
SPECIAL CALLED MEETING

August 17, 2015

7:00 p.m.

The Perquimans County Board of Commissioners met in a Special Called Meeting on Monday, August 17, 2015, at 7:00 p.m. in the Commissioners' Room located on the first floor of the Perquimans County Courthouse Annex.

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

MEMBERS ABSENT: Wallace Nelson

OTHERS PRESENT: Frank Heath, County Manager/Deputy Clerk to the Board

After the Chair called the meeting to order, Commissioner Leigh led in prayer and the Chair led the Pledge of Allegiance. Chair Cole explained that this Special Called Meeting was scheduled to consider Budget Amendment No. 1.

AGENDA

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

BUDGET AMENDMENT NO. 1

County Manager Heath explained that the Perquimans County Trailblazers had disbanded and closed their checking account which had a balance of \$3,901.20. The Trailblazers have donated this money back to the County. Because these funds were not budgeted into the FY 2015-16 Budget, the Board would need to approve a budget amendment. On motion made by Kyle Jones, seconded by Fondella A. Leigh, the Board unanimously approved the following Budget Amendment No. 1:

**BUDGET AMENDMENT NO. 1
 GENERAL FUNDS**

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
10-335-000	Miscellaneous Revenue	3,901	
10-500-150	Maintenance & Repair - Buildings	3,901	
EXPLANATION: Perquimans County Trailblazers dissolved and closed their banking account. They provided the County with a check for \$3,901.20. This is to transfer that balance into the County Miscellaneous Revenue funds.			

ADJOURNMENT

There being no further comments or business to discuss, the Special Called Meeting was adjourned on motion made by Matthew Peeler, seconded by Edward R. Muzzulin. The Chair proceeded with the Agenda for the Work Session.

 Janice McKenzie Cole, Chair

 Deputy Clerk to the Board

REGULAR MEETING

September 8, 2015

6:50 p.m.

The Perquimans County Board of Commissioners met in a regular meeting on Tuesday, September 8, 2015, at 6:50 p.m. in the upstairs Courtroom located on the second floor of the Perquimans County Courthouse Annex.

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

MEMBERS ABSENT: None

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

After the Chair called the meeting to order, Commissioner Nelson led in prayer and the Chair led the Pledge of Allegiance. Chair Cole said that the first item of business was to hold a public hearing.

PUBLIC HEARING

Conditional Use Permit No. CUP-15-05 - Julia & Charles Vaughan

Chair Cole opened the Public Hearing stating that the purpose of the public hearing was to receive citizens' comments on the Conditional Use Permit No. CUP-15-05, requested by Julia & Charles Vaughan, to operate a "Special Events Venue" as a Home Occupation at 3562 New Hope Road, a 25-acre parcel known as the "Leigh Farm" (Tax Parcel No. 4-0077-0001), and zoned RA, Rural Agriculture District. There were approximately 150 people present. Chair Cole introduced Donna Godfrey, County Planner, who gave a brief overview of the request. She said that, at their August 11, 2015, the Planning Board recommended approval of their request. The applicant was present if they needed to answer any questions. Chair Cole asked if there were any questions from the Board. Matthew Peeler asked that, according to the zoning district chart, this venue is only allowed in RA-43 district. This property is zoned RA so how are they meeting the criteria of our own Zoning Ordinance? Ms. Godfrey said that Section 907.21 allows it. The Chair asked Ms. Vaughan if she had any additional comments. There being no further questions or comments, the Chair closed the Public Hearing at 7:00 p.m.

AGENDA

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

CONSENT AGENDA

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

1. **Approval of Minutes:** August 3, 2015 Regular Meeting & August 17, 2015 Special Called Meeting
2. **Tax Refund/Release Approvals:**

PERQUIMANS COUNTY TAX REFUNDS:

Halter, Robert E.----- **\$162.80**
Duplicate billing on owner’s vehicle. Abstract No. 0027487685 (12 month proration).

Pagels, Charles F.----- **\$132.97**
12 month proration on vehicle. Abstract #0019291399.

PERQUIMANS COUNTY TAX RELEASES:

Franklin, Rodney & Tracy----- **\$112.86**
Sold boat assessed at \$25,650 in 2014. Account No. 259027.

