

➤ that he did not mind it if we would cap it off at \$4.25 per gallon so that we would have the opportunity to negotiate the contract again.

Commissioner Muzzulin made a motion to approve the amended contract with "fuel prices of \$3.76 - \$4.00 per gallon it would be \$.96 per meter and per meter charge will be capped at the \$.96 per meter price". If the fuel prices go over \$4.00 per gallon, the Board will renegotiate the contract. Matthew Peeler seconded the motion which was unanimously approved by the Board.

PUBLIC COMMENTS

There were no public comments.

ADJOURNMENT

There being no further comments or business to discuss, the Regular Meeting was adjourned at 7:45 p.m. on motion made by Matthew Peeler, seconded by Edward R. Muzzulin.

\_\_\_\_\_  
Janice McKenzie Cole, Chair

\_\_\_\_\_  
Clerk to the Board

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E M E R G E N C Y M E E T I N G  
April 24, 2014  
6:00 p.m.

The Perquimans County Board of Commissioners met in an Emergency Meeting on Monday, April 24, 2014, at 6:00 p.m. in the Commissioners' Room located on the first floor of the Perquimans County Courthouse Annex.

MEMBERS PRESENT: Janice McKenzie Cole, Chair Benjamin Hobbs  
Kyle Jones Tammy Miller-White  
Matthew Peeler  
MEMBERS ABSENT: Edward R. Muzzulin, Vice Chairman  
OTHERS PRESENT: Frank Heath, County Manager Mary Hunnicutt, Clerk to the Board  
Hackney High, County Attorney Eric Tilley, Sheriff

After the Chair called the meeting to order, she gave the invocation and led in the Pledge of Allegiance.

AGENDA

The Agenda, as amended, was unanimously approved on motion made by Benjamin C. Hobbs, seconded by Matthew Peeler.

CLOSED SESSION: PERSONNEL MATTER

On motion made by Tammy Miller-White, seconded by Matthew Peeler, the Board unanimously approved the motion to go into closed session to discuss a personnel matter.

The Closed Session was adjourned and the Emergency Meeting reconvened on motion made by Matthew Peeler, seconded by Tammy Miller-White. There was no action taken after the Closed Session.

ADJOURNMENT

There being no further comments or business to discuss, the Emergency Meeting was adjourned at 7:00 p.m. on motion made by Matthew Peeler, seconded by Tammy Miller-White and the Budget Work Session reconvened.

\_\_\_\_\_  
Janice McKenzie Cole, Chair

\_\_\_\_\_  
Clerk to the Board

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R E G U L A R M E E T I N G  
May 5, 2014  
6:40 p.m.

The Perquimans County Board of Commissioners met in a regular meeting on Monday, May 5, 2014, 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  
Benjamin Hobbs Kyle Jones  
Tammy Miller-White Matthew Peeler  
MEMBERS ABSENT: None  
OTHERS PRESENT: Frank Heath, County Manager Mary Hunnicutt, Clerk to the Board  
Hackney High, County Attorney

PUBLIC HEARINGS

Conditional Use Permits No. CUP-14-02 & CUP-14-03, Shelley D. Layden

Chair Cole opened the first two Public Hearings stating that the purpose of the public hearings was to receive citizen comments to consider:

- Conditional Use Permit No. CUP-14-02, requested by Shelley D. Layden, to locate a Large Scale Solar Generating Facility on an 83.87-acre tract located on east side (in the 100-block) of Two Mile Desert Road (SR 1218), on north side of Bembury Road (SR 1219). Site known as Tax Parcel #5-0032-0089; portions located in Perquimans County's zoning jurisdiction are zoned RA, Rural Agriculture; remainder located in Winfall, NC.

- Conditional Use Permit No. CUP-14-03, requested by Shelley D. Layden, to locate a Large Scale Solar Generating Facility on a 92.16-acre tract located on west side of County Line Road (SR 1002), on South side (in the 200-block) of Drinking Hole Road (SR 1118). Site known as Tax Parcel #1-0021-0016 and zoned RA.

There were twelve (12) people present. The Chair recognized Donna Godfrey, County Planner, who gave an overview of the two Conditional Use Permits. At their April 8, 2014 meeting, the Planning Board recommended approval of Conditional Use Permit No. CUP-14-02 and No. CUP-14-03 conditioned upon the Draft CUP as amended during the meeting, adopting Findings to support the motions. The amended Conditional Use Permits were included in the Board's Agenda Packet. Ms. Godfrey stated that the applicant was not present at this time. Chair Cole said that, if the public or Board had any questions of the applicant, she would allow them to ask the questions when the applicant arrives. Chair Cole asked if there were any questions/comments from the public. Commissioner Hobbs asked why there were so many of these solar farms being approved with no construction being done. That question would have to wait until the applicant arrives. There being no further questions/comments, Chair Cole closed the two Public Hearings and opened the third Public Hearing.

**Conditional Use Permit No. CUP-14-05, Cannon & Karen White**

Chair Cole opened the third Public Hearing stating that the purpose of the public hearing was to receive citizen comments to consider Conditional Use Permit No. CUP-14-05, requested by Cannon and Karen White, for temporary placement of secondary residence at 218 Harrells Creek Road (Private Drive). Owners request approval to temporarily place secondary manufactured home on the same lot as their home at 216 Harrells Creek Road, for grandson, Brent White, to live in. Site known as Tax Parcel #2-0071-0031B and zoned RA. There were sixteen (16) people present. The Chair recognized Donna Godfrey, County Planner, who gave an overview of the Conditional Use Permit. At their April 8, 2014 meeting, the Planning Board recommended approval of Conditional Use Permit No. CUP-14-02 conditioned upon the Draft CUP as amended during the meeting, adopting Findings to support the motions. The amended Conditional Use Permit was included in the Board's Agenda Packet. Ms. Godfrey stated that the applicant was present if there were any questions. Chair Cole asked the applicant he would like to speak. Mr. White said no. Chair Cole asked if there were any questions/comments from the public. Commissioner Peeler asked how long was this situation was going to last. Chair Cole said that, if Mr. White was going to speak, she had to swear him in since this was a quasi-judicial hearing. Chair Cole swore Mr. White in. Mr. White responded to Mr. Peeler's question stating that he did not know how long this situation was going to last but his grandson hopes to build a home on the same piece of property in the near future. Mr. White then asked the Board that he had placed a septic system on the property before this ordinance was adopted and was wondering if it would qualify for a grandfather clause. Commissioner Hobbs said that it would be a Health Department issue. Chair Cole asked if there were any other questions/comments. There being none, Chair Cole closed the Public Hearings at 7:00 p.m. and proceeded with the Regular Meeting.

Chair Cole gave the invocation and led in the Pledge of Allegiance. She stated that there was an article in the paper today regarding prayer at our meetings and that, beginning next month; they would resume the rotation for prayer.

**AGENDA**

The Agenda, as amended, was unanimously approved on motion made by Tammy Miller-White, seconded by Edward R. Muzzulin.

**CONSENT AGENDA**

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

1. **Approval of Minutes:** April 7, 2014 Regular Meeting & April 24, 2014 Emergency Called Meeting
2. **Tax Release Approval:**

**PERQUIMANS COUNTY TAX REFUND:**

Rennie, Ernest J.----- \$321.64  
 Assessment correction. House does not have a finished attic. Account No. 259404.

3. **Personnel Matters:**

Employee Name	Employee Job Title	Action Required	Grade/Step	New Salary	Effective Date
Naomi Twine	Full-Time Telecommunicator	Change to Part-Time	60/4	\$12.52/hour	6/1/2014
Rita Saunders	Fill-In Telecommunicator	Resignation			4/14/2014
Christopher Murray	Part-Time Animal Control Officer	Appointment	58/1	\$10.65/hour	5/1/2014
Molly Potter	IMC II	Retirement			6/1/2014

4. **Budget Amendments:**

**BUDGET AMENDMENT NO. 24  
 GENERAL FUNDS**

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
10-348-001	State Grants - OJJ	20,700	
10-672-042	County Reimbursement	15,000	
10-672-140	Travel	600	
10-672-160	Equipment	2,000	
10-672-330	Supplies	3,100	
<b>EXPLANATION:</b> To budget \$20,700 into Mentoring Focus Program through NC Department of Juvenile Justice (County to be reimbursed for \$15,000 for professional services paid during FY 2013-14).			

5. **Board Appointment:**

- **Northeastern Workforce Development Board.** Per a letter from Northeastern Workforce Development Board, the Board unanimously approved the reappointment of Steve Magaro to the Northeastern Workforce Development Board for a two-year term effective July 1, 2014.

6. **ECBH Quarterly Fiscal Monitoring Reports:** The State requires that the Quarterly Fiscal Monitoring Report be presented to the Board for review. The report for period ending on March 31, 2014 was presented.

