

Mr. Keith McLaughlin, Managing Member of Blue Green Energy, LLC. Mr. Finkelstein asked Mr. McLaughlin to explain his education and experience and give a presentation on the proposed project. During his presentation, Mr. McLaughlin asked Clay White, representative of the White Family, to provide a history in the White family. After Mr. White's comments, Mr. McLaughlin continued with his presentation. Mr. McLaughlin ended his presentation with how this project meets the requirements for these basic four 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.

Chairman Jones asked Mr. Wood, attorney for opposition, if he would like to cross-examine Mr. McLaughlin. He did. During the cross-examination, County Manager Heath clarified what the tax abatement covered. Mr. Jones then asked Broughton Dail if he had any questions for Mr. McLaughlin. He had none. Chairman Jones opened the floor for questions from the Board. The Board asked the following information:

- **Commissioner Hoffer:** Mr. Hoffer asked who will use the energy locally. Mr. McLaughlin answered the question and said that it basically would depend on the demand for the energy.
- **Commissioner Woodard:** Mr. Woodard asked who would buy the electricity from this particular solar farm. Mr. McLaughlin said that they would sell it to Dominion Power. Mr. Woodard also asked where the funds came from to build the solar farm. Mr. McLaughlin said that it came from independent financial entities that specialize in solar farms. Mr. Woodard further asked if this solar farm would pay for itself. Mr. McLaughlin said that it would eventually.

Chairman Jones asked if there were any further questions for Mr. McLaughlin or Mr. White. There being none, Chairman Jones asked County Attorney High if it would be appropriate for them to pause the Quasi-Judicial Hearing in order for the scheduled appointments and other business to be conducted. County Attorney High said that it would be okay. Therefore, Chairman Jones proceeded with the rest of tonight's meeting.

AGENDA

On motion made by Edward R. Muzzulin, seconded by Fondella A. Leigh, 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 Fondella A. Leigh.

- 1. **Approval of Minutes:** April 3, 2017 Regular Meeting, April 10 & 11, 2017 Departmental Budget Presentations, April 17, 2017 Joint Work Session with the Board of Education & the Regular Work Session.

- 2. **Personnel Matter:**

Employee Name	Employee Job Title	Action Required	Grade/Step	New Salary	Effective Date
Robin Trueblood	Maintenance Supervisor	Appointment	62/8	\$32,929	5/15/2017

- 3. **Step/Merit Increases:**

Employee Name	Employee Job Title	Grade /Step	New Salary	Effective Date
Janet Stallings	Administrative Assistant	61/6	\$30,010	5/1/2017
Beverly Gregory	Tax Clerk	58/16	\$33,566	5/1/2017

- 4. **Budget Amendments:**

**BUDGET AMENDMENT NO. 19
GENERAL FUNDS**

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
10-348-000	State Grants - Social Services		251
10-610-454	Child/Day Care		251

EXPLANATION: To budget actual Daycare Funds to be received in FY 2016-17 as approved by the State.

- 5. **Salary Classification Revision:** After reviewing the current Salary Classifications, it was noted that the Sergeant's position was omitted from the schedule. Amend the Salary Classifications as follows:

POSITION	GRADE
County Manager	83
Secretary/Clerk to the Board/Personnel Officer	65
Finance Officer	72
Supervisor - Board of Elections	64
Telecommunications:	
Telecommunicator - Chief	64
Telecommunicator - Certified	62
Telecommunicator	60
Planner	72
Emergency Management Coordinator	67
Emergency Medical Services:	
Captain	68
EMT-D	63
EMT-I	66
Building Inspector:	
Chief	71
Assistant	67
Code Enforcement Officer/Safety Officer	61
Administrative Assistant	61
Recreation Department:	
Recreation Director	70
Athletic Program Supervisor	64
Administrative Assistant	58
Senior Citizens:	
Senior Citizens Coordinator	63
Secretary - Senior Citizens	60
Register of Deeds:	
Register of Deeds	70
Assistant Register of Deeds	60
Deputy Register of Deeds	58
Sheriff's Department:	
Sheriff	75
Deputy - Investigator	68

POSITION	GRADE
Deputy - Sergeant	67
Deputy	65
Deputy - Uncertified	64
Animal Control	62
Animal Control Assistant	58
Bailiff	54
Administrative Assistant	60
Tax Department:	
Tax Administrator/Special Projects Coordinator	75
Assistant Tax Administrator	66
Tax Clerk I	58
Tax Clerk II	61
Tax & Finance Specialist	59
Mapper	68
Water Department:	
Water Supervisor	68
Water Treatment Plant Superintendent	68
Water Plant Operator	64
Backhoe Operator	65
Water Technician I	58
Water Technician II	60
Water Technician III	68
Billing/Collection Clerk	61
Buildings & Grounds:	
Maintenance Supervisor	62
Housekeepers	54
All other Secretaries with the County	57
Social Services Staff are According to State Grades:	
Director	76
Income Maintenance	
Caseworker II	63
Caseworker III	65
Investigator I	63
Supervisor II	67
Accounting Technician IV	63
Office Assistant III	57
Public Information Assistant IV	59
Social Worker II	66
Social Worker III	68
Social Worker/IA&T	70
Human Services Coordinator	68
Human Resources Placement	63
Social Worker Supervisor III	72

- 6. **No-Wake Zone - Portion of Yeopim Creek at Heritage Shores North Subdivision:** In October, 2016, the Board adopted a resolution requesting a No Wake Zone for a portion of Yeopim Creek at Heritage Shores Subdivision. The No Wake Zone has been approved. This is for information purposes only.
- 7. **Enclosure:** The following Board appointment/resignations were approved by the Board:

NAME	BOARD	ACTION	TERM	EFFECTIVE DATE
Charlie Lacefield	COA Board of Trustees	Resignation		06/30/2017
Kyle Jones	Social Services Board	Resignation		05/01/2017
Charles Woodard	Social Services Board (<i>complete Kyle Jones' term</i>)	Appointment	2 yrs.	05/01/2017

- 8. **Resolution/Proclamations:** The following Resolution and Proclamations were unanimously approved by the Board:
 - **Proclamation – Older American Month 2017:** At the request of Area Agency on Aging, the Board adopted the following Proclamation proclaiming May, 2017 as Older Americans Month:

**Older Americans Month 2017
A Proclamation**

Whereas, Perquimans County includes older Americans who richly contribute to our community; and

Whereas, we acknowledge that what it means “to age” has changed—for the better.