3. **Personnel Matters:**

Employee Name	Employee Job Title	Action Required	Grade/ Step	New Salary	Effective Date
Gwen Hudson	Income Maintenance Supervisor II	Promotion	67/3	\$35,253	9/1/2015
Kaye Long	Full-Time Telecommunicator	FMLA	12 weeks (staggered)		8/25/2015
Pamela Midget	Income Maintenance Caseworker III	Promotion	65/1	\$30,745	9/1/2015
Ernest Swanner	Code Enforcement Officer	Appointment	61/1	\$25,783	10/1/2015
Joan Harrell	Human Resources Placement Specialist	Retirement			1/1/2016
Sandra Willard	Income Maintenance Caseworker II	Retirement			1/1/2016

4. **Step/Merit Increases:**

Employee Name	Employee Job Title	Grade/ Step	New Salary	Effective Date
Krystal Agosto	Telecommunicator Fill-In	60/3	12,45	9/1/2015
Kaye Long	Telecommunicator	60/2	25,289	9/1/2015
Shannon Howell	Social Worker IA&T	70/3	40,230	9/1/2015
Krystal Agosto	Telecommunicator Fill-In	60/3	12.45	9/1/2015

5. **Board Appointments:**

NAME	BOARD	ACTION	TERM	EFFECTIVE DATE
Hobbs, Donald	Animal Control Board (at-large Comm. Appt)	Reappointment	2 yrs.	10/01/2015
Thompson, Bethany	Animal Control Board (SPCA Representative)	Reappointment	1 yr.	10/01/2015
Overman, Pete	Board of Adjustments	Reappointment	3 yrs.	10/01/2015
Winslow, Lynwood, III	Board of Adjustments	Reappointment	3 yrs.	10/01/2015
Eure, Sadie	Jury Commission - County Appointee	Reappointment	2 yrs.	10/01/2015
Kahl, Paul	Planning Board	Reappointment	3 yrs.	10/01/2015
Roberts, A.O.	Planning Board	Reappointment	3 yrs.	10/01/2015

6. **Resolutions:** The following Resolutions were approved by the Board:

**Proclamation
Constitution Week
September 17-23, 2015**

WHEREAS, September 17, 2015 marks the two-hundred twenty-eighth anniversary of the drafting of the Constitution of the United States of America by the Constitution Convention; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17^h through 23 as Constitution Week,

NOW, THEREFORE, BE IT PROCLAIMED, that we, the Perquimans County Board of Commissioners, NC do hereby ask all citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of liberties, remembering that lost rights may never be regained.

IN WITNESS WHEREOF, I have set my hand and affixed the Great Seal of the County of Perquimans, NC.

Janice McKenzie Cole, Chair
Perquimans County Board of Commissioners

ATTEST:

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

**RESOLUTION
LITTER SWEEP FALL 2015
IN PERQUIMANS COUNTY**

WHEREAS, the North Carolina Department of Transportation organizes an annual Fall statewide roadside cleanup to ensure clean and beautiful roads in North Carolina; and

WHEREAS, the Fall 2015 “Litter Sweep” roadside cleanup will take place September 19 - October 3, 2015, and encourages local governments and communities, civic and professional groups, businesses, churches, schools, families and individual citizens to participate in the Department of Transportation cleanup by sponsoring and organizing local roadside cleanups; and

WHEREAS, Adopt-A-Highway volunteers, Department of Transportation employees, Department of Correction inmates and community service workers, local government agencies, community leaders, civic and community organizations, businesses, churches, schools, and environmentally concerned citizens conduct annual local cleanups during “Litter Sweep” and may receive certificates of appreciation for their participation; and

WHEREAS, the great natural beauty of our State and a clean environment are sources of great pride for all North Carolinians, attracting tourists and aiding in recruiting new industries; and

WHEREAS, the cleanup will increase awareness of the need for cleaner roadsides, emphasize the importance of not littering, and encourage recycling of solid wastes; and

WHEREAS, the 2015 LITTER SWEEP cleanup will celebrate the 27th Anniversary of the North Carolina Adopt-A-Highway program and its approximate 6,000 volunteer groups that donate their labor and time year round to keep our roadsides clean.

WHEREAS, the LITTER SWEEP cleanup will be a part of educating the children of this Great State regarding the importance of a clean environment to the quality of life in North Carolina;

NOW, THEREFORE, BE IT RESOLVED that the Perquimans County Board of Commissioners do hereby proclaim September 19 - October 3, 2015, as "**FALL LITTER SWEEP**" time in Perquimans County and encourage its citizens to take an active role in making our community cleaner and more beautiful.

ADOPTED the 8th day of September, 2015.

(SEAL)

Janice McKenzie Cole, Chair
Perquimans County Board of Commissioners

ATTESTED:

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

PRESENTATION OF PLAQUE: ELIZABETH WHITEHURST

Chair Cole presented a plaque to Elizabeth Whitehurst who retired from the Perquimans County Social Services Department on September 1, 2015 after 28 years. Ms. Cole thanked her for her service. Ms. Whitehurst thanked the Board for allowing her to work for the County.

INTRODUCTION OF NEW EMPLOYEES/STAFF

The following new employees were introduced to the Board:

- **Social Worker II:** Susan Chaney, Social Services Director, introduced Sherry Schrodt, Social Worker II, who began working for Perquimans County on June 8, 2015.
- **Office Assistant III:** Susan Chaney, Social Services Director, introduced Samantha Farrar, Office Assistant III, who began working for Perquimans County on August 4, 2015.

