Frank Heath | County Manager | <input type="checkbox"/> | w | M |
| 9) Substance Abuse Professional | n/a | | <input type="checkbox"/> | | |
| 10) Member of Faith Community | Rev. Ann Vaughn | Minister | <input type="checkbox"/> | b | F |
| 11) County Commissioner | Kyle Jones | Commissioner & Ass't DA | <input type="checkbox"/> | w | M |
| 12) Two persons under age 18 (State Youth Council Representative, if available) | tbd tbd | | <input type="checkbox"/> <input type="checkbox"/> | | |
| 13) Juvenile Defense Attorney | n/a | | <input type="checkbox"/> | | |
| 14) Chief District Judge or designee | Hon. Meader Harriss | District Court Judge | <input type="checkbox"/> | w | M |
| 15) Member of Business Community | Deb Burroughs | APRC | <input type="checkbox"/> | w | F |
| 16) Local Health Director or designee | Trey Wright | Triple P | <input type="checkbox"/> | w | M |
| 17) Rep. United Way/other non-profit | Latoria Johnson | Hopeline | <input type="checkbox"/> | w | F |
| 18) Representative/Parks and Rec. | Howard Williams | Director | <input type="checkbox"/> | w | M |
| 19) County Commissioner appointee | Gail White | Housing Authority Director | <input type="checkbox"/> | w | F |
| 20) County Commissioner appointee | Wonder Lewis | Library | <input type="checkbox"/> | b | F |
| 21) County Commissioner appointee | Anisha Spellman | STOP Coordinator | <input type="checkbox"/> | b | F |
| 22) County Commissioner appointee | Clayton Griffin | Mentoring Focus Director | <input type="checkbox"/> | b | M |
| 23) County Commissioner appointee | Anita Bennett | Library | <input type="checkbox"/> | w | F |
| 24) County Commissioner appointee | Ed Hall | DJJ | <input type="checkbox"/> | b | M |
| 25) County Commissioner appointee | | | <input type="checkbox"/> | | |

On motion made by Matthew Peeler, seconded by Wallace E. Nelson, the Board unanimously approved the FY 2015-2016 JCPC Certification and the Juvenile Crime Prevention Council Members.

BOARD RESIGNATION/APPOINTMENT: CHOWAN/PERQUIMANS SMART START PARTNERSHIP

County Manager Heath explained that Terissa Blanchard has resigned effective June 30, 2015 from the Chowan/Perquimans Smart Start Partnership. Chair Cole asked Mary Hunnicutt, Clerk to the Board, if anyone had applied to replace her. Ms. Hunnicutt said that no one had. Therefore, she tabled the matter until next month.

INTRODUCTION OF ELIJAH WHITE

County Manager Heath introduced Elijah White who was the Intern that the Board approved to work with the County this summer.

ALBEMARLE PLANTATION FIREWORKS

Ms. Hodges had brought in copies of the contract for fireworks in Albemarle Plantation on July 3rd. On motion made by Edward R. Muzzulin, seconded by Matthew Peeler, the Board unanimously approved them to have Albemarle Plantation Fireworks on July 3rd.

PUBLIC COMMENTS

Chair Cole asked if there were any public comments. There were no public comments.

ADJOURNMENT

There being no further comments or business to discuss, the Regular Meeting was adjourned at 8:10 p.m. on motion made by Matthew Peeler, seconded by Edward R. Muzzulin.

Janice McKenzie Cole, Chair

Clerk to the Board

SPECIAL CALLED MEETING

June 15, 2015

7:00 p.m.

The Perquimans County Board of Commissioners met in a Special Called Meeting on Monday, June 15, 2015, at 7:00 p.m. in the Commissioners' Room located on the first floor of the Perquimans County Courthouse Annex.

MEMBERS PRESENT: Janice McKenzie Cole, Chair Edward R. Muzzulin, Vice Chairman
 Kyle Jones Fondella Leigh
 Wallace Nelson Matthew Peeler

MEMBERS ABSENT: None

OTHERS PRESENT: Frank Heath, County Manager Mary Hunnicutt, Clerk to the Board

After the Chair called the meeting to order, Commissioner Leigh led in prayer and the Chair led the Pledge of Allegiance. Chair Cole explained that this Special Called Meeting was scheduled to hold a Public Hearing on the FY 2015-16 Budget.

PUBLIC HEARING – FY 2015-2016 Budget

Chair Cole opened the Public Hearing stating that the purpose of the public hearing was to receive public comments on the proposed FY 2015-2016 Budget. There were sixteen (16) people present. The