Whereas, Perquimans County is committed to supporting older adults as they take charge of their health, explore new opportunities and activities, and focus on independence; and

Whereas, Perquimans County can provide opportunities to enrich the lives of individuals of *all ages* by:

- involving older adults in the redefinition of aging in our community;
- promoting home- and community-based services that support independent living;
- encouraging older adults to speak up for themselves and others; and
- providing opportunities for older adults to share their experiences.

NOW, THEREFORE, BE IT RESOLVED that the Perquimans County Board of Commissioners do hereby proclaim May 2017 to be Older Americans Month. We urge every resident to take time during this month to acknowledge older adults and the people who serve them as influential and vital parts of our community.

ADOPTED the 1st day of May, 2017.

T. Kyle Jones, Chairman
Perquimans County Board of Commissioners

ATTESTED:

Mary P. Hunnicutt, Clerk to the Board
Perquimans County Board of Commissioners

- **Proclamation – Vulnerable Adult & Elder Abuse Awareness Months :** At the request of Area Agency on Aging, the Board adopted the following Proclamation proclaiming Mother’s Day through Father’s Day as Vulnerable Adult & Elder Abuse Awareness Months:

**VULNERABLE ADULT AND ELDER ABUSE
AWARENESS MONTHS**

2017

A PROCLAMATION

WHEREAS, North Carolina joins the world in recognizing World Elder Abuse Awareness Day every June 15th; and

WHEREAS, protecting North Carolina’s vulnerable and older adults is a community responsibility and all citizens are charged under State law to report suspected abuse, neglect or exploitation to their local County Department of Social Services; and

WHEREAS, North Carolina’s vulnerable and older adults of all social, economic, racial and ethnic backgrounds may be targets of abuse, neglect or exploitation which can occur in families, long-term care settings and communities; and

WHEREAS, in state fiscal year 2016 there were 25,980 reports of abuse, neglect or exploitation of vulnerable and older adults were made to North Carolina’s 100 County Departments of Social Services; and

WHEREAS, national and international research shows that abuse, neglect and exploitation of vulnerable and older adults is grossly underreported; and

WHEREAS, the State of North Carolina enacted the nation’s first elder abuse law and recognizes the need for a comprehensive system of protection for vulnerable and older adults; and

WHEREAS, Mother’s and Father’s Days are national holidays intended to honor, respect, and promote the dignity and well-being of our older citizens;

NOW THEREFORE BE IT RESOLVED, that the Perquimans County Board of Commissioners do hereby proclaim **MOTHERS DAY to FATHERS DAY 2017** as **“VULNERABLE ADULT AND ELDER ABUSE AWARENESS MONTHS”** in and commend its observance to the Perquimans County citizens.

Adopted this the 1st day of May, 2017.

Perquimans County Board of Commissioners

T. Kyle Jones, Chairman

SEAL

ATTEST:

Mary P. Hunnicutt, Clerk to the Board

- **Resolution - Supporting Sales Tax Refund/Exemption for Public Schools:** Board adopted the following Resolution supporting Sales Tax Refund/Exemption for Public Schools

**Perquimans County Board of Commissioners Resolution
Supporting Sales Tax Refund/Exemption for Public Schools**

WHEREAS, from 1998 until 2005, local boards of education were able to provide additional educational opportunities with savings from State and local sales and use tax refunds; and

WHEREAS, a 2005 budget provision revoked LEA sales and use tax refund authority and attempted to supplant the estimated \$33.3 million in lost revenues by authorizing a quarterly transfer of revenue to the State Public School Fund; and

WHEREAS, during the 2006 legislative session, the General Assembly reinstated local school boards’ authority to apply for the local sales tax refund, but declined to do likewise with regards to the State sales tax refund; and

WHEREAS, today school districts remain one of the few public entities that cannot apply for a State sales tax refund at a cost the General Assembly’s Fiscal Research Division has estimated to exceed \$40 million a year; and

WHEREAS, many other entities, including cities, counties, public universities, charter schools, private schools, and other non-profits, can apply for a State sales tax refund or exemption; and

WHEREAS, no entity in recent history, other than public schools, has lost the ability apply for a State sales tax refund or exemption; and

WHEREAS, even after a comprehensive tax reform, local boards are still excluded and are rightly troubled at being excluded from the group of entities eligible for a State sales tax refund; and

WHEREAS, one of the most problematic aspects of school districts’ inability to apply for a State sales tax refund is that no alternative revenue options are available to supplant the lost funds; and

WHEREAS, county governments are already appropriating almost \$2.7 billion per year for public school operating costs and bearing the primary burden for an estimated \$8.2 billion in school facility needs; and

WHEREAS, inability to apply for a State sales tax refund is costly for districts that are building or renovating schools; and

WHEREAS, a 2009 report from the General Assembly’s Joint Education Oversight Committee found that without authority to apply for a State sales tax refund many school districts are resorting to a burdensome, wasteful, and highly inefficient exercise of transferring title to their buildings to the county during the construction phase so that the county can apply for the sales tax refund on the school district’s behalf; and

WHEREAS, the Committee found that “there are reports of significant costs related to these property transfers, and that the ability to engage in such transfers varies depending on the relationship between the school board and county commissioners;” and

WHEREAS, districts that cannot transfer their capital costs, meanwhile, have delayed necessary renovations longer than they otherwise would because of the added costs; and

WHEREAS, the end result has been a net loss to public schools statewide, with negative repercussions on classroom operations and the delivery of quality educational services across the state.