Chair Cole welcomed them to Perquimans County.

ALAN LENNON

Chair Cole recognized Alan Lennon who presented the following statement to the Board:

Perquimans County Board of Commissioners:

Thank you for allowing me a few minutes to share with you my concerns regarding the current county wind facility ordinance 907.27. My name is Alan Lennon and I own and reside on a small piece of property near the bear swamp area, 2349 Center Hill Hwy. Along with my amazing wife Stephenie and my three beautiful daughters Julie, Taylor, and Anna; we have worked hard to provide a safe, nurturing and very loving home in the western side of the county. Like my fellow county citizens, we enjoy the slow quiet life that is quickly disappearing from our state.

Before I continue I want to personally thank each you for your service to our county and the sacrifices that come with the responsibility of county commissioner. I apologize for not being more involved in the local governing process until as of late. I have simply trusted that the local governing bodies of the county would always ensure that the safety, health, and welfare of its citizens are the main priority when developing and establishing local law. Earlier this year, I visited Germany with my father and was able to get a real feel for what a Large Scale Wind Energy facility looks and feels like. Most recently, I have spent countless hours, days, and weeks researching and educating myself as to the pros and cons of utility scale turbines, the local law that governs these systems, and potential harm they may cause to the environmental eco systems and human health. My conclusions from the research and investigation I have completed thus far are as follows:

- 1) The current wind ordinance **does not** provide the citizens of Perquimans County with adequate protections for our safety, health, and welfare. The minimum setback requirements are too close to property lines and homes. There are no provisions for property value guarantees. The county is not requiring adequate funds to cover decommissioning costs. The county is not requiring independent impact studies regarding human health and safety concerns, environmental ecosystem concerns, and long term economic stability forecast reports.
- 2) The current WEF ordinance was established following most of the guidelines suggested in the unofficial "2008 NC wind model." The sections of our current WEF ordinance that differ from the model were probably influenced and recommended by Atlantic Wind LLC (A subsidiary of Iberdrola), I am always concerned when a company who could have a significant financial benefit is allowed to help create legislature. Also the "2008 NC wind model" was developed by parties which sole purpose was to promote wind energy development; not provide adequate protective barriers and systems to protect public health and safety.
- 3) The county has amended the economic development incentive agreement with Atlantic Wind LLC to allow the firm more time to invest less monetary value in the county. The original agreement was dated April 25, 2011 and specified that an investment in the county of at least \$244 million dollars would take place before December 31, 2015. Three and a half years later Atlantic Wind LLC was granted an amendment to the agreement that reduced the investment value by way over half of the original to \$100 million dollars and a two year extension. I am very concerned that the county is being too gracious in allowing this project to continue to stall and did not adhere to the original EDI agreement. I firmly believe that this county does not need any economic development of this magnitude primarily because we have one of the lowest property tax rates in the area and have for quite some time. We can adjust our tax rate and generate the same revenue these projects would provide and still have the lowest tax rate in the area without jeopardizing our safety!
- 4) During my research I also discovered that Atlantic Wind LLC did not comply with the proper permitting requirements covered under NC government statute 143.21C and insisted on waivers to by-pass environmental impact studies. Adherence to this specific state law regarding wind energy facilities is not even included in our current local county ordinance. As such there is some legal action taking place regarding this situation.

My specific request to the Perquimans County Board of Commissioners is to re- evaluate and amend the current local county Wind Energy Facility ordinance 907.27 using the recently submitted proposal amendments provided by myself, another concerned citizen and any other expert independent entities to ensure the safety, health, and welfare of the residents, citizens, and visitors is the primary focus and concern.

Furthermore, until adequate protective amendments are made I am requesting that at minimum a 90 day moratorium be placed on any new Wind Energy Facility conditional use permits, applications, and approvals. This needs to be completed via a motion, a second, and a majority vote. A similar 90 day moratorium was voted in place regarding Planned Unit Development in December of 2008.

I am pleading with the Perquimans County board of Commissioners to protect my rights as a property owner and county resident. Please provide my family, my neighbors, and myself with adequate laws that protect our safety, health, and welfare by implementing the 90 day moratorium tonight before the board adjourns.

I would like to end with one last comment. The Perquimans County board of Commissioners established a vision statement for Perquimans County.....quote "being the preferred community in which to live, learn, prosper, and play" end quote. I couldn't agree more. Let's see that Vision made a reality.- together!

I thank you or your time and consideration regarding this extremely important concern.

God Bless
Alan Lennon
9/8/15

BILL JENNINGS, TAX ADMINISTRATOR

Mr. Jennings presented his monthly report and notified the Board that the tax bills have been mailed out. He updated the Board on the reval, and notified them that there were four (4) in rem foreclosures that will be coming due in December but, since the office is really busy in December, they will postpone the sale until January.