7. **Resolution:** The following Resolution was approved by the Board:

**RESOLUTION  
 OF  
 THE BOARD OF COMMISSIONERS OF PERQUIMANS COUNTY  
 Celebrating the 100<sup>th</sup> anniversary of the signing of the Smith-Lever Act,  
 the founding legislation of the nationwide Cooperative Extension System**

Whereas May 8, 2014, marks the centennial of the signing of the Smith-Lever Act (Act of May 8, 1914, Ch. 79, 38 Stat. 372, 7 U.S.C. 341 et seq.), which established Cooperative Extension, the nationwide transformational education system operating through land-grant universities in partnership with federal, state and local governments.

Whereas U.S. Sen. Hoke Smith of Georgia and U.S. Rep. A. F. Lever of South Carolina authored the Smith-Lever Act to expand the "vocational, agricultural and home demonstration programs in rural America" by bringing the research-based knowledge of the land-grant universities to people where they live and work.

Whereas Cooperative Extension is a critical component of the three-part land-grant university mission and works collaboratively with research, particularly the Agricultural Experiment Station System, and academic programs in 106 colleges and universities, including historically black, Native American and Hispanic-serving institutions; in all 50 states, the District of Columbia and six U.S. territories to reach traditional and underserved audiences in all communities.

Whereas the Cooperative Extension System continues to receive federal programmatic leadership and support enabled by the Smith Lever Act and other legislation through the U.S. Department of Agriculture's National Institute of Food and Agriculture.

Whereas Cooperative Extension's research-based education for farmers and ranchers helped establish the United States as a leading agricultural-producing nation in the world.

Whereas since 1924, when the clover emblem was adopted by USDA to represent 4-H, Cooperative Extension's nationwide youth development program has reached millions of youth and helped prepare them for responsible adulthood.

Whereas Cooperative Extension prepares people for healthy, productive lives through sustained education, such as the Expanded Food and Nutrition Education Program, breaking the cycle of poverty and reducing expenditures for federal and state assistance programs.

Whereas Cooperative Extension provides rapid response to disasters and emergencies through the Extension Disaster Education Network and other similar efforts by providing real-time alerts and resources so Extension educators can respond to urgent needs resulting from hurricanes, floods, oil spills, fire, drought, pest outbreaks and infectious diseases affecting humans, livestock and crops.

Whereas Cooperative Extension translates science-based research for practical application through local and online learning networks where educators are uniquely available to identify emerging research questions, connect with land-grant university faculty to find answers and encourage application of findings to improve economic and social conditions.

Whereas Cooperative Extension engages with rural and urban learners through practical, community-based and online approaches, resulting in the acquisition of knowledge, skills and motivation to strengthen the profitability of animal and plant production systems, protect natural resources, help people make healthful lifestyle choices, ensure a safe and abundant food supply, encourage community vitality and grow the next generation of leaders.

Whereas many states are celebrating the centennial of the signing of the Smith-Lever Act with resolutions and proclamations, and many land-grant institutions also are commemorating the signing of the historic legislation.

Therefore, be it resolved, that the Board of Commissioners of Perquimans County:

Recognizes the significance of the Smith-Lever Act to the establishment of Cooperative Extension nationwide.

Encourages the people of the United States to observe and celebrate the centennial with a focus on launching an innovative and sustainable future for Cooperative Extension.

Honors the university faculty and local educators who dedicate careers to providing trusted education to help people, families, youth, businesses and communities solve problems, develop skills and build a better future.

Thanks Cooperative Extension volunteers who provide thousands of hours to promote excellence for 4-H, Master Gardeners, family and consumer sciences and other programs in their communities.

Encourages continued collaboration and cooperation among federal, state and local governments to ensure Cooperative Extension's sustainability as the nation's premiere nonformal educational network.

Celebrates millions of youth, adults, families, farmers, ranchers, community leaders and others who engage in Cooperative Extension learning opportunities designed to extend knowledge and change lives.

Adopts this 5<sup>th</sup> day of May 2014.

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Janice McKenzie Cole, Chair  
Perquimans County Board of Commissioners

**ATTESTED:**

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

**PRESENTATION OF GOVERNOR'S AWARD FOR VOLUNTEER SERVICE 2014**

Chair Cole asked that Robert Emmert please come forward to accept the Governor's Award for Volunteer Service 2014. Ms. Cole explained that Mr. Emmert was very instrumental in getting the plans drawn up for the renovation of the Senior Center and for overseeing the project as Project Manager. Therefore, the Board submitted his name to the Governor for this award. The Governor approved the County's request and Chair presented Mr. Emmert with a letter from the Governor along with a Certificate and pin. She also expressed her thanks for all his hard work on this project. Mr. Emmert thanked the Board for this award.

**INTRODUCTION OF NEW EMPLOYEE – DEPUTY**

Sheriff Eric Tilley introduced his new deputy, Danielle Griffith, to the Board. The Chair welcomed her to the County. Ms. Griffith thanked the Board for the opportunity to serve Perquimans County.

**HATTIE SHARPE, RHEMA MINISTRIES**

Ms. Sharpe presented her request for an amendment to her JCPC Program Fund. She provided the Board with a copy of her Unused Funds and Account Balances. She is asking that money be transferred from Line Items #210, #250, #290, #440, and #450 to her salary line item #190. After talking with Sharon Ward, Finance Officer, Shirley Manley explained that they did not know that they were supposed to present another form. County Manager Heath asked if he needed to get the new form before the Board approved the amendment. She promised that she will prepare the form and provide it to Sharon Ward for the signature if the Board approves it tonight. Tammy Miller-White made a motion to approve Ms. Sharpe request to do a interline transfer of \$1,809.23 upon receipt of the proper paperwork. Kyle Jones seconded the motion. Chair Cole asked for discussion. Commissioner Peeler has no problem doing this but feels that we need to firm up the figures. After Chair Cole explained that they were not including Line Items #320 and #330, he was comfortable with voting on the motion. The motion was unanimously approved by the Board.

**DOROTHY HODGES, ALBEMARLE PLANTATION**

Ms. Hodges explained that Albemarle Plantation is again planning a July 5<sup>th</sup> fireworks show at the Plantation and is coming before the Board for approval. She presented a copy of the Pyrotechnics Contract which is the company that is going to handle the fireworks. She said that the reason that they were having it on July 5<sup>th</sup> was because there is a considerable amount of monetary difference by having it on the 5<sup>th</sup> and to allow the resident's families to arrive to see the fireworks show. On motion made by Edward R. Muzzulin, seconded by Tammy Miller-White, the Board unanimously approved the fireworks display on July 5<sup>th</sup> at Albemarle Plantation.

**SUSAN CHANEY, SOCIAL SERVICES**

Ms. Chaney updated the Board on NC FAST and provided them with some numbers. In addition to her report, she requested that the Board consider a Pay-Out of Comp Time for Beth Whitehurst. County Manager Heath and Ms. Chaney have discussed Beth Whitehurst's excessive compensatory time. Ms. Chaney is asking that she be allowed to pay the compensatory time down from 562.75 hours to 80.75 hours. This excessive compensatory time is largely related to NC FAST. The cost of this pay out would be \$9,273.68 (\$40,010/yr ÷ 52 weeks ÷ 40 hours = \$19.24/hr x 482 hours). She further states that she has a lapse salary in her budget to cover this pay out. In addition, she said that the County will be reimbursed by the State for this pay out. Edward R. Muzzulin made a motion to approve the pay out of Beth Whitehurst's compensatory time to 80.75 hours at a cost of \$9,273.68. The motion was seconded by Tammy Miller-White. Chair Cole asked if there was any discussion. Commissioner Peeler asked if this problem will be fixed and if the Board needs to do something to assist with **the** problem. County Manager Heath stated that NCACC has had several conference calls with the State Office regarding the level of overtime in that it is excessive. Ms. Chaney said that she has also expressed her feelings with the State along with the Social Service Director's Association. There being no further comments/discussion, the Board unanimously approved Ms. Chaney's request. Chair Cole thanked Ms. Chaney and the Social Services Staff for their assistance during the tornado with helping the Red Cross set up the temporary shelter at the Senior Center even though no one showed up to stay.

correction

**BILL JENNINGS, TAX ADMINISTRATOR**

Mr. Jennings presented his monthly collection and foreclosure reports. In addition, he presented the 2016 Property Revaluation Proposal & Contract with Pearson Appraisal for Board review and action. He explained that he had three proposals: one was higher than Pearson and one did not include data entry which was a major part of the Request for Proposal. Mr. Jennings provided the following overview of the proposal:

- Pearson Appraisal has handled Perquimans County's revaluations for several years.
- It will be a drive by appraisal this year since they did a more extensive one last time.
- They will take care of data entry which would save the County time and money.
- They will provide monthly reports to the Board.
- Commissioner Miller-White asked about the mileage costs. Mr. Jennings and Mr. Heath said that it was included in the per parcel costs.
- Chair Cole asked when they would begin the process. Mr. Jennings said that, when he notifies them that the contract was approved, they would probably start this month.
- Chair Cole asked Mr. Heath to explain where the funds are budgeted to pay this expense. Mr. Heath said that a certain amount of money is budgeted into the Revaluation Reserve each fiscal year. Currently, we have about \$245,000. The total costs will be around \$288,000. We will be placing an additional \$25,000 this year and \$25,000 next year so that will cover this cost.