NOW, THEREFORE BE IT RESOLVED that the Perquimans County Board of Commissioners does request that public schools be treated equally as other entities. If North Carolina’s tax code is going to continue to allow numerous entities, including other governmental entities, to not pay sales tax, then the Perquimans County Board of Commissioners does request that local boards of education either be granted a sales tax exemption or have their sales tax refund reinstated.

Adopted this 1st day of May, 2017

T. Kyle Jones, Chairman
Perquimans County Board of Commissioners

SEAL

Clerk to the Board

ALICE COROMOSKI, HOLIDAY ISLAND

Ms. Coromoski of Holiday Island presented the Board with a petition signed by residents in Holiday Island to allow Golf Carts in their community. Commissioner Hoffler asked how many golf carts are in their community. Ms. Coromoski said about 100. Chairman Jones stated that, as the Board remembers, they have just addressed Snug Harbor’s request to allow golf carts in their community. He further stated that the appetite was not there enough to allow this Board to pass any change in our current Ordinance. This may be discussed further at a Work Session if the appetite is there.

BUDDY LAWRENCE, ALBEMARLE PLANTATION

Mr. Lawrence explained that Albemarle Plantation is again planning a July 1st fireworks show at the Plantation and is coming before the Board for approval. He has talked to chief of Bethel Fire Department and they are on board to assist with the fireworks show. He said that the same company, Pyrotechnics Contract, will be handling the fireworks. On motion made by Edward R. Muzzulin,

seconded by Charles Woodard, the Board unanimously approved the July 1st Fireworks at Albemarle Plantation.

ASHLEY STOOP, ALBEMARLE REGIONAL HEALTH SERVICES

Prior to her speaking, Commissioner Nelson provided some background as to what Ms. Stoop was going to present. He further stated that there are some opportunities that can be addressed during the Budget process to see how we can improve the health in our community. Ms. Stoop of Albemarle Regional Health Services presented a PowerPoint presentation that gave an overview of the recent Health Assessment that was taken for Perquimans County. Commissioner Nelson thanked her for preparing this presentation.

BILL JENNINGS, TAX ADMINISTRATOR

Mr. Jennings presented his monthly report.

SUSAN CHANEY, SOCIAL SERVICES DIRECTOR

Ms. Chaney presented her monthly report, notified the Board of the upcoming Foster Parent Class, and welcomed Charles Woodard to the Social Services Board to replace Kyle Jones.

JILL COHEN, PERQUIMANS COUNTY SCHOOLS

Ms. Cohen explained the program and presented a certificate to County Manager Heath designating Perquimans County as a Work Ready Community.

COMMISSIONER'S CONCERNS/COMMITTEE REPORTS

There being none, Chairman Jones moved onto the old business.

UPDATES FROM COUNTY MANAGER

County Manager Heath presented the following updates:

- **Jack the Dog:** Mr. Heath explained again why he was showing a picture of Jack the Dog who was adopted from our Tri-County Animal Shelter. Every time Jack's picture is shown at a Commissioners' meeting, the Tri-County Animal Shelter would receive \$200 from Jack's owner. These funds will be used to expand the Tri-County Shelter facility.
- **Library Project:** Mr. Heath explained that the roof will be done this week, interior HVAC work is about completed, and bricking will soon begin. The project is still on schedule for late August completion.
- **Perquimans County Marine Industrial Park Boat Ramp Project:** Mr. Heath explained that the Board Ramp has been poured. It is quite an impressive piece of construction. It is on schedule for completion the end of this month including the paving of the parking lots.

BOARD APPOINTMENTS: NURSING HOME ADVISORY COMMITTEE

We still have no one to appoint so the matter was tabled until next month.

LOCAL LIBRARY BOARD APPOINTMENTS

County Manager Heath informed the Board that there are three members on the Local Library Board whose terms are due to expire on June 30, 2017. Of the three, two are agreeing to serve another term. We have received two applications to fill this vacancy. Therefore, the Board will need to consider the following reappointments and an appointment to replace Bob Bastek. The individuals who have applied to replace him are Rhonda Money and Jennifer Poppert. On motion made by Wallace E. Nelson, seconded by Joseph W. Hoffer, the following Local Library Board reappointments and appointment were made:

NAME	BOARD	ACTION	TERM	EFFECTIVE DATE
Darla Matthews	Local Library Board	Reappointment	4 yrs.	07/01/2017
Peter LeRoy	Local Library Board	Reappointment	4 yrs.	07/01/2017
Rhonda Money	Local Library Board	Appointment	4 yrs.	07/01/2017

RESOLUTION: SUPPORTING THE DISPOSAL OF ELECTRONICS IN LANDFILLS

County Manager Heath explained that Albemarle Regional Health Services has requested that the Counties would consider adopting this resolution that supports the disposal of electronics in landfills. Mr. Heath further explained that disposal of electronics in landfills have become quite expensive since we have to contract out collection of these items. If the device is intact, we cannot dispose of it in the landfill. If it is broken, we can dispose of it in the landfill. On motion made by Wallace E. Nelson, seconded by Charles Woodard, the Board adopted the following Resolution:

RESOLUTION SUPPORTING THE DISPOSAL OF ELECTRONICS IN LANDFILLS

WHEREAS, the large increase of the disposal of electronics and no funding from the State of North Carolina has become a financial burden on Perquimans County; and

WHEREAS, because of the laws as set out in the North Carolina General Statutes, electronics cannot be disposed of in the landfill by counties; and

WHEREAS, Perquimans County has to contract with an electronic specialty company to remove the products from the county, causing a substantial cost to Perquimans County; and

WHEREAS, North Carolina General Statute 130A-309.130 through 130A-309.141 ("Discarded Computer Equipment and Television Management") establishes an electronics recycling program for the State of North Carolina with shared responsibility between computer manufacturers, television manufactures, retailers, local and state government, and consumers. The goal of the program is to foster a statewide recycling infrastructure for these materials. In conjunction with this program, the law bans televisions, computers, monitors, printers, scanners and computer peripherals such as keyboards and mice from disposal in landfills; and

NOW THEREFORE BE IT RESOLVED, that the Perquimans County Board of Commissioners supports the Solid Waste section reviewing and rewriting the law above permitting the disposal of electronics in landfills, provided the landfill meets the requirements supported by the Solid Waste section and has no environmental or public health impacts.