SUSAN CHANEY, SOCIAL SERVICES DIRECTOR

Ms. Chaney presented her monthly report.

TOMMY HARRELL

Chair Cole recognized Tommy Harrell who presented the following statement to the Board:

Madam Chairman and Perquimans County Board of Commissioners:

As elected officials of Perquimans County, it is your duty to protect the residences of the County. Your first concern should be the safety, health, and welfare of the people that elected you. This being said the wind turbine ordinance in place in Perquimans County does not do this. The current wind turbine ordinance was written with the help and guidance of Atlantic Wind (Desert or Iberdrola). Who do you think they were looking out for, not the residence of Perquimans County. We ask that you put in place a wind turbine ordinance that protect the safety, health and welfare of the residents of our beautiful County.

Tommy Harrell
9/8/15

COMMISSIONER'S CONCERNS/COMMITTEE REPORTS

Chair Cole asked if there were any Commissioner's Concerns or Committee Reports. Commissioner Peeler asked that, before we proceed with the Commissioner's Concerns and Reports, he wanted to make a motion to set a 90-day moratorium on any new Wind Energy Facility conditional use permits, applications, or approvals while the Planning Board is working on revising the current Wind Facility Ordinance. Chair Cole stated that Mr. Peeler was out of order. She further explained that, if Mr. Peeler wanted to make a motion on an item that is not listed on the Agenda, he would need to make a motion to amend the Agenda. Mr. Peeler then made a motion to amend the Agenda to add Moratorium on new Wind Energy Facility conditional use permits. Commissioner Nelson seconded the motion so that the Board would be able to discuss the matter. Chair Cole said that it would be added under New Business. She then proceeded with the Commissioner's Concerns and Reports. The following concern and report was given:

- Commissioner Peeler explained that last Friday, Perquimans County Animal Control picked up eighteen (18) huskies to be placed at the Animal Shelter. All these huskies should be moved by this Friday. He further stated that the Tri-County Animal Shelter is doing a great job. He would like for the Board to think about is to determine some kind of penalty for individuals that are abusing animals to cover the extra costs for handling these situations. Chair Cole stated that the best way to handle this is to have the Tri-County Animal Shelter Board make a recommendation to the three Counties involved in the Tri-County Animal Shelter. She thanked Mr. Peeler for his service on this Board. He agreed and would discuss it at the next meeting of the Tri-County Animal Shelter Board.

UPDATES FROM COUNTY MANAGER

County Manager Heath presented the following updates:

- **Senior Center Outdoor Improvements:** Mr. Heath said that Phase 3 of the construction at the Senior Center is progressing along well. The parts for the outdoor equipment have been ordered.
- **New Library Building:** Mr. Heath said that the architect's contract had been finalized and that on Monday, September 21, 2015, he will present the County's request to the Town of Hertford Planning Board.

PLANNING BOARD ITEMS

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

Conditional Use Permit No. CUP-15-05, by Julia & Charles Vaughan: A Public Hearing was held earlier in the meeting to receive citizens' comments on the **Conditional Use Permit No. CUP-15-05, requested by Julia & Charles Vaughan**, to operate a "Special Events Venue" as a Home Occupation at 3562 New Hope Road, a 25-acre parcel known as the "Leigh Farm" (Tax Parcel No. 4-0077-0001), and zoned RA, Rural Agriculture District. Kyle Jones made a motion to find proposed Conditional Use Permit No. CUP-15-05 to be consistent and in harmony with the existing development pattern in and around the Land's End area of New Hope and a motion to approve Conditional Use Permit No. CUP-15-05 for Julia & Charles Vaughan to operate a "Special Events Venue" as a Home Occupation at 3562 New Hope Road, a 25-acre parcel known as "Leigh House" (Tax Parcel No. 4-0077-0001), conditioned upon the conditions listed in the Conditional Use Permit and adopting the following Section 903 Findings to support the motion:

Section 903 Findings

- (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. The following question was asked:

- **Matthew Peeler:** Mr. Peeler asked if there was a termination date or condition on this Conditional Use Permit. Ms. Godfrey said that there was none. Mr. Peeler said that he was concerned in that it could morph into something less beneficial. He was wondering if we need to add some noise and time restraints on the Conditional Use Permit. He asked Commissioner Jones if he would be willing to amend his motion to add the time restraint of 11:00 p.m. Ms. Vaughan said that she had already made plans to shut down by 11:00 p.m. so that they can have everything closed up and ready to leave by 12:00 midnight. Commissioner Nelson feels that the best place to have this condition would be within an ordinance for the community rather than the Conditional Use Permit. Ms. Godfrey said that time restraints are not uncommon in Conditional Use Permits.