Chair Cole asked if there was a motion to approve this contract with Pearson Appraisal. Benjamin C. Hobbs made a motion to approve the contract with Pearson Appraisal. The motion was seconded by Tammy Miller-White. Commissioner Hobbs asked what the per parcel rate was. Mr. Jennings & Mr. Heath said that it was \$19.97 per parcel. The value will be set to be effective January 1, 2016. Commissioner Hobbs asked how many years Pearson has handled our appraisal. Mr. Heath said since 1984. Commissioner Muzzulin asked how they determined to recommend Pearson Appraisal. Mr. Heath said that Mr. Jennings received three (3) proposals. He did an initial review of the three proposals and felt that Pearson Appraisal was the best. Mr. Heath also reviewed the proposals and agreed with Mr. Jennings' recommendation for several reasons: one was lower but they did not include data entry which is a major part of the process so they could not consider their proposal. Commissioner Miller-White confirmed that the County would have the \$288,000 available when the payment is due in 2016. Mr. Heath said that it would. Commissioner Peeler reviewed the process and asked if they were going to do the digital overview. Mr. Heath said no. Mr. Peeler also noted that, on page 17 of their contract, it states that the "Run Edit Reports on Data" will be done in October, 2016. He believes that it should be October, 2015. Mr. Heath concurred with that and also stated that the informal appeals will be in February **2016**. There being no further discussion, the motion **was approved by a vote of five (5) to one (1) with Commissioner Muzzulin voting against the motion.**

correction

**HOMERIA JENNETTE, TELECOMMUNICATIONS**

Ms. Jennette presented her monthly report. Chair Cole thanked Ms. Jennette and her staff for a job well done during the tornado.

**CLAYTON GRIFFIN, MENTORING FOCUS**

Mr. Griffin presented a request to budget the additional funds received in the amount of \$3,100. On motion made by Tammy Miller-White, seconded by Matthew Peeler, the Board unanimously approved the following Budget Amendment No. 25:

**BUDGET AMENDMENT NO. 25  
GENERAL FUNDS**

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
10-348-018	Mentoring Focus (Local)	3,100	
10-672-570	Mentoring Focus Funds	3,100	
<b>EXPLANATION:</b> Increase in Local Funds for FY 2013-14 received from NC Recreation & Park Association Nourishing N.C. for Garden Project.			

Mr. Griffin also invited the Board to participate in their Fund Raiser on May 23<sup>rd</sup> that will go to assist victims of the tornado. Chair Cole said that she understood that a fund had been established with the Salvation Army to aid tornado victims and asked Mr. Griffin if he had made any arrangements with organizations to make sure that the proceeds will go to Perquimans County residents. Mr. Griffin said that this was going to be an across the county benefit.

**COMMISSIONER'S CONCERNS/COMMITTEE REPORTS**

Chair Cole wanted to thank all the people who stepped up during the tornado to assist in the Emergency Operation Center, getting the Senior Center ready for temporary shelter, first responders, people who helped to assess the damages, deputies who passed out tarps, and those that just reached out to the people that were hit the hardest. She just wanted to say thank you.

## UPDATES FROM COUNTY MANAGER

County Manager Heath presented the following updates:

- **Storm Damage:** County Manager Heath said that they are continuing to work with the State and Federal agencies and trying to get a Federal emergency declared, and assisting the residents with debris removal. Ralph Hollowell of Albemarle Regional Health Services said that Republic Services who handles the containers has agreed to put them out in the most hit areas at no charge. He is also trying to work with NCDOT to get them to go out again and to make another pass on Chapanoke Road and on Parkers Lane. Unless there is a Federal declaration, the County will not receive reimbursement for debris removal.
- **NC Commerce Secretary Decker:** Ms. Decker came on May 1<sup>st</sup> to tour the Newbold-White House, the Town of Hertford, and discussed what the County is trying to accomplish with the NC Marine Industrial Park.
- **Option to Purchase – Manley Well Site:** The option was signed and recorded this week and we hope to get started on the well site preparation this summer.
- **New Librarian:** Mr. Heath reported that the Library has hired Anita Bennett as our new librarian. She comes from Boston, Massachusetts and she currently works at Northeastern University and is planning to start work in Perquimans County in July, 2014.
- **Budget Work Sessions.** The Budget Work Sessions continue tomorrow evening with the Board of Education and Social Services presenting their budget requests. The Board will also have a compressed/concentrated session on May 17<sup>th</sup> to complete the process.

## PLANNING BOARD ITEMS

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

**Conditional Use Permit No. CUP-14-02, Shelley D. Layden:** A Public Hearing was held earlier in the meeting to receive citizens' comments to consider Conditional Use Permit No. CUP-14-02, requested by Shelley D. Layden, to locate a Large Scale Solar Generating Facility on an 83.87-acre tract located on east side (in the 100-block) of Two Mile Desert Road (SR 1218), on north side of Bembury Road (SR 1219). Site known as Tax Parcel #5-0032-0089; portions located in Perquimans County's zoning jurisdiction are zoned RA, Rural Agriculture; remainder located in Winfall, NC. Chair Cole asked if there were any questions or concerns about the Conditional Use Permit. There being none, she asked for a motion. Matthew Peeler made a motion to continue the item to have the power company present along with the applicant. Due to there not being a second to the motion, the motion died. Considering the following Sections 903(a) and Section 907.28 of the Zoning Ordinance, Kyle Jones made a motion to find proposed Conditional Use Permit No. CUP-14-02 to be consistent and in harmony with the existing development pattern in and around the 83.87-acre tract located in the 100-block of Two Mile Desert Road, on the north side of Main Street and Bembury Road (Tax Parcel No. 5-0032-0089); and Desert Road, on the north side of Main Street and Bembury Road (Tax Parcel No. 5-0032-0089) and a motion to approve Conditional Use Permit No. CUP-14-02, to allow the development of a Large Scale Solar Energy Facility (Ground-mounted) on those portions of said property located in Perquimans County's zoning jurisdiction (remainder of property within the Town of Winfall), conditioned upon the removal of directional references:

- (a) That the CUP 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. Commissioner Hobbs asked why is there so many of these solar farms being approved but nothing is being built on them. Ms. Layden had arrived and she explained that, on the first one she had approved, they had a change in ownership which delayed the process. She assured the Board that they are moving forward. Commissioner Miller-White stated that Mayor Yates was present and wanted to know if the Town of Winfall had any problems with approving it. Ms. Layden said that they went thru a Special Use Permit process with the Town of Winfall and it was approved at their March meeting. Commissioner Peeler asked if the Town of Winfall approved this or did they approve whatever the County approves. Ms. Layden said that they did approve it and that it would need to be concurrent with what the County would require. Mr. Yates said that no one had any complaints. There being no other comments, the motion was approved by a vote of five (5) to one (1) with Commissioner Peeler voting against the motion. *(see Attachment A for CUP-14-02)*

**Conditional Use Permit No. CUP-14-03, Shelley D. Layden:** A Public Hearing was held earlier in the meeting to receive citizens' comments to consider Conditional Use Permit No. CUP-14-03, requested by Shelley D. Layden, to locate a Large Scale Solar Generating Facility on a 92.16-acre tract located on west side of County Line Road (SR 1002), on South side (in the 200-block) of Drinking Hole Road (SR 1118). Site known as Tax Parcel #1-0021-0016 and zoned RA. Chair Cole asked if there were any questions or concerns about the Conditional Use Permit. There being none, she asked for a motion. Considering the following Sections 903(a) and Section 907.28 of the Zoning Ordinance, Kyle Jones made a motion to find proposed Conditional Use Permit No. CUP-14-03 to be consistent and in harmony with the existing development pattern in and around the 92.16-acre tract located on west side of County Line Road (SR 1002), on South side (in the 200-block) of Drinking Hole Road (SR 1118). Site known as Tax Parcel #1-0021-0016 and zoned RA and a motion to approve Conditional Use Permit No. CUP-14-03, to allow the development of a Large Scale Solar Energy Facility (Ground-mounted) on said property, conditioned upon the draft CUP-14-03 presented tonight:

- (a) That the CUP 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. There being no other comments, the motion was approved by a vote of five (5) to one (1) with Commissioner Peeler voting against the motion. *(see Attachment B for CUP-14-03)*

**Conditional Use Permit No. CUP-14-05, Cannon & Karen White:** A Public Hearing was held earlier in the meeting to receive citizens' comments to consider Conditional Use Permit No. CUP-14-05, requested by Cannon and Karen White, for temporary placement of secondary residence at 218 Harrells Creek Road (Private Drive). Owners request approval to temporarily place secondary manufactured home on the same lot as their home at 216 Harrells Creek Road, for grandson, Brent White, to live in. Site known as Tax Parcel #2-0071-0031B and zoned RA. Chair Cole asked if there were any questions or concerns about the Conditional Use Permit. There being none, she asked for a motion. Considering the following Sections 903(a) and Section 1002 of the Zoning Ordinance, Kyle Jones made a motion to find proposed Conditional Use Permit No. CUP-14-05 to be consistent and in harmony with the existing development pattern in and around 218 Harrells Creek Road in Hertford, NC and a motion to approve Conditional Use Permit No. CUP-14-05, to temporarily place an additional secondary residence at 218 Harrells Creek Road, on the same parcel as 216 Harrells Creek Road (known as Tax Parcel No. 2-0071-0031B), conditioned upon the draft CUP-14-05 presented tonight:

- (a) That the CUP 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 Tammy Miller-White. Commissioner Hobbs asked what the definition of temporarily is. Ms. Godfrey said that it would be till such condition no longer exists. Commissioner Miller-White asked if the property was seven acres. Mr. White said that it was 7.1 acres. Commissioner Miller-White asked if Condition No. 4 naturally apply or do we need to do something about it. Ms. Godfrey said that it was already included. There being no other comments, the motion was unanimously approved by the Board. *(see Attachment C for CUP-14-03)*

## MEMORANDUM OF AGREEMENT WITH NC WILDLIFE FOR BOAT RAMP PROJECT

County Manager Heath presented the Memorandum of Agreement with NC Wildlife for the boat ramp project. On motion made by Edward R. Muzzulin, seconded by Matthew Peeler, the Board unanimously approved the following Memorandum of Agreement with NC Wildlife:

### **MEMORANDUM OF AGREEMENT**

#### **AGREEMENT TO DESIGN, PERMIT, CONSTRUCT, OPERATE AND MAINTAIN A PUBLIC BOATING ACCESS AREA**

This agreement is made and entered into this the 17<sup>th</sup> day of April, 2014, by and between the **NORTH CAROLINA WILDLIFE RESOURCES COMMISSION**, hereinafter referred to as the **COMMISSION**, and **PERQUIMANS COUNTY**, hereinafter referred to as the **COUNTY**.

#### **I. PURPOSE OF THE AGREEMENT**

It is mutually agreed that the COMMISSION and the COUNTY will cooperate to provide free public boating access at the future Hertford Boating Access Area, located at the northern end of Granby Street in Hertford, Perquimans County.

II. RESPONSIBILITIES

A. The COMMISSION agrees to:

Boating Access Area

1. Provide complete design services for construction of a public boat ramp and associated parking area.
2. Obtain all regulatory permits required for construction and improvements to the boating access area.
3. Construct the boat ramp, parking area, and docks.
4. Fund the construction of the boating access area, not to exceed the amount required to meet COMMISSION standard design.
5. Make any future necessary repairs to major infrastructure.

B. The COUNTY agrees to:

1. Provide the parcel of land necessary to complete the project. COUNTY shall retain title in fee to parcel.
2. Maintain the grounds surrounding the site keeping the grass mowed at regular intervals year round and litter removed regularly.
3. Fund the construction of the boating access area where it exceeds COMMISSION standard design, as requested by the COUNTY.

C. The COUNTY and the COMMISSION agree to:

1. Manage the access area as a COMMISSION facility with no closure of the site except for repair purposes, emergency situations, limited special uses or best management practices. The facility will be posted with COMMISSION boating access area regulations using kiosks and signage.

III. TERMINATION

It is mutually agreed that either party may terminate its involvement in this agreement by written notice to the other at least 120 days in advance of the date on which termination is to become effective. If the agreement is terminated before the end of the agreement as described below, the County will reimburse the Commission for the cost of infrastructure improvements on a pro-rated cost share.

IV. TERM OF AGREEMENT

This agreement shall become effective upon full execution and shall continue in effect for a period equal to 25 years.

IN TESTIMONY WHEREOF, this Cooperative Agreement has been executed by the parties hereto, in duplicate originals, as of the date first above written.

PERQUIMANS COUNTY

\_\_\_\_\_  
Frank Heath, County Manager

ATTEST

\_\_\_\_\_  
Mary Hunnicutt, County Clerk to Board of Commissioners

NORTH CAROLINA WILDLIFE RESOURCES COMMISSION

\_\_\_\_\_  
*Erik Christofferso*  
Erik Christofferson, Division Chief  
Engineering and Lands Management

ATTEST

\_\_\_\_\_  
Mark Hamlett, Design Services Section Chief  
Engineering and Lands Management

**NEAGH FORMAL OPERATIONS AGREEMENT**

County Manager Heath explained that this is a self-funded fund for health insurance and it is comprised of Pasquotank County, Perquimans County, and Albemarle Regional Health Services. This group has been in existence for quite a while but we have not had an updated Formal Operations Agreement since about 2005. Some of the original counties that were part of this group have decided to withdraw from the group. The purpose of this revised Agreement will be to remove those entities that have withdrawn from the program, revises some language about the composition of the Board of Directors, and discusses entrance and exiting provisions. It has been reviewed by the County Attorney and has been approved by the Northeast Albemarle Board. It still has to come before the County Commissioners for approval. Because this is a self-funded program, we need this agreement in force because we have some counties that are interested in joining the group so we need these provisions to make sure that we are protected if the entity decides to leave the group. On motion made by Matthew Peeler, seconded by Edward R. Muzzulin, the Board unanimously approved the following NEAGH Formal Operations Agreement:

FORMAL OPERATIONS AGREEMENT

This Agreement made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between ALBEMARLE REGIONAL HEALTH SERVICES, a public authority, PASQUOTANK COUNTY, a body politic and corporate existing under the laws of the State of North Carolina, PERQUIMANS COUNTY, a body politic and corporate existing under the laws of the State of North Carolina, (hereinafter "Sponsors").

WHEREAS, in 1990 the Sponsors formed a health insurance pool commonly referred to as the Northeast Albemarle Group Health Plan, (hereinafter "Plan"), to provide health insurance to eligible employees of the Sponsors; and

WHEREAS, in 2005 the Sponsors entered into a Formal Operations Agreement that the existing Sponsors desire to amend; and

WHEREAS, counties are authorized to provide health insurance to employees pursuant to G.S. 153A-92(d), municipalities are authorized pursuant to G.S. 160A-162(d) and Albemarle Regional Health Services is authorized pursuant to their policies and procedures; and

WHEREAS, units of local government are authorized to enter into inter-local agreements pursuant to G.S. 160A-460 through 160A-646;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the Sponsors hereby adopt the following terms and provisions:

I. Board of Directors

1. The Plan shall be governed by a Board of Directors. Each sponsor shall appoint two (2) elected officials currently serving on its individual Board to serve as a voting member of the Board of Directors. The Board member must be an elected official for the entity they represent. Each Board member shall serve a two (2) year term. The remaining board members shall be nonvoting members and shall consist of the County Managers of the County Sponsors and the Health Director of Albemarle Regional Health Services. Any new qualified Sponsor (those joining after April 1, 2014) shall appoint one (1) elected official as a voting member and the Chief Executive of that entity as the non-voting member. In the event a Sponsor's voting board member is not present at a board meeting, that Sponsor's non-voting board member shall have the authority to vote on any and all matters.

2. The Board of Directors shall have general charge and control of the affairs, funds and property of the Plan and shall carry out the objectives of the Plan.



3. The Board of Directors has the authority to carry out all rules, policies and procedures of the Plan not listed in this agreement, including plan amendments, plan administration and approval of premiums rates.

4. The Chairman and Vice-Chairman of the Board shall be elected at the first Board meeting of the new fiscal year, shall serve a two (2) year term and shall not be removed from office except for cause or unless he becomes disqualified to serve as a member of his individual board. No person shall serve as Chairman for more than two (2) consecutive terms.

5. The Board shall designate a fiscal agent annually. The fiscal agent shall be responsible for the accounting of revenue and expenses in an ongoing monthly format. The fiscal year budget will be included within this accounting. Any deficit is the responsibility of participating sponsor members and non-sponsor members of the Northeast Albemarle Group Health Plan.

**II. Meetings**

1. The Board of Directors shall meet at least quarterly to discuss the various issues concerning the Plan.

2. A quorum shall be present at all meetings in order for the board to conduct business. A quorum shall be present when at least a majority of the voting members of the Board of Directors are present.

3. The Board of Directors shall be subject to the North Carolina Open Meetings Law.

**III. Voting**

1. Only Albemarle Regional Health Services, Pasquotank County and Perquimans County shall have two (2) voting members and one non-voting member on the Board. All other qualified sponsors with voting rights will have one (1) voting member and one (1) non-voting member on the Board. For purposes of this Agreement a "qualified sponsor" shall be an entity with seventy five (75) or more employees

2. Other units of local government and other non-profit organizations that are authorized for public purposes may become members of the Plan with the approval of a majority vote from the Board of Directors. Other units of local government or other non-profit organizations joining the Plan shall be referred to in this Agreement as "non-sponsors". Such units of local government and non-profit organizations shall have the right to attend all meetings of the Board of Directors, however, such units of local government and non-profit organizations shall not have voting rights on the Board.