BE IT FURTHER KNOWN AND RESOLVED, that the Perquimans County Commissioners voted _____ in support of the above information with further action being taken by the North Carolina Solid Waste section to resolve this concern.

ADOPTED this _____ day of _____, 2017.

T. Kyle Jones, Chair
Perquimans County Board of Commissioners

Attest:

Clerk to the Board

COA BOARD OF TRUSTEES APPOINTMENT

As mentioned under Consent Agenda, Charlie Lacefield has resigned from the COA Board of Trustees so the Board will need to appoint a replacement for him. Chairman Jones asked what the Board's pleasure was. Commissioner Nelson stated that he feels that the Board really needed to take time to discuss this appointment and that, if you look at the surrounding counties, you will see that a commissioner sits on the Board of Trustees. On motion made by Wallace E. Nelson, seconded by Charles Woodard, the Board tabled the matter until next month.

CONTINUATION OF QUASI-JUDICIAL HEARING FOR CUP-17-01

With the completion of the other Agenda Items, Chairman Jones reopened the Quasi-Judicial Hearing for Conditional Use Permit No. CUP-17-01.

Mark Finkelstein called his next witness, Tommy Cleveland, Solar VP Engineer with Advanced Energy Corporation. Mr. Finkelstein asked Mr. Cleveland to introduce himself and asked him to give his education and experience background that would qualify him as an expert witness in this Solar Farm Conditional Use Permit. Mr. Finkelstein tendered Mr. Cleveland as an expert witness in solar engineering, solar farm safety, and solar power. Chairman Jones asked Mr. Wood if he had any questions or problems with qualifying him as an expert witness in these fields. Mr. Wood had no objections. Mr. Finkelstein began his examination of Mr. Cleveland by asking which of these four 903 findings would he be addressing tonight:

- (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.

Mr. Cleveland will be addressing be item (a). After asking several questions, Mr. Cleveland concluded that this use will meet all the requirements with regard to item (a). Mr. Wood cross-examined Mr. Cleveland. Chairman Jones asked Mr. Dail if he had any questions. He did not. Mr. Jones asked if there were any questions from the Board. The following question was asked:

- **Commissioner Woodard:** Mr. Woodard stated that we are in an area that has tornadoes and hurricanes. What would happen if one of these events hits our area and the solar panels get blown around the county, who will pick them up and recycle them? Mr. Cleveland said that he did not think it would be affected by the hurricane but a tornado would be a different situation. Mr. Cleveland further stated that he had not heard of anything like that has occurred, but he did not think it would be dangerous to handle the panels to recycle them.

Mr. Finkelstein asked to redirect with a question about recycling. Mr. Cleveland responded to his questions. Mr. Jones asked if there was any recross from Mr. Wood or Mr. Dail. Mr. Wood asked a question. Mr. Dail had no questions.

There being no further questions for Mr. Cleveland, Mr. Finkelstein called his next witness, Keith Hardt, Chief Executive Officer of Pungo Engineering Services, PLLC. Mr. Finkelstein asked Mr. Hardt to introduce himself and asked him to give his education and experience background that would qualify him as an expert witness in this Solar Farm Conditional Use Permit. Mr. Finkelstein tendered Mr. Hardt as an expert witness in solar engineering, local government issues, and solar power. Chairman Jones asked Mr. Wood if he had any questions or problems with qualifying him as an expert witness in these fields. Mr. Wood asked which of these findings Mr. Hardt would be addressing.

- (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.

Mr. Finkelstein said that it would be (a) and (b). Mr. Dail had no problem. Mr. Finkelstein began his examination of Mr. Hardt. After answering several questions, Mr. Hardt concluded that this use would not endanger public health or safety and met all the required conditions and specifications. Chairman Jones asked if Mr. Wood had any questions for Mr. Hardt. Mr. Wood cross-examined Mr. Hardt. Upon the completion of Mr. Wood's cross-examination, Chairman Jones asked Mr. Dail and the Board if they had any questions. There being none, Mr. Finkelstein called his next witness Christ Sandifer, PE, an independent consultant for solar farms and asked Mr. Sandifer to introduce himself and asked him to give his education and experience background that would qualify him as an expert witness in this Solar Farm Conditional Use Permit. Mr. Finkelstein tendered Mr. Sandifer as an expert witness in solar engineering, solar regulatory compliance, and solar power. Chairman Jones asked Mr. Wood if he had any questions or problems with qualifying him as an expert witness in these fields. Mr. Wood asked which of these findings Mr. Sandifer would be addressing.

- (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.

Mr. Finkelstein said that it would be (a), (b), and (d). Mr. Dail had no problem. Mr. Finkelstein began his examination of Mr. Sandifer. After answering several questions, Mr. Sandifer concluded that this project would not endanger public health or safety, met all the required conditions and specifications, it is a public necessity, and will be in harmony with the surrounding area. Chairman Jones asked if Mr. Wood had any questions for Mr. Sandifer. Mr. Wood cross-examined Mr. Sandifer. Upon the completion of Mr. Wood's cross-examination, Chairman Jones asked Mr. Dail and the Board if they had any questions. There were none. Mr. Finkelstein asked to redirect regarding harmony. He asked Mr. Sandifer, "Would the fact that a particular use is in fact one of the approved uses for a particular zoning area, like solar farms, being explicitly approved by this Board as an appropriate use for RA property be some indication of harmony to you?" Mr. Sandifer said that it would be in Nash County. Mr. Finkelstein continued by asking, "Would the fact that a Planning Board appointed to be an expert in Land Use for a particular county approved a particular use unanimously indicate harmony to you?" Mr. Sandifer said that it would. Mr. Finkelstein asked, "Would the fact that a facility that is smaller in acreage and further back from any road than another approved solar farm make you think that a solar farm in that adjacent area might be in harmony with that area?" Mr. Sandifer said that it certainly would not be in less harmony. That concluded Mr. Finkelstein's redirect of Mr. Sandifer. Mr. Wood objected to the entry of that redirect testimony in that Mr. Sandifer is testifying for himself and that under redirect we had testimony that came in that was not included in examination of Mr. Sandifer. Chairman Jones asked to elaborate on that objection. Mr. Wood referred to a solar farm being unanimously approved by the Planning Board showing harmony. That was not under direct examination nor under cross-examination of the witness. Chairman Jones deferred to County Attorney High. Mr. High explained that the Board tries to go by evidentiary standards during quasi-judicial hearings, but sometimes we do not always go strictly by

