

charge of government which is the Board of Commissioners. If they had any issues or problems during the audit. They did have a new pronouncement this year which is explained in the first paragraph. She thanked Tracy Mathews, her staff and the County Manager for all their help during the audit. Chair Cole asked if there was a motion to approve the audit as presented. On motion made by Edward R. Muzzulin, seconded by Matthew Peeler, the FY 2014-2015 Audit as presented by Donna Winborne was unanimously approved by the Board. Commissioner Peeler thanked Tracy Mathews and her staff along with Frank Heath for their work.

RESOLUTION: GRANT FOR PLAYGROUND EQUIPMENT FOR THE DISABLED

County Manager Heath presented the request to the Board for Recreation to apply for Phase 2 of the Play Together Construction Grant for Accessible Playgrounds. They are asking for the Board to allow them to apply for the grant to upgrade their current playground equipment and purchase other equipment to assist with individuals that have disabilities. The amount would be around \$300,000. On motion made by Kyle Jones, seconded by Wallace E. Nelson, the Board unanimously authorized the Recreation Department to apply for Phase 2 of the Play Together Construction Grant for Accessible Playgrounds provided by Trillium Health Resources. The following Resolution was adopted:

RESOLUTION SUPPORTING THE TRILLIUM GRANT APPLICATION

WHEREAS, Perquimans County has determined that there is a need for accessible playgrounds that are fully functional and accessible to individuals with special needs and individuals in wheelchairs; and

WHEREAS, Trillium Health Resources has announced that they are offering the opportunity to apply for Phase 2 of the Play Together Construction Grant for Accessible Playgrounds; and

WHEREAS, Perquimans County Recreation Department wishes to apply for the Play Together Construction Grant

NOW THEREFORE, BE IT RESOLVED that the Perquimans County Board of Commissioners authorizes the County Manager and Recreation Director to apply for the Play Together Construction Grant provided by Trillium Health Resources.

ADOPTED this the 19th day of January, 2016.

Janice McKenzie Cole, Chair
Perquimans County Board of Commissioners

ATTEST:

Mary P. Hunnicutt, Clerk to the Board

ADJOURNMENT

There being no further comments or business to discuss, the Special Called Meeting was adjourned at 7:15 p.m. on motion made by Edward R. Muzzulin, seconded by Matthew Peeler.

Janice McKenzie Cole, Chair

Clerk to the Board

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REGULAR MEETING
February 1, 2016
6:45 p.m.

The Perquimans County Board of Commissioners met in a regular meeting on Monday, February 1, 2016, at 6:45 p.m. in the upstairs Courtroom located on the second floor of the Perquimans County Courthouse Annex.

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|-------------------------|---|---|
| MEMBERS PRESENT: | Janice McKenzie Cole, Chair Fondella Leigh Wallace Nelson | Kyle Jones, Vice Chairman Edward R. Muzzulin Matthew Peeler |
| MEMBERS ABSENT: | None | |
| OTHERS PRESENT: | Frank Heath, County Manager Hackney High, County Attorney | Mary Hunnicutt, Clerk to the Board |

After the Chair called the meeting to order, Commissioner Leigh gave the invocation 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

Case No. NZV-15-01 – Atlantic Wind, LLC

Chair Cole opened the Public Hearing stating that the purpose of the public hearing was to receive citizens' comments to consider Case No. NZV-15-01, requested by Atlantic Wind, LLC, to create a 2.742-acre parcel for the existing Electrical Substation located at 1024A Swamp Road, Belvidere NC, without an individual sewage disposal system and with a 2,474' easement access. Reference Sections 402B(4) and 402B(9)(b) of the Subdivision Regulations. There were 150+ people present. Chair Cole gave instructions regarding speaking to the Board. Chair Cole recognized Donna Godfrey, County Planner, who gave a brief overview of the request and explained that the Planning Board approved the request at their January 12, 2016 meeting. Ms. Godfrey stated that the applicant is represented by Craig Poff, IBERDROLA, who is present if he needed to answer any questions. Chair Cole asked if there were any questions from the Board for Mr. Poff or Ms. Godfrey. The following Commissioners made comments or asked questions:

- **Matthew Peeler:** Mr. Peeler had a question about sewage. Mr. Peeler asked if, since we are dividing this section into two pieces, this would be considered a subdivision and, if so, he feels that it should be considered just like it would be if a person was going to place a house on this property. We need to make sure that it would perk and follow the same criteria that a person would follow should they place a house on the property. Ms. Godfrey said that they would follow those criteria if the lot was less than 10 acres. The other two lots that are being proposed along the easement are in excess of 10 acres. This is excluded in State and local law.
- **Matthew Peeler:** Mr. Peeler asked a question about the "flagpole" lot. He asked if this has to be one continuous piece of property. In this case, it is crossing another piece of property. Ms. Godfrey said that it was her opinion that it would be accommodated under a shared access agreement. She referenced a notation in her Staff Report that she wanted to include this as a condition of this variance but the Planning Board thought that it was a part of the condition in Section 402B(9)(b). She asked

County Attorney High for his comments. Mr. High said that he agreed with Ms. Godfrey. Mr. High said that there should be no problem as long as all the property owners are on board with this variance request.