3. Any Sponsor or non-sponsor organization shall give at least one (1) year's written notice of its intent to withdraw from the Plan. Such notice shall be submitted between June 15<sup>th</sup> and July 1<sup>st</sup> to be effective July 1<sup>st</sup> of the following year and shall be given with the Plan's Broker, fiscal agent and to each Sponsor. Such withdrawal shall be irrevocable unless there is a unanimous vote by the Board to allow a rescission of the withdrawal.

4. This Agreement may be amended or repealed by a vote of a majority of the sponsors.

5. This Agreement shall be valid for a period not to exceed ten (10) years.

**IV. Employee Eligibility**

1. Each entity will define an employee eligibility definition. Definitions may be subject to underwriting approval. Each entity will define the new hire waiting period and employment termination provisions. These will be provided to the Third Party Administrator upon joining the Plan and notification of any change to that provision will be provided to the Plan and the Third Party Administrator thirty (30) days in advance of the change (Third Party Administrator for purposes of this Agreement is the entity that is responsible for paying claims on the Plan's behalf).

2. Each sponsor and non-sponsor organization shall have the authority to designate the level of employer contributions regarding the various tiers of coverage for employees to elect in the designation of payment responsibility regarding the various categories of coverage that are available for employees to elect.

**V. Timely Payment**

Each sponsor shall pay the fiscal agent within ten (10) days of the issued monthly invoice. Payment should be remitted as billed and any credits will apply on the next invoice. Payments will be considered late if not received by the fiscal agent within thirty (30) days and claims may be suspended for that sponsor until payment is received. Each sponsor that does not make a payment within sixty (60) days may be subject to termination from the trust.

**VI. Employee Enrollment Changes**

Employee enrollment changes will be allowed for Qualified Events as defined by IRS Section 125 and Annual Open Enrollment only.

**VII. Exit Provisions**

1. Any sponsor or non-sponsor joining the plan must be a member for at least two (2) consecutive years and will not be considered for re-entry for a period of three (3) years unless there is a unanimous vote by the Board of Directors.

The Plan has the obligation to pay claims incurred prior to the termination date. A provider of service must present its claim for processing within twelve months from the elected termination date. Any claim received after twelve months will not be eligible for processing by the plan and shall not be the responsibility of the member; and

Each entity is responsible for payment of the run-out administration fee paid to the Third Party Administrator for processing of claims incurred while participating in the pool. The pool is a self-funded arrangement with members financially responsible for funding and paying claims and expenses incurred, less stop-loss carrier liability. Entities are assessable for any funding shortages based on per capita participation. Surplus/reserves will be paid out to member entities only upon dissolution of the pool, at which time any surplus/revenues will be distributed based on per capita participation to all current entities. Any sponsor or non-sponsor leaving the pool prior to a total dissolution of the pool shall not be entitled to any refund or portion of the reserve balance.

**VIII. Joining the Pool**

Any entity wishing to be considered for membership in the Pool will provide the items listed below to the Plan's Broker for review and discussion with existing board names. Each case will be reviewed independently and the Plan has the right to accept or reject any potential entity for membership in the Trust. Board members will approve membership by a majority vote.

1. Letter of intent signed by Chairman of the Board and/or Manager
2. Complete census of benefit eligible participants which will include date of birth, gender, employment status (active, retire, cobra, and/or elected official), current coverage tier for health and dental (ee/sp, ee/family, etc.). This must be submitted in excel format
3. If retirees are to be covered; retiree eligibility language
4. 24 months of Claims Experience which will include membership and claims broken out by month
5. Current health and dental benefit summary
6. Five year rate & carrier history for health and dental
7. Percent of Employer Contribution, Percent of Employee Contribution
8. Renewal Projection
9. Large Claimant Report

**IX. Entrance Provisions**

Upon acceptance into the Plan, the new member will remit a membership acceptance fee equal to the current administrative fee x the total number of benefit eligible. The check should be made payable to NEAGH/Pierce and remitted along with the signed new account set-up form 45 days prior to the requested effective date, to NE Albemarle Trust, 711 Roanoke Avenue, Elizabeth City, NC 27907. The membership acceptance fee will be deposited into the general claim fund.

IN TESTIMONY WHEREOF, said sponsors have hereunto set their hand and seal the day and year first above written.

ATTEST:

**ALBEMARLE REGIONAL  
HEALTH SERVICES**

\_\_\_\_\_  
Secretary  
(SEAL)

By: \_\_\_\_\_, Chairman

ATTEST: Finance Officer  
**PASQUOTANK COUNTY**

Karen S. Jennings  
 Clerk to the Board

By: Jeff Dixon, Chairman  
 Pasquotank County Board of Commissioners

(SEAL)

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

ATTEST: Finance Officer  
**PERQUIMANS COUNTY**

Mary P. Hunnicutt, Clerk to the Board

By: Janice McKenzie Cole, Chairman  
 Perquimans County Board of Commissioners

(SEAL)

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Finance Officer

Commissioner Peeler asked if the County employees were happy with this plan. County Manager Heath said that this was the actual governing agreement and, as a whole, the employees are happy with it. Last year, we were able to reduce the part that the County pays for the employees and we were able to improve the co-pay structure and deductibles.

**FY 2014-15 FUNDING FOR JCPC**

County Manager Heath explained that the JCPC Committee approved this additional funding plan as follows:

<b>FY 2014-2015 Juvenile Crime Prevention Budget</b>			
<b>Program Provider</b>	<b>DJJDP Funding</b>	<b>Local In-Kind</b>	<b>Total</b>
Restitution/Mentoring Focus	\$31,514	\$4,000	\$35,514
Social Thinking Option	32,646	3,600	36,246
<b>TOTALS</b>	<b>\$64,160</b>	<b>\$7,600</b>	<b>\$71,760</b>

On motion made by Benjamin C. Hobbs, seconded by Edward R. Muzzulin, the Board unanimously approved the JCPC FY 2014-2015 Budget.

**SINGLE-FAMILY REHAB RESOLUTION & SIGNATORY CARD**

On motion made by Matthew Peeler, seconded by Tammy Miller-White, the Board unanimously approved the following Resolution authorizing County Manager Heath and Finance Officer Sharon Ward to sign the Requisitions for Funds to be drawn down under the Single Family Rehab Program:

**RESOLUTION**  
**NORTH CAROLINA HOUSING FINANCE AGENCY**  
**SINGLE FAMILY REHAB**  
**PROGRAM NO. SFRLP14**

Upon motion made by Matthew Peeler, seconded by Tammy Miller-White and unanimously passed, the Board of Commissioners of Perquimans County adopted the following resolution at their Regular Meeting held on May 5, 2014 at 6:40 p.m. in the Perquimans County Courthouse Annex.

**BE IT RESOLVED** by the Perquimans County Board of Commissioners that the following individuals are authorized to sign Requisitions for Funds to be drawn down under the North Carolina Housing Finance Agency – Single Family Rehab Program #SFRLP14:

Sharon S. Ward  
*County Finance Officer*  
 Frank Heath  
*County Manager*

\*\*\*\*\*

**NORTH CAROLINA PERQUIMANS COUNTY**

I, Mary P. Hunnicutt, Clerk to the Board of Commissioners of the aforesaid State and County, hereby certify that the foregoing is a true and correct copy of the **RESOLUTION** adopted by the Board of Commissioners of Perquimans County at a Regular Meeting held on May 5, 2014 as the same appears on record in the Board Minute Book of the said Commission and filed in the Perquimans County Registry.

Witness my hand and official seal this 5<sup>th</sup> day of May, 2014.

Mary P. Hunnicutt, Clerk to the Board

Tammy Miller-White asked if the individuals that received damage during the tornado would be eligible for this program. Mr. Heath said that, if they met all the standards of the grant, they should be eligible. He would talk to his consultant about it.

**HCCBG GRANT FUNDING FY 2013-14 AMENDMENT**

County Manager Heath reported that the HCCBG Grant received additional funds for Home Delivered Meals and Transit – Medical. The information was included in their packets. On motion made by Tammy Miller-White, seconded by Edward R. Muzzulin, the Board unanimously approved the additional HCCBG Grant Funds for FY 2013-14. Commissioner Peeler asked about the County match. Mr. Heath said that it may be increased some and did not feel that it would be a hardship for the County.

**PUBLIC COMMENTS**

There were no public comments.

**ADJOURNMENT**

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

Janice McKenzie Cole, Chair

Clerk to the Board

\*\*\*\*\*



**ATTACHMENT A**

-Beginning of proposed CUP-14-02 to be recorded-

Large Scale, Ground-Mounted Solar Power Energy System  
on Two Mile Desert and Bembury Roads

by Shelley D. Layden

**NOTE:**

At its meeting on May 5<sup>th</sup>, the BCC approved the DRAFT No. 3 CUP-14-03 (as recommended by the Planning Board on 4-8-14), with amendments as follows:

To Condition No. F1 (e): **Providing Applicants, heirs and assigns shall also provide** additional screening on **the East side of the all** property lines at residential dwellings.” And

To Condition No. F1 (f): **Applicants, heirs and assigns shall also Maintain maintain** existing ditches.