rules of evidence. He continued by saying that one rule of evidence is that redirect is limited to something that was brought up during examination and cross-examination that needed clarification. Chairman Jones began to say that he was going to sustain the objection per information County Attorney High presented. Mr. Finkelstein asked to be heard. He said that the only reason he raised that question during redirect was because the issue of harmony was raised in cross-examination. He continued to say that he was only rebutting any concern that this body had that would in any way weaken this particular witness' testimony on the issue of harmony. That was why he felt it to be relevant to the redirect. He further stated that he would be happy if Mr. Wood would like to proceed with a re-cross examination. Chairman Jones and County Attorney High took a moment to confer with each other. After their conference, Chairman Jones sustained the objection and asked that the redirect be stricken from the record. Chairman Jones asked if there were any further questions from Mr. Dail or the Board. The following questions were asked:

- **Commissioner Woodard:** Mr. Woodard asked if Mr. Sandifer lived in Nash County. Mr. Sandifer replied that he did. He further asked Mr. Sandifer if his solar farms were in Nash County. Mr. Sandifer said that they do have solar farms in Nash County but his solar farms are located in Lee County. He further stated that he did not own the solar farm but is leasing the property which is similar to the situation here.

Chairman Jones asked if there were any other questions. There being none, Mr. Finkelstein called his next witness Thomas Hester, MAI, owner of Hester & Company – an appraisal firm and asked Mr. Hester to introduce himself and asked him to give his education and experience background that would qualify him as an expert witness in this Solar Farm Conditional Use Permit. Mr. Finkelstein tendered Mr. Hester as an expert witness in appraisal, property values, and effects of land use on property values. Chairman Jones asked Mr. Wood if he had any questions or problems with qualifying him as an expert witness in these fields. Mr. Dail had no problems. Mr. Finkelstein stated that Mr. Hester would be testifying on finding (c):

- (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.

Mr. Finkelstein began his examination of Mr. Hester. After answering several questions, Mr. Hester concluded that this project would not substantially injure the value of adjoining or abutting property. Chairman Jones asked if Mr. Wood had any questions for Mr. Hester. Mr. Wood cross-examined Mr. Hester. Upon the completion of Mr. Wood's cross-examination, Chairman Jones asked Mr. Dail and the Board if they had any questions. The following questions were asked:

- **County Manager Heath:** Mr. Heath stated that Perquimans County has three solar farms in operation in Perquimans County. Did he do a proximity analysis on those farms or took a look at some of the sales data, if any. Mr. Hester said that he did look at those but did not find any data to use. Mr. Heath further stated that Mr. Hester mentioned two solar farms in particular during his testimony, Selma and Goldsboro. Did you find enough data from the Selma farm to be statistically significant? Mr. Hester said that there was only one sale in that area. From a statistical standpoint, that was not very beneficial. He further stated that the Goldsboro property is a better case because there were at least 20 cases and they were fairly uniform. Mr. Heath asked that on a usual appraisal, does he usually aim for three variables. Mr. Hester said he tries for five but three would be the minimum. Mr. Heath asked what the condition of the ground was in Goldsboro, was it visible from the sales you looked at? Mr. Hester said that they were partially visible from the nearest development.
- **Chairman Jones:** What is the closest approved solar farm to this proposed solar farm. Mr. Hester said that he believed it would be Snug Harbor.
- **Commissioner Nelson:** Mr. Nelson said that, after reviewing his Affidavit, he asked a question about the Selma solar farm. He recognizes that the small sample size of the Selma project is not statistically sound but he felt it was interesting that in properties in close proximity of the solar farm actually sold higher per square foot than the property further out. Mr. Nelson's question is that is it a fair judgment to look at that statement in your Affidavit. He wanted Mr. Hester's opinion on how to review that statement. Mr. Hester explained how he interpreted that information.
- **Chairman Jones:** How close is this project to the project that this body has approved for Mr. McLaughlin? Mr. Finkelstein and Mr. McLaughlin said that Mr. Hester would not know this information. Mr. Jones withdrew his question.
- **Commissioner Woodard:** Mr. Woodard asked Mr. Hester if the solar farms that he has looked at had complete screening or partial screening. Mr. Hester said that most of the ones that you see that he looked at were very close to no screening. The newer the project the more screening they have. Mr. Woodard asked if Mr. Hester would know the reason for that. Mr. Hester said that it would be up to the decision of the Board approving it.

There being no further questions for Mr. Hester, Mr. Finkelstein called his next witness Chad Sary, Senior Planner for Stewart, Inc., a Land Planning, Design & Engineering Firm. Mr. Finkelstein asked Mr. Sary to introduce himself and asked him to give his education and experience background that would qualify him as an expert witness in this Solar Farm Conditional Use Permit. Mr. Finkelstein tendered Mr. Hester as an expert witness in land use, land use regulations, and land use planning. Chairman Jones asked Mr. Wood if he had any questions or problems with qualifying him as an expert witness in these fields. Mr. Wood nor Mr. Dail had any problems. Mr. Finkelstein stated that Mr. Sary would be testifying on findings (b) and (d):

- (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.

After asking several questions, Mr. Sary concluded that this use will meet all the requirements with regard to item (a) and would be in harmony with the area in which it is to be located. Mr. Wood had no cross-examination of Mr. Sary. Chairman Jones asked Mr. Dail if he had any questions. He did not. Mr. Jones asked if there were any questions from the Board. There being no further questions, Mr. Finkelstein rested his case.