- **Matthew Peeler:** Mr. Peeler asked Mr. Poff for some clarification as to why they needed it since they have already started building on the properties. Mr. Poff said that they did not need it but that, late last year, Dominion Power asked for them to convey it in fee. To do that, they needed to subdivide the property so they will need the variance. Mr. Peeler further asked why Dominion is included in this. Mr. Poff said that Dominion owns the transmission infrastructure. Mr. Peeler said that Iberdrola owns the substation. Mr. Poff stated again that Dominion will own the substation. Mr. Peeler asked if Dominion is buying the power. Mr. Poff said that Dominion is not buying the power. Mr. Peeler said that the reason that he is bringing this up now is the statement included in the motion to approve that says, "to advance the public health, safety and general welfare, encourage orderly development, protect the quality of the environment, and generally uphold the requirements of State Law." Mr. Peeler further stated that, if the public is not going to use this or gain any benefit from this, then this seems to be a private enterprise and does not qualify for this variance. Mr. Poff said that this does not have anything to do with the energy from the project. It is simply a subdivision having to do with the division of property.

The following individual signed up to speak:

- **GiGi Badawi:** Ms. Badawi read the following: "Tonight, when Iberdrola request the variance, I would recommend that you require them to include a main water supply to the sub-station. The current sub-stations in the county are located near roadways and closer to the county's main water supplies. The sub-station Iberdrola will erect is going to be far from the water grid and there are very few hydrants in this rural area. If one of these isolated substations catches fire, crews will need to shuttle water in to extinguish the fire after a water source is located. The underlying problem is, while volunteers assemble and the state's forestry service respond, the clock is ticking while a portion of your county's electrical infrastructure is burning. The longer it burns, the more damage occurs. Once the power is verified secure, the fire crews can extinguish the fire. The end result could be catastrophic because the damaged equipment will need to be replaced or lineman will need to jump the entire sub-station in order to restore power to the county. These dramatic effects and damages could result in the county being without power for weeks or months until such time power equipment is evaluated, disassembled, purchased, and delivered for re-installation or complete reconstruction. This catastrophic event would be similar to the aftermath of a possible storm or hurricane and will be crippling to homes and businesses. At this point, Iberdrola needs your grant for access and you will have the right to require a water source be installed based on the fire load and recommendations from the National Fire Protection Association (NFPA), National Electrical Code (NEC), Fire Protection for Power Plants. The basis for the need of a water main is highly recommended by all electrical codes and fire protection agencies to prevent large scale electrical infrastructure failure for a city or county, if you have not already done so. I would suggest having an engineer evaluate the size water main required based on the national fire load rating. This will also allow a source to be in place should you later find that potable water or septic be required on site in the future. By taking this step and placing the cost on Iberdrola, this could potentially save the county hundreds of thousands of dollars should a fire occur. Iberdrola should also be required to provide the emergency responders with an Emergency Action Plan to ensure the safety of our community's response personnel, if you have not already done so."

There being no further questions or comments, Chair Cole closed the Public Hearing at 7:04 p.m.

AGENDA

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

CONSENT AGENDA

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

1. **Approval of Minutes:** January 4, 2016 Regular Meeting & January 19, 2016 Special Called Meeting
2. **Tax Release Approvals:**

PERQUIMANS COUNTY TAX RELEASES:

Proctor, Timothy ----- **\$634.62**
 2011 CaseIH sprayer was double listed, value \$144,231. Account No. 256457.

3. **Personnel Matters:**

| Employee Name | Employee Job Title | Action Required | Grade/Step | New Salary | Effective Date |
|------------------|--------------------|-----------------|------------|------------|----------------|
| Richard Browder | Deputy | Termination | | | 1/11/2016 |
| C.J. Wilson, Jr. | EMT-I | FMLA | | | 3/18/2016 |

4. **Step/Merit Increase:**

| Employee Name | Employee Job Title | Grade/Step | New Salary | Effective Date |
|----------------|--------------------|------------|------------|----------------|
| Nicole Elliott | Accounting Tech IV | 63/12 | \$36,832 | 2/1/2016 |
| Tracy Mathews | Finance Officer | 72/9 | \$50,857 | 2/1/2016 |

5. **Record Retention Schedules:** Eric Tilley, Sheriff, has reviewed the Records Retention & Disposition Schedule Amendments for the Sheriff's Office and recommended it for approval. Board approved the schedules as presented.
6. **Resolutions:** The following Resolutions were approved by the Board:

RESOLUTION SUPPORTING CONNECT NC BOND ACT

WHEREAS North Carolina and its counties have a mutual desire to improve and enhance the quality of life for all of our state's citizens; and

WHEREAS the North Carolina Community College System is in need of new and renovated facilities to educate and prepare students and workers for the 21st century for the purpose of enhancing the economic attractiveness of the State; and

WHEREAS Clean water and sewer systems are essential to attract new and strengthen existing industry and to provide for the needs of the State and its growing population; and

WHEREAS having parks and public facilities accessible to children and veterans with disabilities is essential to improving the quality of life for our most vulnerable citizens; and

WHEREAS financing these costs through a bond is the most economical and affordable way to address these infrastructure needs; and

WHEREAS the Connect NC Bond Act will provide funding for many critical needs facing North Carolina that will improve and enhance the quality of life in our counties;

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of Perquimans County that it does hereby express its support for the Connect NC Bond Act; and

BE IT FURTHER RESOLVED that a copy of this resolution is sent to all 100 counties with encouragement for each county to adopt a similar resolution; and

BE IT FURTHER RESOLVED that copies of this resolution are transmitted to our members of the General Assembly and to Governor Pat McCrory to let them know of our support for this issue.

ADOPTED, this 1st day of February, 2016 by the Perquimans County Board of Commissioners.