**CONDITIONAL USE PERMIT No. CUP-14-02**

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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:

- Authorized Applicant:** Shelley D. Layden, 119 Cowpen Road, Edenton, NC 27932
- Property Owner:** Jarvis Winslow, 300 Swamp Road, Hertford NC 27944
- Site Location/Address:** 83.87 Acre Tract located on east side of Two Mile Desert Road (SR 1218), in the 100-block, north of the existing Electrical Substation, and on the north side of Bembury Road (SR 1219).
- Tax Parcel No:** 5-0032-0089
- Zoning District:** Portions located in Perquimans County’s zoning jurisdiction are zoned RA, Rural Agriculture District; remainder of property located within the Town Limits of Winfall, North Carolina.

**Proposed Use of Property:** As stated by the Applicant:

*“To construct and operate a Large Scale Solar Power Generating Facility on property in Perquimans County and a portion of the property in the Town of Winfall, as described herein and depicted on the attached Site Plans. The purpose of the facility will be to generate power which will be sold directly to the Power Company servicing the facility. The large scale photovoltaic (PV) Farm will consist of Multiple Installation. Total power production capacity of the facility is estimated to be 20 MW’s Maximum upon final completion. Each Phase and all components and equipment will be within the parameters of the enclosure surrounding the facility. There will be utility easements (underground or overhead power lines) and an access road from Two Mile Desert Road and two locations from Bembury Road, onto the property as noted on the site plan (final interconnections and locations to be determined upon final permitting with utility company). The property will be buffered with a minimum of 6’ security*

**CONDITIONAL USE PERMIT No. CUP-14-02**

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*fence with 12” double barbed wire to equal 7’ in height and will be continuous around the parameter of the property. The mounting structures with installed panels will not exceed the maximum height of 15’ as outlined in Zoning Ordinance. The property will have security cameras and lighting throughout the property; gates will be used for entrances into the Solar Farm locations and will be kept locked and secured at all times when authorized personnel are not occupying the property.*

*“All Railroad and Transmission Line easements will continue to be honored for access. The Solar Farm will be off of 180 Two Mile Desert Road, approximately 1500’ North of the intersection of Main Street, Town of Winfall city limits and Two Mile Desert Road, Hertford. Also, access road(s) off Bembury Road. Both entrances will meet all NCDOT requirements.*

*Facility will meet all setbacks in the Ordinance for the Large Scale Solar Farm and will meet all Local, State and Environmental requirements.*

*“Final layout and determination of total MW’s of production will be determined once information is received by North Carolina Utilities Commission and purchasing Utilities Company.”*

**Meeting & Hearing Dates:** Planning Board on **March 11, 2014** and **April 8, 2014** and Board of Commissioners on **May 5, 2014** .

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) Those portions of the project which are located in unincorporated Perquimans County and outside of the Town of Winfall, are hereby approved, conditioned upon the Town of Winfall’s approval of those portions located inside the Town Limits, for an overall maximum 20 MW Large Scale Solar Generating Facility as shown on the attached Site Plan.
- B) The Applicants, 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 panels and other equipment within the proposed chain link fence, pending the outcome of final survey, wetlands delineation, storm water permits, Army Corp of Engineers requirements, and

**CONDITIONAL USE PERMIT No. CUP-14-02**

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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.

- C) The approved Site Plan includes 20 MW's of Solar Panels throughout the 83.87-acre subject property. Pursuant to the approved Conditional Use Permit, the facility will generate power which will be sold directly to the Power Company servicing the facility. The Solar Farm will consist of multiple installations or phases. Total power production estimated to be 20 MW's upon completion.
- D) 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.
- E) Prior to issuance of a Zoning Permit, Section 907.28 of the Zoning Ordinance requires more detailed Site Plans to address Site Considerations (including height, setback, lighting and screening); and Operational Considerations (to include security measures).
- F) Solar Farm Requirements: Each phase will stand alone in compliance with minimum Considerations, as follows:

1) Site Considerations:

- (a) Height: Solar energy system structures and related equipment shall not exceed 15 feet in height.
- (b) Setback: Solar energy system structures and related equipment must meet the minimum zoning setback for the zoning district in which it is located, or thirty (30) feet, whichever is strictest.
- (c) The setback for any building or parking areas proposed to serve the Solar Farm shall comply with be twenty (20) feet or as otherwise required, whichever is strictest, from any street right-of-way and any continuous property line that is used or zoned for residential purposes.
- (d) Lighting: The project shall utilize minimal lighting. No lighting other than normal security lighting and that required by government agencies shall be permitted.
- (e) Screening: In general, the solar energy system structures and related equipment and any future buildings of the solar company shall be screened from routine view from public rights-of-way, existing residential dwellings and adjacent properties, by using one of the options provided in the County's Buffers and Screening standards currently found in Article XVIII, Sections 1802 and 1803. Such screening shall be a seven (7) foot high

**CONDITIONAL USE PERMIT No. CUP-14-02**

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attractive blind barrier, or a three (3) foot wide, seven (7) foot high dense evergreen planting, or a twenty (20) foot wide natural wooded or planted strip, in conjunction with a security fence no less than seven (7) feet in height. Applicants, heirs and assigns shall also provide additional screening on all property lines at residential dwellings."

- (f) Applicants, heirs and assigns shall also maintain existing ditches.
- 2) 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.
- 3) Application Requirements: The attached Site Plan is considered conceptual and was accepted for the purpose of processing the Conditional Use Permit. Said Conceptual Site Plan demonstrates the ability of the subject property to generally comply with the minimum design standards of the County's Zoning Ordinance. Prior to the construction or installation of any site improvement, the Applicants, heirs and assigns shall cause this approved Conditional Use Permit (CUP) to be recorded in the Perquimans County Register of Deeds Office and shall then apply to the Perquimans County Planning & Zoning Office for a Zoning Permit which shall be issued based upon compliance with this Conditional Use Permit as well as an approved final Site Plan which provides more detailed information as required by Sections 509 and 907.28B(1) through (8) and the Conditions listed herein, and which denotes 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 area. The Site Plan shall also show the location of any required buffers. Other Zoning Permit 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 any 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 and must be designed with anti-reflective coating(s).

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- (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.
- (e) Compliance with National Electric Code: All photovoltaic systems shall comply with the National Electrical Code, current edition.

**G) Other Conditions**

The main point of ingress and egress for the facility will be in the 100-block of Two Mile Desert Road (SR 1218), with additional entrances for the southern portions of the property via

- 1) Bembury Road (SR 1219) (from within the Town of Winfall, North Carolina). These Access Roads leading from the public roads shall be surfaced with asphalt or 6" of concrete as measured from the pavement edge of the road 24' wide, and up 15' as referenced in Section 1906.B of Parking Lot Standards. The remainder of the access roads will be constructed of gravel and compacted soil to a width of 24 feet with a minimum 30-foot centerline radius of curvature. See also Condition G-2.
- 2) The access driveways will be constructed of gravel and/or grass to a minimum width of 16 feet with 4-foot shoulders on both sides. The roads must be maintained to allow access for emergency vehicles. See also Condition G-1.
- 3) 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.
- 4) 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.
- 5) 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.
- 6) 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:

**CONDITIONAL USE PERMIT No. CUP-14-02**

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- (a) 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 (insert date of BCC approval), except for any parts of the Property that the Applicant determines it needs for continuing Solar Operations; and
  - (b) Within twelve (12) months after the expiration, surrender or termination of said Lease, the Applicant shall:
    - (1) Remove from such portions of the Property any Solar Energy System owned or installed by Applicant thereon and
    - (2) 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 (insert date of BCC approval), specifically to a farmable condition.
- H) Prior to construction of any future building(s) or occupied structure(s), the Applicants, heirs or assigns must provide a detailed Site Plan of the proposed building(s) and the access road leading to it, pursuant to Section 509 of the Zoning Ordinance.
- I) A separate Sign Permit must be obtained from the Planning & Zoning Office and the Building Inspections Department for any sign not exempted by the Zoning Ordinance, Article XX.
- J) Annual Reports: The Planning Board and Board of County Commissioners hereby acknowledge the Applicant's intent to complete construction of the Solar Farm within one year of approved CUP. 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 is delayed beyond one year of approved CUP 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.

- K) 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.
- L) 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 Conditions herein and the County Zoning Ordinance, Sections 907.28B (1) through (8), as amended. Access to site is obtained by appointment with applicant, heirs or assigns.
- M) 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.

**CONDITIONAL USE PERMIT No. CUP-14-02**  
**Page 7 of \_\_\_\_**

- N) Applicant, heirs and assigns shall annually hold training sessions for emergency service personnel as determined through collaborative efforts with both parties.

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.

\_\_\_\_\_  
 Janice McKenzie Cole, Chair, Board of Commissioners Date

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

-----  
 I, \_\_\_\_\_, authorized Applicant 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.