Chairman Jones asked if Mr. Wood had any witnesses. Mr. Wood said that he would be calling Kay Matthews (Kay Whitley in the Tax Office), Edgar Robinson, Dr. Heiniger, and Dr. Herb Echerlin. Mr. Jones asked Mr. Wood to have his witnesses to stand to be sworn in. Chairman Jones swore the witnesses in. Mr. Wood called his first witness, Kay Matthews, owner of abutting property. After distributing a copy of her testimony, Ms. Matthews read her report to the Board. Chairman Jones asked Mr. Wood if he was going to ask Ms. Matthews any questions. Mr. Jones asked Mr. Dail if he had any questions. He then asked if there were any questions from the Board. Chairman Jones realized that he forgot to ask Mr. Finkelstein if he wished to cross-examine Ms. Matthews and he said yes he would. Mr. Finkelstein cross-examined Ms. Matthews. Mr. Wood redirect. Chairman Jones asked if there were any questions or concerns. There being none, Mr. Wood called his next witness Edgar Robinson, resident along U.S. Highway 17 South. Mr. Robinson gave his testimony. Following his testimony, Mr. Wood asked Mr. Robinson a few questions. Mr. Jones asked Mr. Finkelstein to cross-examine Mr. Robinson. Following a few questions, Mr. Finkelstein asked that Mr. Robinson's testimony be stricken on two items: (a) he is not with standing in the case due to the fact that his property is over 150 feet from the site; and (b) it was hearsay testimony. Chairman Jones sustained Mr. Finkelstein's objection. Mr. Wood responded to Mr. Finkelstein's objection. Chairman Jones ruled as follows: (a) with respect to standing, Mr. Jones would overrule the objection; and (b) with respect to hearsay testimony, Mr. Jones sustained the objection. Mr. Jones asked Mr. Dail and the Board if they had any questions. There being none, Mr. Wood proceeded with his next witness.

Mr. Wood called Dr. Ron Heiniger, Professor at N.C. State University. Dr. Heiniger presented his testimony addressing three impacts of solar farms: (a) hydrology of land is affecting the land; (b) vegetation control; and (c)

affects the economy of the community. Mr. Wood asked several questions of Dr. Heiniger. Mr. Finkelstein cross-examined Dr. Heiniger. After the cross-examination, Chairman Jones asked Mr. Dail and the Board if they had any questions. Mr. Dail stated that Dr. Heiniger was able to answer a question that he has asked before. The following questions from the Board were asked:

- **Commissioner Nelson:** Mr. Nelson asked about the requirements of herbicide use on a solar farm and the use of herbicide on row crop. How do these things differ? Dr. Heiniger said that there hasn't been much research on this with solar farms but believes that it will be ongoing.
- **Chairman Jones:** Mr. Jones asked Mr. Wood which of the four 903 Findings did Dr. Heiniger address. Mr. Wood said that it would be (a) and (b).
- **Commissioner Woodard:** Mr. Woodard asked if they have seen where these weeds have become resistant to these herbicides. Dr. Heiniger said that there is more research on resistant weeds to herbicides than has ever been. He is sure that there will be more research in the future.

Mr. Wood called Dr. Herb Echerlin, Professor Emeritus at N.C. State University. Dr. Echerlin presented his testimony via PowerPoint presentation. Mr. Wood had no questions for Dr. Echerlin. Mr. Finkelstein cross-examined Dr. Echerlin. Mr. Dail had left the proceedings. Chairman Jones asked if the Board had any questions. There being none, Mr. Wood called his final witness, Bert Eure, operator of a seed business in Perquimans County. After he gave his testimony, Mr. Finkelstein cross-examined Mr. Eure. Chairman Jones asked if there were any questions for Mr. Eure from the Board. There being none, Chairman Jones gave each attorney five minutes for closing arguments. Mr. Wood went first and Mr. Finkelstein followed.

Chairman Jones stated that the quasi-judicial hearing had been concluded, information was provided on this request, and it was time for the Board to approve or deny the request. The first step is to address each of the following findings in Section 903:

- (a) Wallace E. Nelson made a motion that this use will not materially endanger the public health or safety, if located according to the plan submitted and approved. The motion was seconded by Edward R. Muzzulin. Chairman Jones opened the floor up for discussion. Chairman Jones explained that the applicant's witnesses, Mr. Cleveland and Mr. Hardt, presented evidence for approval of this motion. Dr. Heiniger provided information in opposition of the motion. The motion was unanimously approved.
- (b) Fondella A. Leigh made a motion that this use meets all required conditions and specifications. The motion was seconded by Joseph W. Hoffler. Commissioner Nelson explained that the applicant's witnesses presented evidence that the application was complete and the stipulations were met and he did not hear any evidence rebutting that testimony. The motion was unanimously approved.
- (c) **To deny:** Charles Woodard made a motion that the use will substantially injure the value of adjoining or abutting property, or that the use is a public necessity. The motion was seconded by Joseph W. Hoffler. Mr. Woodard said that the Board is here to protect all the residents of Perquimans County. This project will affect everyone including businesses and agriculture. It will trickle down. Commissioner Hoffler concurred with Commissioner Woodard. Chairman Jones asked Commissioners Woodard and Hoffler to elaborate on what evidence they used to make this motion. Commissioner Woodard said that he based this on the testimony from Dr. Echerlin and Mr. Eure. Commissioner Nelson stated that we have an ordinance in place. Mr. Hester testified that this would not have a significant effect on abutting property values. He further stated that we need to base this on the evidence received tonight. Chairman Jones said that Mr. Hester, Mr. Roberson, and Dr. Eckerlin testified to the third finding. There being no further discussion, the motion was unanimously denied with a vote of four (4) to two (2) with Commissioners Woodard and Hoffler voting for the motion and Commissioners Nelson, Leigh, Muzzulin, and Jones voting against the motion.
To approve: Edward R. Muzzulin made a motion that the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity. The motion was seconded by Fondella A. Leigh. There being no discussion, the motion was unanimously approved with a vote of four (4) to two (2) with Commissioners Nelson, Leigh, Muzzulin, and Jones voting for the motion and Commissioners Woodard and Hoffler voting against the motion.
- (d) Wallace E. Nelson made a motion 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. Chairman Jones opened the floor up for discussion. Commissioner Woodard stated that he did not think that this project will be in harmony with our vision. Commissioner Nelson stated that there was a lot of evidence presented by the applicant that was not rebutted by the opposition. Our ordinance allows it so based on the evidence tonight, he feels that they have met this requirement. Chairman Jones said that Mr. Sandifer, Mr. Sary, Mr. Hester from the applicant and Ms. Matthews, Dr. Eckerlin, and Mr. Eure addressed these issues. The evidence for the applicant was more compelling. There being no further comments or discussion, the motion was unanimously approved by a vote of four (4) to two (2) with Commissioners Nelson, Leigh, Muzzulin, and Jones voting for the motion and Commissioners Woodard and Hoffler voting against the motion.