Since the applicant, Julia Vaughan had no objections to the time restraints, Commissioner Jones was willing to amend his motion to include this additional condition. The motion was seconded by Edward R. Muzzulin the following Conditional Use Permit No. CUP-15-05 was unanimously approved by the Board:

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-Beginning of Conditional Use Permit document to be recorded-
Draft No. 1 Conditional Use Permit (Case No. CUP-15-05)
by Julia & Charles Vaughan, Owners

for
Proposed "Special Events Venue" Home Occupation
at 3562 New Hope Road (SR 1300)

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CONDITIONAL USE PERMIT No. CUP-15-05

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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:

Owner/Applicant: Julia E. and Charles H. Vaughan, IV
3562 New Hope Road
Hertford NC 27944

Property Location/Address: 3562 New Hope Road, Hertford NC 27919

Tax Parcel No.: 4-0077-0001

Zoning District: RA, Rural Agriculture Zone

Proposed Use of Property: To operate a "Special Events Venue" as a Home Occupation. More specifically, the Vaughan's explain their proposed use, as follows:

- **In their cover letter:** "The intent of this letter is to ask for the issuance of a Conditional Use Permit to use a barn and portion of our home as a Special Events Venue. We are the owners of Leigh House aka Lands End. We envision weddings, family reunions and charitable fundraisers to support the community. The barn will be large enough, per the North Carolina Building Code, to allow a maximum of 150 persons with restroom facilities and a very basic kitchen for caterers. The building will be ADA compliant. Our site plan, after careful consideration, allows for the barn to be shielded from the road and nearby properties by trees and the Leigh House

itself. Indeed from the street the appearance of the property will not change except that we will be investing sufficient funds to complete the exterior renovations of the Leigh House. The rural and Historic nature of the area will be preserved. The adjoining properties in the rear are separated from the barn by over 600 feet and there will be no outdoor amplified music. The design of the parking lot is such that parked cars will not be facing the street for headlight or windshield glare to be a problem.

CONDITIONAL USE PERMIT No. CUP-15-05

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"As Lands End Plantation we have every intention of being responsible empathetic neighbors. The business would bring jobs and revenue into Perquimans County that is currently going elsewhere. Guests at our events may fall in love with the area, like we have, and want to settle here themselves."

- **In their Statement of the nature of the proposed use:** "The proposed nature of the property is to use the barn (to be built) as a venue for wedding receptions and other special events, such as family reunions and charitable events. The proposed barn is 44' X 60', with a max. usage by building code of 150 persons. It would contain an assembly area, rest rooms and a very basic kitchen for caterers. The building will be wood with a metal roof in keeping with the historic and rural natures of the property. The building will be located on the 25 acres to have the least impact on adjoining properties within The Shores at Lands End as it is buffered by existing trees and or large distances.

Additionally, one of the gardens, and in the future, the front steps of Leigh House may be used for wedding ceremonies. One of the bedrooms and the parlor are anticipated to be used as a changing room for the bride. The owners will continue to reside at Leigh House on a full-time basis.

This use of the property should have no more impact on the adjoin properties within the Shore at Lands End than the current approved use of the community clubhouse. Please see attached site plan, barn floor plan and proposed parking lot."

Meeting & Hearing Dates: Planning Board on 8-11-15 & Board of Commissioners on 9-8-15.

Having heard all the evidence and argument presented at the hearing(s), the Board finds that the Conditional Use Permit 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 Conditional Use categories "Arenas, Assembly, Exhibition Hall, and Conference Center" and "Home Occupation of a Commercial Nature" and the following conditions:

- (1) The Applicants shall conduct operations in accordance with the plans and application materials submitted to and approved by the Board of County Commissioners (BCC), a copy of which is contained in the County Planning & Zoning Office. It is understood that parking, screening, fencing, lighting, and operational considerations must comply with the Perquimans County Zoning Ordinance pertaining to Sections 907.21 (Home Occupations) and 907.5 (Arenas, Assembly, Exhibition Hall, and Conference Center). Any Major Modification proposed to the approved plans shall require reapplication and approval by the BCC. "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, the owners may propose changes to the attached Conceptual Site Plan now or in the future, in coordination with the County Planning & Zoning Office, to provide for the placement of accessory structures or site improvements to support the principal residential use of the property and/or the "Special Events Venue Home Occupation" or to provide for a complete change in the use of the property pursuant to other land uses which are otherwise permitted outright by the County's Zoning Ordinance for property zoned RA, Rural Agriculture District.