 Janice McKenzie Cole, Chair
 Perquimans County Board of Commissioners

ATTEST:

 Mary P. Hunnicutt, Clerk to the Board

**RESOLUTION SUPPORTING PREVENTION PARTNERS
STATEWIDE WELLNESS INITIATIVE**

WHEREAS North Carolina counties strive to create a healthy workforce environment for county employees; and

WHEREAS North Carolina counties are responsible for providing public health services to citizens; and

WHEREAS Prevention Partners builds healthier communities through a suite of products that guide schools, workplaces, hospitals and clinics to address the leading causes of preventable disease, such as tobacco use, poor nutrition, physical inactivity and obesity; and

WHEREAS The Healthy Together NC campaign draws on a broad partnership crossing the public and private sectors to bring workplace health and wellness to hospitals, businesses, schools, government agencies, nonprofits, universities and more; and

WHEREAS Prevention Partners has set a goal to build healthy workplaces across sectors in at least 10 organizations in all 100 counties of North Carolina by the year 2025; and

WHEREAS improving the health of citizens will help counties by reducing costs for providing public health services; and

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of Perquimans County does hereby express its support for the Healthy Together NC campaign; and

BE IT FURTHER RESOLVED that a copy of this resolution is sent to all 100 counties with encouragement for each county to become a healthy workplace.

ADOPTED, this 1st day of February, 2016 by the Perquimans County Board of Commissioners.

Janice McKenzie Cole, Chair
Perquimans County Board of Commissioners

ATTEST:

Mary P. Hunnicutt, Clerk to the Board

7. Budget Amendments:

**BUDGET AMENDMENT NO. 10
GENERAL FUNDS**

| CODE NUMBER | DESCRIPTION OF CODE | AMOUNT | |
|--|------------------------|----------|----------|
| | | INCREASE | DECREASE |
| 10-610-337 | Adult Day Health | 192 | |
| 10-610-336 | Transportation | 128 | |
| 10-610-191 | Home Delivered Meals | 192 | |
| 10-348-000 | Social Services/Grants | 512 | |
| EXPLANATION: To budget additional funds as approved by State for FY 15/16 Budget. | | | |

PRESENTATIONS

The following presentations were made:

- **Introduction of New Employee:** Richard Copeland, Water Department Supervisor, introduced Nick Lokies, Water Technician III, who began working for Perquimans County on January 1, 2016.
- **Introduction of New Employee:** Sheriff Eric Tilley introduced Faran Sawyer, Deputy/SRO, who began working for Perquimans County on January 1, 2016.

Chair Cole welcomed them to Perquimans County.

SUSAN CHANEY, SOCIAL SERVICES DIRECTOR

Ms. Chaney updated the Board on her department.

COMMISSIONER'S CONCERNS/COMMITTEE REPORTS

Chair Cole asked if there were any Commissioner's Concerns or Committee Reports. There being none, the Chair proceeded with the meeting.

UPDATES FROM COUNTY MANAGER

County Manager Heath presented the following updates:

- **Play Together Construction Grant for Accessible Playgrounds:** At the Board's Work Session/Special Called Meeting on January 19, 2016, Mr. Heath reported that the County had received a \$350,000 Play Together Grant from Trillium Health Resources. These funds will help make our recreational facilities more handicap accessible. He cited several examples of how the money can be used. The grant presentation will be held on February 4, 2016 at 11:00 a.m. at the Rec Center and the Board is invited to attend. He thanked Commissioner Jones and Chair Cole on their work behind the scenes to obtain these funds.
- **Library Project:** Mr. Heath reported that the landscaping and parking plans have been completed. We have submitted the stormwater permit application to the State. He will be meeting with the architect on February 12th to review the preliminary construction drawings and to discuss the timeframe for bids and LGC Application.
- **Superintendent Cheeseman:** Mr. Heath met with the new School Superintendent last week. They had a good discussion on Budget timeframe and the budget process. Mr. Heath knows that Mr. Cheeseman plans to or has already talked to each one of the Commissioners.
- **Commissioners' Board Retreat:** Mr. Heath has talked with the North Carolina Association of County Commissioners regarding their assisting with the Board Retreat. They normally handle their Retreats on a weekday and will require a pre-planning meeting with a couple of the Commissioners and himself. He thought that they would look at having the Retreat in March. He would also be willing to talk with Charlie Lacefield who has facilitated the last couple of retreats. He is asking for their direction on this.
- **Comprehensive Transportation Plan (CTP):** Mr. Heath reported that the CTP was approved at the Regional Planning Organization last week. It will now be forwarded to the Board of Transportation for their approval.
- **Collaborative Meeting:** Mr. Heath reported that the Economic Development Commission, Tourism Development Authority, Town of Hertford, Town of Winfall, Board of Commissioners, the Chamber of Commerce, and the Perquimans County Restoration Association will be holding a collaborative meeting on February 3, 2016 in the Commissioners Room. You are invited to attend. The areas of discussion will be on how these various stakeholders can work together in tourism, economic development, and possibly the development of a community foundation to further their efforts in these areas.
- **Boat Ramp Project:** Mr. Heath updated the Board on the Boat Ramp Project. The State Construction Office has approved the project plans and contract and is preparing the ad for requesting bids on the project. The contract start date is scheduled for June 15, 2016.

APPOINTMENT TO TRILLIUM NORTHERN REGION ADVISORY BOARD

Chair Cole explained that, in December, 2015, the Board accepted the resignation Kathleen Ingram on the Trillium Northern Region Advisory Board. At this time, there was no recommendation to replace Ms. Ingram so Chair Cole tabled the matter until the March meeting. Since there was a large crowd at the meeting, she encouraged the public to complete the Volunteer Application on the County's

website so that the Board could select individuals to serve on these Boards/Committees that have a vacancy.