Now that the Section 903 Findings have been acted upon, Chairman Jones asked for a motion to approve or deny the Conditional Use Permit No. 17-01. Fondella A. Leigh made a motion to approve Conditional Use Permit No. CUP-17-01: to establish a 5 Megawatt Large Scale, ground-mounted Solar Energy System on a portion of current Tax Parcel No. 3-0049-00012, occupying approximately 35 acres within the +/-75-acre subject property, located to the west of 708 Ocean Highway South (US Hwy. 17 South), conditioned upon the conditions listed in the draft conditional use permit, adopting the following Section 903 Findings to support the motion:

- (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. Chairman Jones asked if there was any discussion. Wallace E. Nelson asked about Condition I about buffering. He asked if there was any language that the buffering being in place prior to hook up to electrical service. Mr. McLaughlin, applicant, said that it could be done. Also, when is the "as built" drawings supposed to be presented. Mr. McLaughlin said that when they apply for the final Zoning Permit, the drawing will need to be submitted. Mr. Nelson said that, if we are covered, he is fine with that. Wallace E. Nelson made a motion to amend the original motion to add to Item "I" in the Conditional Use Permit wording that the vegetative buffer would need to be added prior to hook up to electrical service. The amendment to the motion was seconded by Edward R. Muzzulin and unanimously approved by the Board. There being no discussion on the original motion and amendment, Chairman Jones asked if there was any discussion. There being none, the Board unanimously approved Conditional Use Permit No. 17-01 (**See Attachment A**).

PUBLIC COMMENTS

There being no public comments, Chairman Jones proceeded to adjourning the meeting.

ADJOURNMENT

There being no further comments or business to discuss, the Regular Meeting was adjourned at 11:57 p.m. on motion made by Joseph W. Hoffler, seconded by Fondella A. Leigh.

T. Kyle Jones, Chairman

Clerk to the Board

ATTACHMENT A

Do NOT record this page

-Beginning of Proposed Conditional Use Permit No. CUP-17-01
to be recorded by Blue Green Energy, LLC

for

**Large scale, ground-mounted Solar Power Energy System
located west of 708 Ocean Hwy South (US Hwy 17)**

CHANGES MADE

- 1) May 1, 2017 BCC amendment offered by Commissioner Wallace Nelson and unanimously approved by the whole Board. Amend condition (I) to add the language, "Vegetative buffer must be completed and approved prior to commercial operation date."
- 2) Site Location on page 1 --- changed "~~West of 708 Ocean Highway South~~" to "at 728 Ocean Highway South"

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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:

- Authorized Applicant:** **Blue Green Energy, LLC/Heath McLaughlin, Member**
176 Mine Lake Court, Suite #100
Raleigh NC 27615
- Property Owners:** **White Family Company, LLC, c/o Clay White**
2584 Pruden Blvd
Suffolk VA 23434
- Site Location:** Portion of a parcel containing about 75 acres located at 728 Ocean Highway South, adjacent to the Town of Hertford's ETJ.
- Tax Parcel No:** 3-0049-00012 (re-combination April 4, 2017; Deed Book 462, pg 241)
- Zoning Districts:** RA, Rural Agriculture and CH, Highway Commercial
- Proposed Use of Property:** To construct and operate a Large-Scale ground-mounted Solar Power Energy System on property located in Perquimans County, as described herein and depicted on the attached Site Plan. As stated by the Applicant in his Statement of the nature of the proposed use:

"The proposed nature of this Conditional Use Permit is to develop and construct a 5 mega-watt solar farm on two parcels (~35 acre system footprint) owned by The White Family Company, LLC. The proposed solar farm will consist of low-profile ground-mount racking with pilings driven into the ground to an engineered depth well suited for coastal conditions. The racking technology will be a fixed-tilt...racking system oriented due south for maximum... power production during the daylight period. ...Sight impact to public right-of-ways and local

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residences will be minimal as the height of the system will not exceed 15' and a 6' security fence with 1' of three strand barbed wire will enclose and secure the facility. The facility will be setback outside of the CH zone more than 500' from US Hwy 17 with site impact mitigated by a 20' wide x 7' high vegetative buffer that will meet and exceed the screening requirements found in the Perquimans County Zoning Ordinance in Article XVIII, Sections 1802 and 1803. Solar farm operations and maintenance will be minimal post construction with very little traffic, noise, or additional county services required.... All federal, state and local building permits will be satisfied prior to start of construction and in compliance with NC state building codes and national electric codes with UL approved system components. The White Family Company acreage not leased for solar farm operations will remain available for rural agricultural use and future RA & CH development opportunities."

Meeting & Hearing Dates: Planning Board on **4-11-17**; & Board of Commissioners on **5-1-17**.

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/or change in the project boundary or property 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 attached Site Plan may require adjustments in the exact location of the equipment, 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 Mega-watts (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.