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- (2) Pursuant to Article IX, Section 907.5 criteria regarding Arenas, Assembly, Exhibition Hall, and Conference Center and Section 907.21 criteria regarding Home Occupation of an Industrial or Commercial Nature, the proposed "Special Events Venue" shall comply with the following:
 - A. **Site Considerations:**
 - (1) The "Special Events Venue Home Occupation" must be clearly subordinate to the use of the principal residential structure for residential purposes as prescribed through this Conditional Use Permit (Section 907.21B[1]).
 - (2) The intensity of the use shall not be detrimental to adjacent properties due to traffic, parking, noise, refuse, or other factors (Section 907.5B[1]).
 - (3) The Accessory Pole Barn Structure proposed as shown on the Applicant's attached Conceptual Site Plan, demonstrates by virtue of its location near the center of the property, that it will prevent adverse impacts to adjacent and nearby residential uses or districts (Section 907.21B[2]).
 - (4) All buildings, including accessory garages or storage buildings, shall be set back from all property lines and street rights-of-way double (2 times) the minimum required for principal buildings in the applicable district (Section 907.5B[2]); and All businesses must be set back at least fifty (50) feet from any street right-of-way (Section 907.21B[3]).
 - (5) Additional setbacks and buffering may be required by the Planning Board in the case of facilities for outdoor functions, in order to protect adjacent properties from noise, light, and glare (Section 907.5B[3]); and Additional restrictions regarding fencing, buffers, outdoor lighting, storage, and other appearance criteria may be added, as deemed necessary by the Planning Board and Board of County Commissioners (Section 907.21[4]).
 - B. Parking shall not be located in the required 40-foot front yard as measured from the front property line/street right-of-way line (Section 907.5C).

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- C. Parking, loading, and outdoor activities, such as outdoor exhibition areas, picnic areas and outdoor stages and seating areas, must be screened from view from adjacent properties. These buffers must meet the Buffers and Screening requirements (currently Article XVIII) of the County's Zoning Ordinance (Section 907.5D).
- D. Outdoor lighting shall be shielded so as to prevent light from directly hitting adjacent property or any public right-of-way. The site plan shall indicate the style and location of all outdoor lighting (Sections 907.5E and 907.5F). The hours of operation shall be limited to daylight hours until such time as outdoor lighting is provided pursuant to the North Carolina State Building Code.
- E. **Operational Considerations (Section 907.5G):** There shall be no outdoor loudspeakers or public address system other than in an outdoor arena
- F. **Operational Considerations (Section 907.21C):**
 - (1) The owner of the business must reside on the property on which the business is located.
 - (2) The business use shall not create any noxious fumes, odors, traffic congestion, or other nuisance factors.
 - (3) Additional restrictions regarding traffic circulation, operational hours and other operational criteria may be added as deemed necessary by the Planning Board and Board of County Commissioners.)
- G. Any impervious surfaces installed in conjunction with or after construction of the approved Accessory Pole Barn Structure may require the Applicant to provide the County with additional permitting to ensure that storm water does not cause problems on the site or on adjacent properties. The property owners shall coordinate with and obtain approval from Perquimans County Soil & Water Conservation District on all drainage improvements.
- H. This Conditional Use Permit is approved and recorded with the Site Plan, in accordance with this Conditional Use Permit and the Perquimans County Zoning Ordinance.
- I. The Applicant's approved Site Plans are conceptual and minor adjustments may be made pending permits and approvals by other entities. Prior to commencing construction, Applicant shall submit a detailed Site Plan to demonstrate compliance with minimum design standards of the County, State and other agencies as applicable, including but not limited to Site Considerations, Operation Considerations and Section 509 Site Plan Requirements.
- J. The Applicant shall obtain all required permits from other governmental agencies (local, state, and federal) prior to commencing construction or as otherwise required by the applicable laws and regulations. Building permits shall be obtained from Perquimans County for all components of the project which are required by the North Carolina Building Code.

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- K. Where applicable the Applicant must comply with Article XIX Parking and Loading of the Perquimans County Zoning Ordinance and handicapped parking spaces and fire lane shall be marked in accordance with State law. Parking lot surfacing materials and demarcation of parking spaces as required by Article XIX may be deferred for re-evaluation on an annual basis for determination by County Planning

& Zoning Staff in consultation with Soil & Water Conservation District staff and, if deemed necessary by said County staff, Applicants shall comply with their decisions to the same extent as that ordinarily required by the Zoning Ordinance prior to occupancy of the proposed Building and subject to revocation of Conditional Use Permit No. CUP-15-05 pursuant to Section 411 of the Zoning Ordinance. Until such time as the parking lot improvements are considered complete, County Planning and Soil & Water Conservation District staff will initiate re-evaluations every 12 to 18 months to aid in the Applicant's fulfillment of this commitment pursuant to Site Plan Review fees in effect at that time.

- L. A separate Sign Permit must be obtained from the Planning & Zoning Office and the Building Inspections Department for any sign not exempted by the Perquimans County Zoning Ordinance (currently Article XX).
- M. In the event construction is delayed beyond September 8, 2016, the Applicant shall formally request an extension be granted by the Board of County Commissioners; otherwise the BCC may revoke the Conditional Use Permit. Ideally, the CUP shall be recorded in the Register of Deeds Office the day after its approval by the Board of County Commissioners.

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 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.