\_\_\_\_\_  
 Shelley D. Layden, Authorized Applicant Date

-----  
 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)

-End of proposed CUP-14-02 to be recorded-

Large Scale, Ground-Mounted Solar Power Energy System  
 on Two Mile Desert and Bembury Roads

by Shelley D. Layden

**NOTE:** At its meeting on May 5<sup>th</sup>, the BCC approved the DRAFT No. 3 CUP-14-03 (as recommended by the Planning Board on 4-8-14), with amendments as follows:

To Condition No. F1 (e): **Providing Applicants, heirs and assigns shall provide** additional screening on **the East side of the all** property lines at residential dwellings." And

To Condition No. F1 (f): **Applicants, heirs and assigns shall Maintain maintain** existing ditches.

**ATTACHMENT B**

-Beginning of proposed CUP-14-03 to be recorded-

Large Scale, Ground-Mounted Solar Power Energy System  
on Drinking Hole and County Line Roads

by Shelley D. Layden

**NOTE:**

At its meeting on May 5<sup>th</sup>, the BCC approved the DRAFT No. 3 CUP-14-03 (as recommended by the Planning Board on 4-8-14), with amendments as follows:

To Condition No. F1 (e): **Providing Applicants, heirs and assigns shall also provide** additional screening on **the East side of the all** property lines at residential dwellings.” And

To Condition No. F1 (f): **Applicants, heirs and assigns shall also Maintain maintain** existing ditches.

**CONDITIONAL USE PERMIT No. CUP-14-03**

**Page 1 of \_\_\_**

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:** Shelley D. Layden, 119 Cowpen Road, Edenton, NC 27932
- Property Owner:** Thomas & Rebecca Winslow, 901 Home Place Dr., Wilmington NC 28401
- Site Location/Address:** 92.16 Acre Tract located in 200-block (on the south side) of Drinking Hole Road (SR 1118), on east side of County Line Road (SR 1002).
- Tax Parcel No:** 5-0032-0089
- Zoning District:** RA, Rural Agriculture District.
- Proposed Use of Property:** As stated by the Applicant:

*“To construct and operate a Large Scale Solar Power Generating Facility on property in Perquimans County. The purpose of the facility will be to generate power which will be sold directly to the Power Company servicing the facility. The large scale photovoltaic (PV) Farm will consist of Multiple Installation. Total power production capacity of the facility is estimated to be 15 MW’s Maximum upon final completion. Each Phase and all components and equipment will be within the parameters of the enclosure surrounding the facility. There will be utility easements (underground or overhead power lines) from Drinking Hole Road onto the property as noted on the site plan (final interconnections and locations to be determined upon final permitting with utility company). The property will be buffered with a minimum of 6’ security fence with 12” double barbed wire to equal 7’ in height and will be continuous around the parameter of the property.*

**CONDITIONAL USE PERMIT No. CUP-14-03**

**Page 2 of \_\_\_**

*“The mounting structures with installed panels will not exceed the maximum height of 15’ as outlined in Zoning Ordinance. The property will have security cameras and lighting throughout the property; metal gates will be used for entrances into the Solar Farm locations and will be kept locked and secured at all times when authorized personnel are not occupying the property.*

*“A 16’ easement to the graveyard, as recorded in Book 172, Page 184, will continue to be honored for access. The Access Roads to the Solar Farm will be off Drinking Hole Road, approximately 1600’ east of the intersection of Drinking Hole Road and County Line Road and/or at an existing address of 299 Drinking Hole Road and 976 County Line Road. Both entrances meet all NCDOT requirements. Facility will meet all setbacks and buffers in the Ordinance for the Large Scale Solar Farm and will meet all Local, State and Environmental requirements.*

*“Final layout and determination of MW’s of production will be determined once information is received by North Carolina Utilities Commission and purchasing Utilities Company.”*

**Meeting & Hearing Dates:** Planning Board on **March 11, 2014** and **April 8, 2014** and Board of Commissioners on **May 5, 2014**.

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 project is hereby approved for an overall maximum 15 MW Large Scale Solar Generating Facility as shown on the attached Site Plan.
- B) The Applicants, 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 panels and other 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.

**CONDITIONAL USE PERMIT No. CUP-14-03**

**Page 3 of \_\_\_\_**

- C) The approved Site Plan includes 15 MW's of Solar Panels throughout the 92.16-acre subject property. Pursuant to the approved Conditional Use Permit, the facility will generate power which will be sold directly to the Power Company servicing the facility. The Solar Farm will consist of multiple installations or phases. Total power production estimated to be 15 MW's upon completion.
- D) 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.
- E) Prior to issuance of a Zoning Permit, Section 907.28 of the Zoning Ordinance requires more detailed Site Plans to address Site Considerations (including height, setback, lighting and screening); and Operational Considerations (to include security measures).
- F) Solar Farm Requirements: Each phase will stand alone in compliance with minimum Considerations, as follows:
- 1) Site Considerations:
- a. Height: Solar energy system structures and related equipment shall not exceed 15 feet in height.
  - b. Setback: Solar energy system structures and related equipment must meet the minimum zoning setback for the zoning district in which it is located, or thirty (30) feet, whichever is strictest.
  - c. The setback for any building or parking areas proposed to serve the Solar Farm shall comply with be twenty (20) feet or as otherwise required, whichever is strictest, from any street right-of-way and any continuous property line that is used or zoned for residential purposes.
  - d. Lighting: The project shall utilize minimal lighting. No lighting other than normal security lighting and that required by government agencies shall be permitted.
  - e. Screening: In general, the solar energy system structures and related equipment and any future buildings of the solar company shall be screened from routine view from public rights-of-way, existing residential dwellings and adjacent properties, by using one of the options provided in the County's Buffers and Screening standards currently found in Article XVIII, Sections 1802 and 1803. Such screening shall be a seven (7) foot high attractive blind barrier, or a three (3) foot wide, seven (7) foot high dense evergreen planting, or a twenty (20) foot wide natural wooded or planted strip, in conjunction with a security fence no less than seven (7) feet in height. Applicants, heirs and assigns shall also provide additional screening on all property lines at residential dwellings."

**CONDITIONAL USE PERMIT No. CUP-14-03**

**Page 4 of \_\_\_\_**

- f. Applicants, heirs and assigns shall also maintain existing ditches.
- 2) 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.
- 3) Application Requirements: The attached Site Plan is considered conceptual and was accepted for the purpose of processing the Conditional Use Permit. Said Conceptual Site Plan demonstrates the ability of the subject property to generally comply with the minimum design standards of the County's Zoning Ordinance. Prior to the construction or installation of any site improvement, the Applicants, heirs and assigns shall cause this approved Conditional Use Permit (CUP) to be recorded in the Perquimans County Register of Deeds Office and shall then apply to the Perquimans County Planning & Zoning Office for a Zoning Permit which shall be issued based upon compliance with this Conditional Use Permit as well as an approved final Site Plan which provides more detailed information as required by Sections 509 and 907.28B(1) through (8) and the Conditions listed herein, and which denotes 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 area. The Site Plan shall also show the location of any required buffers. Other Zoning Permit 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 any existing or proposed site access is acceptable for the proposed use prior to final project approval.
- (f) Approved Solar Components: Solar energy system components must have a UL listing and must be designed with anti-reflective coating(s).
- (g) 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.

**CONDITIONAL USE PERMIT No. CUP-14-03**

**Page 5 of \_\_\_\_**

- (h) Compliance with National Electric Code: All photovoltaic systems shall comply with the National Electrical Code, current edition.
- G) Other Conditions The main point of ingress and egress for the facility will be in the 200-block of Drinking Hole Road (SR 1118), with an additional entrance for the western portion of the property via County Line Road (SR 1002).
- 1) These Access Road entrances leading from the public roads shall be surfaced with asphalt or 6" of concrete as measured from the pavement edge of the road, 24' wide, and up 15' as referenced in Section 1906.B of Parking Lot Standards. The remainder of the access roads will be constructed of gravel and compacted soil to a width of 24 feet with a minimum 30-foot centerline radius of curvature. See also Condition G-2.
  - 2) The access driveways will be constructed of gravel and/or grass to a minimum width of 16 feet with 4-foot shoulders on both sides. The roads must be maintained by the Applicant to allow access for emergency vehicles. See also Condition G-1.
  - 3) 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.
  - 4) 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.
  - 5) 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.
  - 6) 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:
    - a. 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 (insert date of BCC approval), except for any parts of the Property that the Applicant determines it needs for continuing Solar Operations; and
    - b. Within twelve (12) months after the expiration, surrender or termination of said Lease, the Applicant shall:

**CONDITIONAL USE PERMIT No. CUP-14-03**

**Page 6 of \_\_\_\_**

- (1) Remove from such portions of the Property any Solar Energy System owned or installed by Applicant thereon and
  - (2) 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 (insert date of BCC approval), specifically to a farmable condition.
- H) Prior to construction of any future building(s) or occupied structure(s), the Applicants, heirs or assigns must provide a detailed Site Plan of the proposed building(s) and the access road leading to it, pursuant to Section 509 of the Zoning Ordinance.
- I) A separate Sign Permit must be obtained from the Planning & Zoning Office and the Building Inspections Department for any sign not exempted by the Zoning Ordinance, Article XX.
- J) Annual Reports: The Planning Board and Board of County Commissioners hereby acknowledge the Applicant's intent to complete construction of the Solar Farm within one year of approved CUP. During construction of the project, the Applicant, heirs and assigns shall provide the County
- K) with annual reports outlining progress to date along with circumstances that may result in delays. In the event construction is delayed beyond one year of the approved CUP, 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.
- L) 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.
- M) 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

Conditions herein and the County Zoning Ordinance, Sections 907.28B (1) through (8), as amended. Access to site is obtained by appointment with applicant, heirs or assigns.