PLANNING ITEM: ADMINISTRATIVE TEXT AMENDMENT NO. TXT-15-01

Chair Cole explained that she first would like to entertain a motion to determine if we meet the criteria to make a change in the Ordinance. Matthew Peeler made a motion find Administrative Text Amendment No. TXT-15-01 to advance the public health, safety and general welfare, encourage orderly development, protect the quality of the environment, and generally uphold the requirements of State Law in accordance with the County's Land Use Plan and, therefore, to find it consistent with the specific intent of the proposed Ordinance. The motion was seconded by Edward R. Muzzulin and unanimously approved by the Board. The second part is to deal with each item separately so that the Board will know what they are voting on. She would like to entertain a motion to change the setback or let it remain the same and then they will decide on the distance. Matthew Peeler made a motion that we change the setbacks because of the recommendations that the Planning Board provided to the Board. The motion was seconded by Kyle Jones. The motion was defeated by a tie vote with Commissioners Jones, Peeler, and Nelson voting for the motion and Commissioners Muzzulin, Leigh, and Cole voting against the motion. Therefore, the setbacks will not be changed. The next part of the recommendation is the escrow account. The recommendation from the Planning Board for the escrow account was to add a new requirement for the Applicant/Developer to establish an Escrow Account to pay for County expenses incurred in the review, evaluation and inspection of a given project, and thereby allow the County to hire third-party experts to determine compliance with the more complicated aspects of the County's regulations and a given project, among other things. Chair Cole confirmed with Donna Godfrey, Planning, that the Planning Board recommends \$50,000 to be placed on the Fee Schedule to cover this requirement. Ms. Godfrey recommends that the amount of the escrow be handled as a separate motion. Therefore, Chair Cole asked for a motion to approve or disapprove the escrow account. Kyle Jones made a motion to approve the escrow account as recommended. The motion was seconded by Edward R. Muzzulin. Commissioner Nelson wanted to clarify what they were voting on and Chair Cole clarified that they were only voting on the escrow account not the amount. The motion was unanimously approved by the Board. The Chair asked for a motion to approve or disapprove the escrow amount to be \$50,000 as recommended by the Planning Board and would be added to the Fee Schedule. Commissioner Peeler made a motion to approve the \$50,000 escrow account. The motion was seconded by Wallace E. Nelson and unanimously approved by the Board. The next item to discuss is the decommissioning regulations. The Planning Board recommends we strengthen the decommissioning criteria as follows: (a) to remove letters-of-credit and thereby limit the form of security to a cash bond; and (b) to cease allowing salvage value to be deducted from the equation for determining the amount of the bond. Edward R. Muzzulin made a motion to approve the Planning Board's recommendation on the decommissioning regulations. The motion was seconded by Kyle Jones. Chair Cole asked if there were any questions or comments. Commissioner Peeler asked that, when a turbine becomes unusable and is economically unfeasible to repair, will it sit there and deteriorate. He would like the Board to specify individual turbines and get them decommissioned individually instead of waiting for the whole facility to no longer produce power. Commissioner Nelson explained that this could be handled within the Conditional Use Process but he was okay with it either way. Commissioner Peeler wanted to make sure that it was stronger for the community. Commissioner Nelson asked for advice from County Attorney High. Mr. High said that the Conditional Use Process allows the conditions to be tailored made to the specific project whereas the Ordinance is more of an umbrella type of thing. Whatever the Board decides would be okay. Chair Cole asked if Ms. Godfrey would like to make a comment. Ms. Godfrey had never heard anything like that happening before. Commissioner Peeler further explained his position. Chair Cole asked Commissioner Peeler if he was suggesting a friendly amendment to Mr. Muzzulin's motion. Commissioner Muzzulin asked for Mr. Peeler to restate his proposed amendment. Commissioner Peeler stated that he would like to add: The wind energy facility owner shall have twelve (12) months to complete decommissioning of an individual turbine if no electricity is generated for a continuous period of twelve (12) months from that individual turbine. He further stated that this complies with the current Section 907.27(a) of the current Zoning Ordinance. Mr. Muzzulin said that he would agree with amending his motion. Kyle Jones seconded the motion to amend the original motion. Chair Cole asked for a vote on the motion. The amended motion was unanimously approved by the Board. Commissioner Nelson asked the Chair, after approving the amendment to the motion, they should vote on the original motion including the amendment. County Attorney High explained to the Chair that the amended motion would now need to be approved by the Board. The amended motion was unanimously approved by the Board. County Attorney High wanted to make sure that Mary Hunnicutt, Clerk to the Board, was clear on the vote. Ms. Hunnicutt explained what she understood which was correct. Chair Cole stated that with the vote on the amended motion she did not think that the first vote would have been necessary since it was Mr. Muzzulin's motion and he had the right to amend it but would accept it if that was what the Board wanted. The next issue that did not get a recommendation from the Planning Board was regarding the property value provisions. Chair Cole asked if the Board of Commissioners would like to make a motion regarding the property value provisions. Commissioner Peeler made a motion to have a guarantee to the non-participating owners of the wind project that their property values will not go down as a result of the wind energy facility. Chair Cole asked for a second to the motion. There being none the motion died due to a lack of a second. The final issue was the additional requirements that Commissioner Muzzulin had provided to the Board which included items that would require additional reports for noise evaluation, ice drop and ice throw evaluation, blade drop and blade throw evaluation, and shadow flicker evaluation which would be dealt with during the Conditional Use approval process. Edward R. Muzzulin made a motion to add these additional requirements. The motion was seconded by Kyle Jones. Chair Cole asked for any questions or discussion. Commissioner Peeler asked the Board to change the wording to property line and not occupied dwellings. He feels that we are only protecting the dwellings that are currently there and not the dwellings that will be built in the future. He is asking that the language of occupied dwelling be changed to property line. During this discussion, Craig Poff provided the following written statements to Chair Cole via Donna Godfrey: "There is no residence setback from turbines. But turbines must be setback from residences." Commissioner Nelson said that he was wondering if the reports should be required when the CUP is granted or should it be before the building permit is issued. Mr. Nelson was not sure what the answer is at this moment and that he does not oppose having these reports that Commissioner Muzzulin is recommending. He is just wondering if would be better written in the Ordinance or within the CUP process. Chair Cole said that, when we held the CUP Public Hearing for the Desert Wind Farm, they had the reports available and the experts to testify to their accuracy. She