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- C. The main point of ingress and egress for the facility will be directly off of U. S. Highway 17 South) with an assigned 911 address of 728 Ocean Highway South, Hertford, NC 27944. For both aesthetics and safety, the driveway entrance leading from the public highway shall be surfaced with asphalt or six inches (6") of concrete as measured from the edge of the road for at least 30 feet to facilitate site access in coordination with the NCDOT District Engineer's Office. The remainder of the access or service roads will be constructed of 6" of size 12 crushed stone compacted in native 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 paved entrance apron a minimum of 30 feet long and a minimum 30-foot centerline radius of curvature, with 6" inches of size 13 gravel compacted on native 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 proposed CUP Site Plans.
- D. 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).
- E. No occupied 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 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.
- F. 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.

- G. 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. 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.

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- H. 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 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. Minimum setbacks and buffering must comply with Section 907.28 of the Perquimans County Zoning Ordinance.
- I. Vegetative Buffer Bond: Applicant shall produce a \$30,000 cash bond (or other security) to be held in escrow until such time as the buffer screening requirements in the approved CUP are satisfied. Upon issuance of a Certificate of Zoning Compliance or other final inspection to confirm compliance with CUP requirements, such bond or other security shall be released or cancelled within (10) ten days thereafter. Vegetative buffer must be completed and approved prior to commercial operation date.
- 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. The Applicant, heirs and assigns shall submit a drainage plan for review by the Perquimans County Soil & Water Conservation District Office to confirm acceptance of proposed culverts and compliance with storm drainage requirements of the NCDEQ.
- L. Applicant's Obligation to Restore the Property at the end of the Lease Term: The Applicants, 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, heirs and assigns, shall restore such portions of the Property to a condition reasonably similar to its condition on *May 1, 2017*, 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 the Lease between the White Family Company, LLC and Blue Green Energy, LLC, the Applicants, heirs and assigns shall restore the Site to substantially its RA (Rural Agricultural) condition as of the CUP approval date using prudent engineering practices where applicable, including, without limitation, the removal of (i) all improvements and solar farm related

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alterations on the subject Tax Parcel(s), without limitation, all fencing, roads, solar panels, racking, and pilings, and other improvements or alterations, and shall rough grade the Site to the same condition of level as existed as of the CUP approval date, and (ii) any electrical or communication or other utility poles, lines and connections (unless such lines, equipment, and connections are used in connection with subject Tax Parcel(s) and Property Owner elects to allow such lines and connections to remain); provided, however, that Applicant shall not be obligated to replant any crops or plants, and (iii) remove from such portions of the Property any Solar Energy System owned or installed by Applicant thereon, and (iv) 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 *May 1, 2017*, specifically to a farmable condition.

- M. The Conditional Use Permit is approved and recorded with the Applicants' 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 2017. 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 (May 1, 2018), 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. Prior to the issuance of a Certificate of Zoning Compliance, the Applicant, heirs or 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. Operation of the entire facility or any individual component of the facility may be delayed at the discretion of the Planning & Zoning Administrator to allow for the review and issuance of said certificate which is based upon determination by County staff or its outside consultants, of compliance with the CUP and other applicable zoning standards.

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- P. Pursuant to Section 509 of the Perquimans County Zoning Ordinance, no Certificate of Zoning Compliance will be issued until all required site improvements have been completed and an appropriately licensed person submits an "as built" plan, where deemed necessary. No Final Building Inspection will be conducted and no Certificate of Occupancy will be issued until a Certificate of Zoning Compliance has been issued.
- Q. 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.
- R. 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.
- S. Sign Permits: A separate Sign Permit must be obtained from the Planning & Zoning Office and the Building Inspections Department for any sign not exempted or otherwise required by local, State or Federal law.
- T. Applicant, heirs and assigns shall accommodate and support and hold training sessions for emergency service personnel if requested by the Emergency Services Director with adequate advanced notice.
- U. The access point from Ocean Highway South and the point of interconnection and related attachment facilities and appurtenances are approved for certain portions of the subject property (known as Tax Parcel No. 3-0049-00012 as of 4/4/2017) which are zoned CH and RA as per the approved CUP Site Plan in support of the proposed Solar Power Energy System located behind 708 Ocean Highway South (US Hwy 17 South). All other site improvements for the proposed White Family Sun Farm Solar Power Energy System shall be located within the RA, Rural Agriculture District.

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

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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.

T. Kyle Jones, Chair, Board of Commissioners

Date

Attest:

Mary P. Hunnicutt, Clerk to the Board

Date

(Seal)

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.

Blue Green Energy, LLC

Date

By: Heath McLaughlin, Its _____

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-17-01

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Insert Here Site Plan(s) no larger than 8.5" X 14" which bear(s) the following statement:

"THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS."

5.000 Mile by System, WHITE FAMILY SUN FARM
 Racking Type: Fixed Tilt
 Racking Angle: 20°
 Site Coordinates: 36°5'03.16" N 16°7'32.11" W
 Lease Area: Approx. 35 Acres

NOTES:

- Road will be built in accordance with zoning, building, and NCDOT requirements.
- Erosion and stormwater plan will be completed in accordance with NCDOT requirements and approved plan.
- All setbacks will meet ordinance requirements.
- Racking and laydown areas are not final, and subject to modification.
- Racking height will not exceed ordinance requirements.

THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS.

ES&A MANAGEMENT SERVICES, PLLC
 800 S. MAIN STREET, SUITE 100
 WASHINGTON, DC 20004
 (202) 462-1000

Blue Green Energy, LLC
 1300 W. UNIVERSITY AVENUE
 CHICAGO, IL 60607
 (773) 233-5000

BlueGreen

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White Family Sun Farm
 5.000 Mile by System
 CUP-17-01
 SHEET 8 OF 8

Do NOT record this page

-End of Proposed Conditional Use Permit No. CUP-17-01
to be recorded by Blue Green Energy, LLC-

for

**Large scale, ground-mounted Solar Power Energy System
located west of 708 Ocean Hwy South (US Hwy 17)**

CHANGES MADE

- 1) May 1, 2017 BCC amendment offered by Commissioner Wallace Nelson and unanimously approved by the whole Board. Amend condition (I) to add the language, "Vegetative buffer must be completed and approved prior to commercial operation date."
- 2) Site Location on page 1 --- changed "~~West of 708 Ocean Highway South~~" to "at 728 Ocean Highway South"

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