- N) 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.
- O) Applicant, heirs and assigns shall annually hold training sessions for emergency service personnel as determined through collaborative efforts with both parties.

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.

**CONDITIONAL USE PERMIT No. CUP-14-03**

**Page 7 of \_\_\_\_\_**

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, \_\_\_\_\_, authorized Applicant 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.

Shelley D. Layden, Authorized Applicant	Date
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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: \_\_\_\_\_

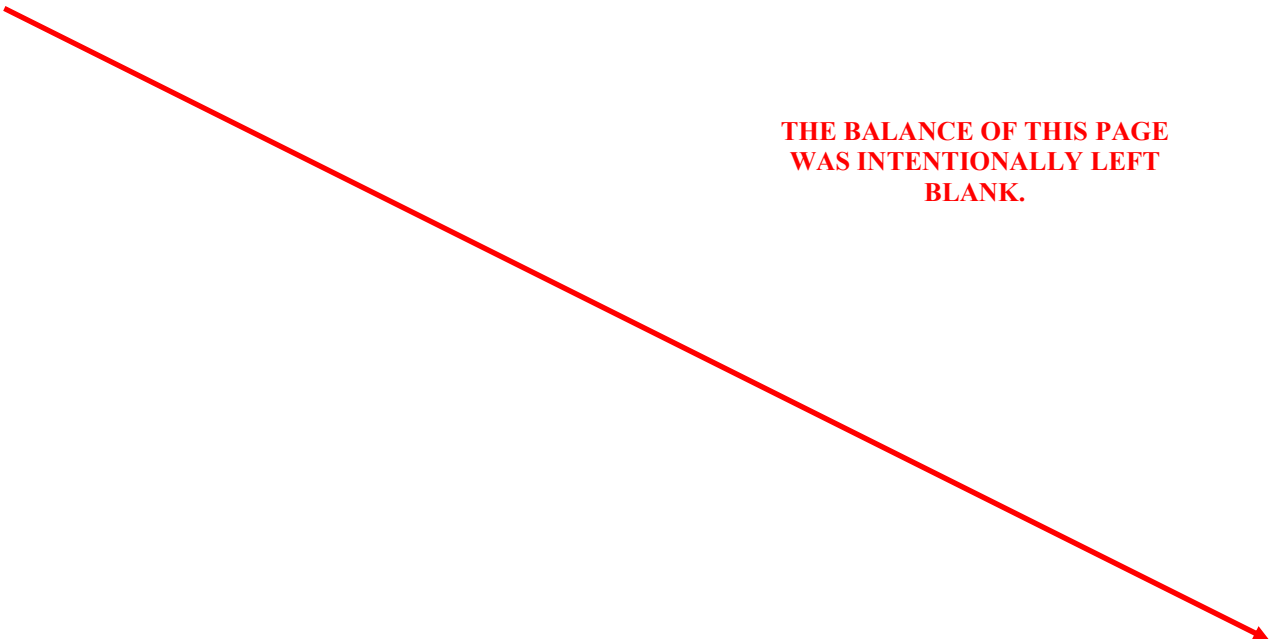
(Not valid until fully executed and recorded)

-End of proposed CUP-14-03 to be recorded-

Large Scale, Ground-Mounted Solar Power Energy System  
on Drinking Hole and County Line Roads

by Shelley D. Layden

**NOTE:** At its meeting on May 5<sup>th</sup>, the BCC approved the DRAFT No. 3 CUP-14-03 (as recommended by the Planning Board on 4-8-14), with amendments as follows:  
To Condition No. F1 (e): **Providing Applicants, heirs and assigns shall also provide** additional screening on **the East side of the all** property lines at residential dwellings." And  
To Condition No. F1 (f): **Applicants, heirs and assigns shall also Maintain maintain** existing ditches.



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WAS INTENTIONALLY LEFT  
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**ATTACHMENT C**

-Beginning of CUP-14-05 be recorded-

by Cannon and Karen White

Temporary Secondary Residence  
(Family Hardship)

at 218 Harrells Creek Road

**CONDITIONAL USE PERMIT No. CUP-14-05****Page 1 of 4**

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

Applicant/Owner: Cannon and Karen White

Site Location/Address: 218 Harrells Creek Road, Hertford NC 27944

Tax Map 2 Block 0071 Lot 0031B Zoning District RA, Rural Agriculture

**Proposed Use of Property:** I live in a 1800 square foot home with my wife Karen and two adult sons Brian and Eric and Grandson Brent. Brent's Father Eric is an disabled veteran. We have lived together for the past 20 years. We all want Brent close by to continue to share our lives together. Brent will be the seven generation to live on this property.

I would like to provide a home that is mortgage and rent free to Brent in the hope of not losing another Perquimans Son to job opportunity outside the area.

I would like to put a trailer next to my home where a trailer was previously located so as to use the existing septic system and make this Brent's Home.

Meeting and Hearing Dates: Planning Board on 4/8/14 and Board of Commissioners on 5/5/14.

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 and the following conditions:

- (1) The Applicants shall conduct operations strictly in accordance with plans and narrative submitted to and approved by this Board, a copy of which is contained in the County

**CONDITIONAL USE PERMIT No. CUP-14-05****Page 2 of 4**

Planning & Zoning Office and recorded in the Register of Deeds Office. The proposed use is for the temporary placement of a secondary residence at 218 Harrells Creek Road, located together on the same parcel as Cannon and Karen White's home at 216 Harrells Creek Road, for their Grandson to live in.

- (2) However, it is understood that the Applicants' approved site plan is conceptual and that minor adjustments may be made in the exact location of the proposed secondary residence within the boundaries of the subject property, in accordance with minimum building setbacks, to make use of the existing septic system where a trailer was previously located. Prior to bringing the temporary residence onto the site and prior to commencing other related site improvements, the Applicants shall record this approved Conditional Use Permit (CUP) in the Perquimans County Register of Deeds Office and then apply to the Planning & Zoning Office for a Zoning Permit with a copy of the recorded CUP and a more detailed site plan that demonstrates compliance with local, State and Federal design standards. In particular, the temporary dwelling must comply with building setbacks specified by Sections 704 and 1002B of the Zoning Ordinance, with the exception that the temporary dwelling may be placed to the east side versus the rear of the principal residence to thereby make use of the existing septic system, and at least thirty (30) feet from the principal residence and not closer than fifteen (15) feet from any property line, and in accordance with Albemarle Regional Health Services standards for the septic tank system.
- (3) 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.
- (4) Verification/acknowledgement of a unique temporary personal and/or family hardship. The temporary unit shall be used to house members of the family (related by blood, marriage, or adoption) of the principal dwelling, and shall not be rented, leased, or otherwise assigned.
- (5) The temporary permit shall take into account the adverse effect, if any, of this temporary use on the neighbors, public safety and welfare, the necessity of the use, and other relevant factors in the particular circumstances.
- (6) Owner shall provide an annual report and affidavit on the status of the hardship so as to reestablish the basis for continued use of the temporary dwelling. It is understood that the secondary mobile home located at 218 Harrell Creek Road must be removed once the hardships as stated cease to exist.
- (7) Complaint and Review: Upon complaint to the Planning Board from any adjacent property owner the Planning Board shall properly advertise and hold a public hearing to determine if the temporary use has been conducted in accordance with the provisions of the Zoning Ordinance, especially Section 1002, as well as any other conditions established by the Planning Board. The Planning

Board, after holding the necessary public hearing, may uphold, modify, suspend, or revoke the conditional use permit for this temporary use.

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.

**CONDITIONAL USE PERMIT No. CUP-14-05**  
**Page 3 of 5**

IN WITNESS WHEREOF, Perquimans County has caused this permit to be issued in its name, and the undersigned, being all the 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 County Commissioners Date  
Attest: \_\_\_\_\_ (Seal)  
Mary P. Hunnicutt, Clerk to the Board Date

-----  
We, \_\_\_\_\_, Owner(s) of the above identified property, do hereby acknowledge receipt of this Conditional Use Permit. The undersigned Owner(s) does/do 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.

\_\_\_\_\_  
(Owner) (Owner)

-----  
The State of North Carolina  
Perquimans 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)

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**CONDITIONAL USE PERMIT No. CUP-14-05**  
**Page 4 of 5**

The State of North Carolina  
Perquimans 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)

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**CONDITIONAL USE PERMIT No. CUP-14-05**  
**Page 5 of 5**

Site Plan  
(to be recorded as Page 5 of CUP)

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

-End of CUP-14-05 be recorded-  
by Cannon and Karen White  
Temporary Secondary Residence  
(Family Hardship)  
at 218 Harrells Creek Road