feels that we would need to know the design before these reports are prepared. Commissioner Muzzulin said that they have software programs now that can prepare these evaluations. With that being said, Commissioner Nelson said that he did not have a problem including this information when the CUP public hearing is held. Chair Cole confirmed that the Desert Wind Farm provided this information at the CUP public hearing. Ms. Godfrey said that was true. Commissioner Peeler said that he still encourages the Board to change the wording from occupied dwellings to property lines. Commissioner Muzzulin said that the existing Ordinance states from the occupied dwelling. Mr. Peeler further stated that he understands that when the Ordinance refers to occupied dwelling it is only for those property owners that are participating in the Wind Energy Facility. County Manager Heath said that distinction was made in the guidelines. Chair Cole asked Commissioner Muzzulin if it was his goal to have this match what is in the ordinance at this time. Commissioner Muzzulin said that it was. Commissioner Peeler continued to say that a person that builds a house would not know what the sound levels would be from the existing turbine. Ms. Godfrey tried to clarify the information for Mr. Peeler. Chair Cole asked if the Board would like to table this item and proceed with the other items. Ms. Godfrey stated that it would fall under a defector waiver. County Attorney High asked Mr. Peeler if that clarified his question. Commissioner Peeler continued to try to clarify it further. Commissioner Nelson feels that the goal is to have these engineering reports provided at the CUP process. Commissioner Muzzulin agreed. Mr. Nelson feels that the setbacks need to be provided in one place because they may conflict with each other. Mr. Muzzulin said that, because the turbines are taller and bigger, we need to know all this information before we approve the CUP. County Manager Heath said that he feels that would be the goal of the reports being requested. The County would have the reports verified by our independent engineer. If the County's engineer shows that the setback needs to be greater then we need to look at it further. Commissioner Nelson feels that we need to work on the language to make sure that it matches up with the Ordinance. Chair Cole called for a vote. Mr. Peeler asked Mr. Muzzulin that, if we would remove all the language regarding occupied dwellings and property lines, would he be willing to amend his request. Commissioner Muzzulin feels that when we get these reports for the CUP process, then we will know how to set the setbacks. Mr. Peeler continued to feel that it needs to be open-ended. Chair Cole asked Commissioner Muzzulin if he wished to change his motion in any way. Mr. Muzzulin said that he did not want to change anything. Therefore, the motion was approved by a vote of five (5) to one (1) with Commissioner Peeler voting against the motion to add the following report requirements to this text amendment:

- **Noise Evaluation Report.** The applicant or petitioner shall submit a noise evaluation report for each of the proposed wind turbine locations and any alternative wind turbine locations at the proposed site and any alternative sites in accordance with the noise control regulations established by the Perquimans County Zoning Regulations. The report shall include, but not be limited to, the following:
 - (1) A detailed description of the potential noise levels that would be generated by the proposed wind turbines and any alternative wind turbines at the proposed site and any alternative sites, including, but not limited to, existing sound levels at the proposed site and any alternative sites, projected sound levels to be generated by the operation of the proposed wind turbines and any alternative wind turbines, the methodology used to monitor and evaluate sound levels, the wind turbine manufacturer's technical documentation of the noise emission characteristics of the proposed wind turbines and any alternative wind turbines, and an analysis of compliance with the noise control regulations establish by Perquimans County .
 - (2) Calculations in accordance with the noise control regulations established by Perquimans County for the projected maximum cumulative sound levels generated when the proposed wind turbines and any alternative wind turbines are in operation at the proposed site and any alternative sites measured at *(the property lines,)* existing occupied building, projected maximum day-time and night-time sound levels generated when the proposed wind turbines and any alternative wind turbines are in operation measured at the nearest *(receptors)* occupied building, and projected maximum levels of infrasonic sound, ultrasonic sound, impulsive noise and prominent discrete tones generated when the proposed wind turbines and any alternative wind turbines are in operation at the proposed site and any alternative sites measured at the nearest *(receptors)* occupied building.
 - (3) A study area map for the proposed site and any alternative sites depicting the noise analysis study area radius, site boundaries, sound level monitoring locations and nearest receptor locations.
 - (4) Identification of any potential mitigation measures to minimize sound levels at the nearest receptor occupied building, including, but not limited to, utilization of best practical noise control measures in accordance with the Perquimans County Zoning Regulations.
- **Ice Drop and Ice Throw Evaluation Report.** The applicant or petitioner shall submit an ice drop and ice throw evaluation report for each of the proposed wind turbine 10 locations and any alternative wind turbine locations at the proposed site and any alternative sites that shall include, but not be limited to:
 - (1) A detailed description of the conditions at the proposed site and any alternative sites that may cause ice to be dropped or ice to be thrown, or both, from the wind turbine blades of the proposed wind turbines and any alternative wind turbines, the methodology used to evaluate and assess the risk of ice drop or ice throw, or both, and the wind turbine manufacturer's technical documentation relating to recommended ice drop and ice throw setback distances and installed ice monitoring devices and sensors.
 - (2) Calculations in feet of the maximum distance that ice could be dropped from the wind turbine blades of each proposed wind turbine and any alternative wind turbines at the proposed site and any alternative sites when the wind turbines are stationary and calculations in feet of the maximum distance that ice could be thrown from the wind turbine blades for each proposed wind turbine and any alternative wind turbines at the proposed site and any alternative sites when the wind turbines are in operation.
 - (3) A study area map for the proposed site and any alternative sites depicting the ice throw study area radius, site boundaries and locations where ice could be dropped or locations where ice could be thrown from the wind turbine blades, or both, of each proposed wind turbine and any alternative wind turbines at the proposed site and any alternative sites when the wind turbines are stationary and in operation.
 - (4) Identification of any potential mitigation measures to minimize the risk, occurrence and impact of ice drop or ice throw, or both, from the wind turbine blades of each of the proposed wind turbines and any alternative wind turbines, including, but not limited to automatic and remote manual shutdown of the wind turbines.
- **Blade Drop and Blade Throw Evaluation Report.** The applicant or petitioner shall submit a blade drop and blade throw evaluation report for each of the proposed wind turbine locations and any alternative wind turbine locations at the proposed site and any alternative sites that shall include, but not be limited to:
 - (1) A detailed description of the conditions at the proposed site and any alternative sites that may cause a blade or any portion of a blade to be dropped or that may cause a blade or any portion of a blade to be thrown, or both, from each of the proposed wind turbines and any alternative wind turbines, the methodology used to evaluate and assess the risk of blade drop or blade throw, or both, and the manufacturer's technical documentation relating to recommended blade drop and blade throw setback distances and installed blade monitoring devices and sensors.
 - (2) Calculations in feet of the maximum distance that a blade or any portion of a blade could be dropped from each of the proposed wind turbines and any alternative wind turbines at the proposed site and any alternative sites when the wind turbines are stationary and calculations in feet of the maximum distance that a blade or any portion of a blade could be thrown from each of the proposed wind turbines and any alternative wind turbines at the proposed site and any alternative sites when the wind turbines are in operation.
 - (3) A study area map for the proposed site and any alternative sites depicting the blade throw study area radius, site boundaries and locations where a blade or any portion of a blade could be dropped or locations where a blade or any portion of a blade could be thrown, or both, from each of the proposed wind turbines and any alternative wind turbines at the proposed site and any alternative sites when the wind turbines are stationary and when the wind turbines are in operation.

- (4) Identification of any potential mitigation measures to minimize the risk, occurrence and impact of blade drop or blade throw, or both, from each of the proposed wind turbines and any alternative wind turbines, including but not limited to, automatic and remote manual shutdown of the wind turbines.
- **Shadow Flicker Evaluation Report.** The applicant or petitioner shall submit a shadow flicker evaluation report for each of the proposed wind turbine locations and any alternative wind turbine locations at the proposed site and any alternative sites that shall include, but not be limited to:
- (1) A detailed description of the potential shadow-flicker producing features of each of the proposed wind turbines and any alternative wind turbines at the proposed site and any alternative sites, including, but not limited to, an analysis of conditions that may cause shadow flicker, the methodology used to evaluate shadow flicker and the manufacturer's technical documentation relating to shadow flicker, if available.
 - (2) Calculations from each proposed wind turbine and any alternative wind turbines at the proposed site and any alternative sites to each off-site occupied structure location within a one mile radius, including, but not limited to, the following:
 - (A) distance in feet;
 - (B) shadow length and intensity;
 - (C) shadow flicker frequency;
 - (D) specific times shadow flicker is predicted to occur; and
 - (E) duration of shadow flicker measured in total annual hours.
 - (3) A study area map of the proposed site and any alternative sites depicting the shadow flicker analysis study area radius, site boundaries, locations of the proposed wind turbines and locations of any alternative wind turbines, locations of off-site occupied structures, and areas of shadow flicker occurrence identified according to total annual hours.
 - (4) Identification of potential mitigation measures to minimize the impact of shadow flicker, including, but not limited to, vegetation, screening and fence construction.

Commissioner Nelson said that we have already voted on the setbacks but he has reviewed and read information and met with people from both sides and he feels that there should be some type of change in the Ordinance that would increase the setbacks no matter whose large wind farm project is being considered. He feels that we should consider how that it will affect the people that have a home that is on or near the property line that is going to be a participating property. We cannot change the Desert Wind Farm Project but, going forward, he feels the Board would be justified to make a change in the property line setbacks. Another change that he suggested the Board to consider is to go ahead and put a distance on the setback and not use the setback to be a number of feet times the height of the turbine. Chair Cole stated that the vote has been taken and asked if there were any further comments from the Board. She also stated that she did not feel that any member of this Board is insensitive to the things that they have heard. She further stated that the Board will still have an opportunity to address some of these issues during the CUP process. Commissioner Peeler still has a recommendation from the Work Session to remove the availability to waive requirements for occupied dwellings. Chair Cole asked if Mr. Peeler would like to make a motion. Matthew Peeler made a motion to remove the following statement under Table 907.27 on Page IX-9 of the Zoning Ordinance: "Setback requirements may be waived by a property owner so long as such waiver is in writing and signed by the property owner and recorded in the Perquimans County Register of Deeds Office." He further asked that 907.27(5), which addressed the sound and shadow flickering requirements, be removed as well. Chair Cole asked if there was a second. There being no second to the motion, the motion died.