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

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

CONDITIONAL USE PERMIT No. CUP-15-05
Page 6 of 7

We, _____, owners of the above identified property, do hereby acknowledge receipt of this Conditional Use Permit. The undersigned owners 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.

Property Owner _____ Property 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____.

My Commission expires:

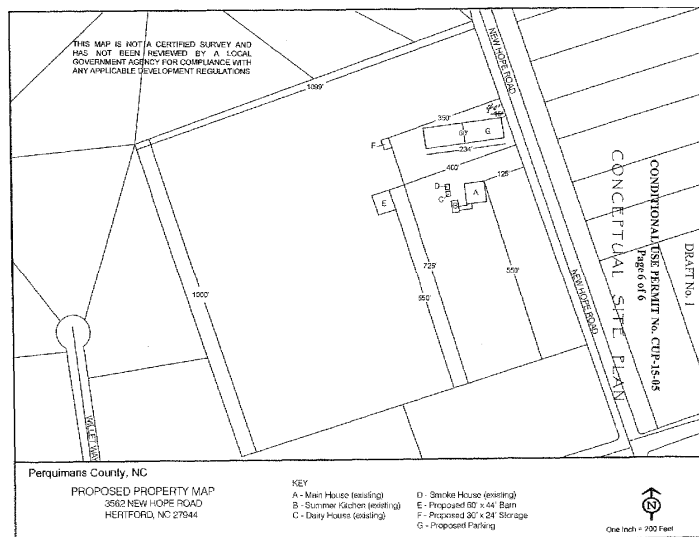
(Not valid until fully executed and recorded)

Attachment: Page 7 of 7, Conceptual Site Plan

CONDITIONAL USE PERMIT No. CUP-15-05
Page 7 of 7
CONCEPTUAL SITE PLAN

Insert here drawing provided by Applicant and contained in BCC Agenda Packet

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



Update on Conditional Use Permit No. CUP-10-03, by Island Christian Fellowship Church: Donna Godfrey presented the following update on CUP-10-03:

From: Pat Throckmorton [mailto:kandpthrock@gmail.com]
Sent: Thursday, August 13, 2015 7:04 AM
To: Donna Godfrey
Subject: Island Christian Fellowship Church

August 13, 2015

Good morning Donna,

I want to share some information with you regarding where we stand with building a church for Island Christian Fellowship. A goal was set to raise \$50,000.00 before we break ground. Our committee determined we needed to take some steps toward raising funds for this building. In May we had a Fish Fry and with ticket sales and donations, we cleared \$2,300.00. Again in June we held another Fish Fry and cleared \$1,700.00 to apply to our building fund. We have planned a third Fish Fry for September 26 and believe this one will be as successful as the first two.

Is there anything else we should be doing to satisfy the requirements of your office? We are very excited about our progress toward building our church.

Kind regards,
Pat Throckmorton, Chairperson
Island Christian Fellowship
Build the Building Committee

Ms. Godfrey recommends approval of this request to extend Conditional Use Permit No. 10-03 for Island Christian Fellowship Church. Chair Cole asked when it was originally approved. Ms. Godfrey said that she thought it was around 2010. Edward R. Muzzulini made a motion to extend the Conditional Use Permit No. 10-03 for two years. The motion was seconded by Fondella Leigh. Commissioner Peeler asked if there was anything in our Zoning Ordinance that would limit the number of times we can extend these Conditional Use Permits. Ms. Godfrey said that there is something under the vested rights section. She further explained that it was our practice to allow the applicant to

update the Board and to decide if we want to extend it. Chair Cole asked that the church had indicated that they had some recent fund raisers and was wondering if Ms. Godfrey knew how much they had raised. Ms. Godfrey did not know. The motion was unanimously approved to extend the CUP-10-03 two years.

PERSONNEL POLICY

County Manager Heath explained that the Board had reviewed the proposed Personnel Policy with Becky Veazey, The MAPPS Group, at their July Work Session and further discussed it at their August Work Session making the recommendation to forward for action at their September meeting. On motion made by Matthew Peeler, seconded by Edward R. Muzzulin, the Board unanimously approved the Personnel Policy effective September 8, 2015.

SHIIP GRANT DOCUMENTATION

Jewel Winslow, Extension Director, presented the SHIIP Grant Contract for the Board's consideration. She further explained that there was an error on Attachment C. It should be for the period of July 1, 2015 through June 30, 2016 not June 30, 2015. On motion made by Edward R. Muzzulin, seconded by Matthew Peeler, the Board unanimously approved the SHIIP Grant Contract with the one correction on Attachment C.

PETITION: SEE VIEW LANE

On motion made by Wallace E. Nelson, seconded by Edward R. Muzzulin, the Board unanimously authorized the Clerk to the Board to forward the petition to add Parkers Lane to the NCDOT State Maintenance System.