Commissioner Peeler asked permission to speak about his vote. He said that 900 people in this county have asked us to move the setbacks. 900 people have asked us to listen to them and 900 people have told us that this project will potentially hurt them and all we are saying is "No Thank You". With that being said, Commissioner Peeler concluded his remarks. Chair Cole asked if there was anyone else that wanted to speak. Commissioner Jones said that he usually agrees with Commissioner Nelson on matters around 99% of the time and this is one of those times. Mr. Jones further stated that each one of the Commissioners are entitled to their own opinion. Quoting from a former Commissioner, Mack Nixon, Mr. Jones told him that, "When you lose a vote, you move on," and that is what we need to do tonight.

Text Amendment No. TXT-15-01, with the changes requested tonight by the Board, will be recorded as Ordinance No. 93 and is attached as **Attachment A**.

CASE NO. NZV-15-01 – ATLANTIC WIND, LLC

A Public Hearing was held earlier in the evening to receive public comments on the consideration of Case No. NZV-15-01, requested by Atlantic Wind, LLC, to create a 2.742-acre parcel for the existing Electrical Substation located at 1024A Swamp Road, Belvidere NC, without an individual sewage disposal system and with a 2,474' easement access. Reference Sections 402B(4) and 402B(9)(b) of the Subdivision Regulations. Chair Cole stated that the motion should be in two parts. Matthew Peeler made the motion to find that Subdivision Variance No. NZV-15-01 **will not** advance the public health, safety and general welfare, encourage orderly development, protect the quality of the environment, and generally uphold the requirements of State Law in accordance with the County's Land Use Plan and, therefore, to find it consistent with the specific intent of the Subdivision Regulations. For a lack of a second, the motion died. Fondella A. Leigh made a motion to find Subdivision Variance No. NZV-15-01 to advance the public health, safety and general welfare, encourage orderly development, protect the quality of the environment, and generally uphold the requirements of State Law in accordance with the (County's) Land Use Plan and, therefore, to find it consistent with the specific intent of the Subdivision Regulations. The motion was seconded by Edward R. Muzzulin. Commissioner Peeler feels that the general welfare of the motion is what he is voting against in that it is a private enterprise doing something for private benefit and support. Iberdrola has stated that they could use another methodology and feels that they need to do that instead of doing this variance. There being no further comments or questions, Chair Cole asked for the vote. The motion was approved by a vote of five (5) to one (1) with Commissioner Peeler voting against the motion. Chair Cole asked for the second motion. Fondella A. Leigh made a motion, with considering the following Subdivision Regulations, Sections 206(a) through (d) Findings and Sections 402B(4) and 402B(9)(b) Lot requirements, to approve Case No. NZV-15-01, a proposed 2.742-acre "Flag Lot" for the existing Electrical Substation located at 1024A Swamp Road, Belvidere, NC (known as a portion of Tax Parcel No. 1-0017-0053 [PIN 7932-88-6519]) without an individual sewage disposal system ordinarily required for the occupation or use of a building, and with a 2,474' easement access in excess of the 1,000-foot maximum length:

SECTIONS 206(a) – (d)

- a) That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land.
- b) That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
- c) That the circumstances giving rise to the need for the variance are peculiar to the parcel and are not generally characteristic of other parcels in the jurisdiction of this ordinance, and

- d) That the granting of the variance will not be detrimental to the public health, safety, and welfare or injurious to other property in the territory in which said property is situated.

SECTIONS 402B(4) & 420B(9)(b)

- (4) The subdivider, at his own expense, shall have the site investigated under the supervision of the Albemarle Regional Health Services and shall present proof in their Application for Subdivision that appropriate soil tests have been conducted and that each lot in the subdivision not served by a public sewage disposal systems has been approved by the Albemarle Regional Health Services for individual sewage disposal systems.
- (9)(b) The area inside the "Flag" portion of the lot must satisfy the minimum lot area requirements for a conventional development within the underlying zoning district." The area considered the "Flag Pole" consists of that area from the road right-of-way to the "Flag" portion of the lot and shall not exceed 1,000 feet.

The motion was seconded by Edward R. Muzzulin. The motion was approved by a vote of five (5) to one (1) with Commissioner Peeler voting against the motion.

CONTRACTS

County Manager Heath informed the Board that Donna Jones has agreed to fill the vacancy in the Community-Based Youth Gang Violence Prevention Program and Restitution/Community Service Program due to the death of Clayton Griffin in 2015. Chair Cole and County Manager Frank Heath interviewed Ms. Jones and are recommending her to complete Mr. Griffin's contracts. Ms. Jones was present and was introduced to the Board. On motion made by Edward R. Muzzulin, seconded by Matthew Peeler, the Board unanimously approved the following two (2) contracts with Ms. Jones who will complete Clayton Griffin's contract:

NORTH CAROLINA

CONTRACT FOR SERVICES

PERQUIMANS COUNTY

THIS AGREEMENT made and entered into this the 1st day of February, 2016, by and between PERQUIMANS COUNTY, hereinafter referred to as "the County", and Donna Jones, hereinafter referred to as the "Provider";

WITNESSETH:

THAT WHEREAS the County has received a State Grant from the North Carolina Department of Juvenile Justice and Delinquency Prevention to finance the Community-Based Youth Gang Violence Prevention Program; and