COUNTY COOPERATIVE AGREEMENT WITH N.C. FOREST SERVICE

On motion made by Matthew Peeler, seconded by Edward R. Muzzulin, the Board unanimously approved the County Cooperative Agreement with Division of Forest Resources for FY 2015-2016 and authorized the Chairman and County Staff to sign the Agreement. The costs will be \$130,106 being divided between the State at \$84,569 (65%) and the County at \$45,537 (35%).

PERSONNEL MATTERS

Because these recommendations were not presented in time for the Agenda Packets, they are coming before the Board for their consideration. On motion made by Kyle Jones, seconded by Wallace E. Nelson, the Board unanimously approved the following appointments:

Employee Name	Employee Job Title	Action Required	Grade/Step	New Salary	Effective Date
Jamar Whitaker	Part-Time EMT-I	Appointment	66/1	\$15.45/hr.	9/21/2015
Richard Thrasher	Full-Time EMT-I	Appointment	66/1	\$32,130	10/1/2015
Elizabeth Payne	Part-Time/Fill-In Telecommunicator	Appointment	60/1	\$11.86/hr.	10/1/2015

MORATORIUM ON NEW WIND ENERGY CONDITIONAL USE PERMITS

Realizing that she had failed to take a vote on the motion to amend the Agenda to add Moratorium on new Wind Energy Facility conditional use permits, she asked for the Board to vote on the motion which was already made and seconded earlier in the meeting. The motion was unanimously approved. Chair Cole asked if the Board would rather hear from those signed up to speak prior to taking action on this matter. The Board agreed to allow the public to make their comments.

PUBLIC COMMENTS

- **GiGi Badawi:** Ms. Badawi spoke against the wind farm.
- **Clyde Elliott:** Mr. Elliott spoke against the wind farm.
- **Quentin Jackson:** Mr. Jackson never stepped up to speak.

MORATORIUM ON NEW WIND ENERGY CONDITIONAL USE PERMITS

Commissioner Peeler made a motion that a minimum 90-day moratorium be placed on any new Wind Energy Facility conditional use permits, applications, and approvals in order to give the Planning Board time to review the current regulations. Chair Cole asked him to clarify his motion with regard to a minimum of 90-days. Commissioner Peeler said that, if they need more time, the Board and request to extend it until they have completed their review. Wallace E. Nelson seconded the motion so that the Board could discuss the matter. Chair Cole said that, if Mr. Peeler is stating that this moratorium will remain until the Planning Board completes its review, she did not feel that the 90-day requirement needed to be in the motion. Commissioner Peeler amended his motion to withdraw the 90-day requirement and just requested a moratorium be placed on any new Wind Energy Facility conditional use permits, applications, and approvals in order to give the Planning Board time to review the current regulations. Wallace E. Nelson seconded the amended motion. Commissioner Leigh and County Attorney High wanted further clarification. Mr. High said that, if it was a moratorium that we are requesting, there were certain procedures that we had to follow in order to establish a moratorium. He further states that NCGS 153A-340(h) lists several requirements in order for a moratorium to be established. If this is the case, he does not feel that we are in the position to establish the moratorium at this time. Commissioner Nelson said that Mr. Lennon requested that the moratorium be placed as soon as possible. Chair Cole shared that there has been no application made for the wind farm and no conditional use permit has been requested. Most of the information has come from the newspaper. She further stated that she did not think that anything will be happening soon. Commissioner Nelson would like to allow the process to work so that we might make decisions that will be able to stand up in court. Chair Cole further stated that she too wants to make sure that everything is done legally so that it will stand up in court. This Board has already asked Planning Board to review the ordinance and we have heard the public comments and want to follow the proper procedures. Commissioner Jones concurred with what Commissioner Nelson said. It is poor form to add something on the Agenda to vote on if the members have not been able to discuss it and make the right decision. Because of the legal ramifications, Commissioner Peeler is willing to table the discussion and withdraw the motion until the October 5, 2015 meeting. Mr. Peeler asked for clarification on Apex being grandfathered in with the process. County Attorney High explained further about the process. Commissioner Jones asked what the purpose of the moratorium if this Board is also the approving Board. County Attorney High

explained that, if everything in their application complies with our current regulations, we would be in a bad position legally not to approve their request. Mr. Jones said that, if there was a point to it, he would agree with the moratorium. Matthew Peeler made a motion to withdraw his motion for the moratorium. The motion was seconded by Wallace E. Nelson and unanimously approved by the Board. Matthew Peeler made a motion to table the discussion until their October 5, 2015 Work Session. The motion was seconded by Edward R. Muzzulin and unanimously approved by the Board. County Attorney High will have the information ready by the October 5, 2015 Work Session.

PUBLIC COMMENTS

The Chair asked if there were any other public comments. There were several comments made regarding opposition to the proposed wind farm from individuals who did not identify themselves.

ADJOURNMENT

There being no further comments or business to discuss, the Regular Meeting was adjourned at 8:20 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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