WHEREAS the County and the Provider wish to enter into an agreement, by which the Provider will provide Community-Based Youth Gang Violence Prevention services as an independent contractor;

NOW, THEREFORE, PERQUIMANS COUNTY and Donna Jones, agree as follows:

1. RESPONSIBILITIES OF THE PROVIDER.

- a. As Provider, Donna Jones will administer the Community-Based Youth Gang Violence Prevention Program in Perquimans County according to State of North Carolina guidelines.
- b. As Provider, Donna Jones will promptly complete and deliver all paperwork, including, but not limited to, monthly billings to the State, to be signed by the County Manager or Finance Officer of Perquimans County.
- c. As Provider, Donna Jones shall, during each fiscal year, make two (2) presentations to the Perquimans County Board of Commissioners as to the performance of the Community-Based Youth Gang Violence Prevention Program in Perquimans County.

2. TERM.

Unless sooner terminated, the term of this contact shall be for the period beginning February 1, 2015 and continuing through June 30, 2016. The Provider will provide a minimum of 32 hours per week, of which 11 hours are funded by JCPC/OJJ funding, except when he is observing County holidays. All holidays observed by the County shall be observed by the Provider.

3. CONTRACT PRICE.

Perquimans County shall pay the Provider as follows: \$2,500.00 monthly beginning on the 25th of February and on the 25th day of every month thereafter through June 25, 2016. If this contract is terminated prior to June 30, 2016, the Provider shall be paid through the date of termination, but not for any time thereafter.

4. TERMINATION.

This contract may be terminated at any time by the County of Perquimans or by the Provider, Donna Jones., upon written notice to the other.

5. WORKERS' COMPENSATION.

The Provider will be covered under Perquimans County's Workers' Compensation Program for the period of time covered by this Agreement.

6. FICA AND TAXES.

The Provider will be required to record and pay all of her Social Security taxes and to file and pay all of her North Carolina and Federal Income taxes.

7. INDEPENDENT CONTRACTOR.

The Provider, Donna Jones, shall at all times under this Agreement be considered an independent contractor with Perquimans County. The Provider understands that under this contract he is not a county employee and he shall not be eligible for any of the benefits of the employees of Perquimans County and that he shall not come under the rules of the Perquimans County personnel policy.

IN WITNESS WHEREOF, PERQUIMANS COUNTY has caused this agreement to be executed, in duplicate originals, by the Chairman of its Board of Commissioners and attested by the Clerk to the Board, and its seal to be hereunto affixed, the day and year first above written, and DONNA JONES, has hereunto set her hand and seal, in duplicate originals, the day and year first above written.

PERQUIMANS COUNTY

By: _____
Chairman, Board of Commissioners of
Perquimans County

ATTEST:

Clerk to the Board

DONNA JONES

NORTH CAROLINA

PERQUIMANS COUNTY

I, _____, a Notary Public of the County and State aforesaid, certify that Mary P. Hunnicutt, personally came before me this day and acknowledged that she is Clerk to the Board of the Commissioners of Perquimans County, and that by authority duly given and as the act of said Board, the foregoing instrument was signed in its name by its Chairman, sealed with is corporate seal and attested by her as its Clerk.

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

My commission expires: _____

Notary Public

NORTH CAROLINA

PERQUIMANS COUNTY

I, _____, a Notary Public of the County and State aforesaid, certify that DONNA JONES, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

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

My commission expires: _____

Notary Public

NORTH CAROLINA

CONTRACT FOR SERVICES

PERQUIMANS COUNTY

THIS AGREEMENT made and entered into as of February 1, 2016, by and between PERQUIMANS COUNTY, hereinafter referred to as "the County", and DONNA JONES, hereinafter referred to as the "Provider";

WITNESSETH:

THAT WHEREAS the State of North Carolina has a program called the Restitution/ Community Service Program whereby juveniles who have been found delinquent engage in work in order to earn money which is then paid as restitution for their delinquent offense or offenses and/or engage in community service for said offense or offenses; and

WHEREAS the County is seeking to employ the Provider for the administration of the Restitution/Community Service Program in Perquimans County; and

THAT WHEREAS the Provider, as an independent contractor, is prepared to serve as the part-time Program Administrator for the Restitution/Community Service Program in Perquimans County; and

WHEREAS the County is eligible to receive a State Grant to finance the Restitution/ Community Service Program; and

WHEREAS the County and the Provider wish to enter into an agreement, by which the Provider will provide services as an independent contractor administering the Restitution/Community Service Program for Perquimans County; and

NOW, THEREFORE, PERQUIMANS COUNTY and DONNA JONES., agree as follows:

1. RESPONSIBILITIES OF THE PROVIDER.

(A) As Provider, Donna Jones will administer the Restitution/Community Services Program in Perquimans County according to State of North Carolina guidelines.

(B) As Provider, Donna Jones will promptly complete and deliver all paperwork, including, but not limited to, monthly Client Tracking Forms (CTF) data to the State.

(C) As Provider, Donna Jones shall, during each fiscal year, make two (2) presentations to the Perquimans County Board of Commissioners as to the performance of the Restitution/Community Service Program in Perquimans County.

2. TERM.

Unless sooner terminated, the term of this contact shall be for the period beginning February 1, 2016 and continuing through June 30, 2016. The Provider will provide services to complete the Restitution/Community Service Program as needed, except when he is observing County holidays. All holidays observed by the County shall be observed by the Provider.

3. CONTRACT PRICE.

Perquimans County shall pay to the Provider, the total of \$4,500.00, and represents 12 hours per week, which shall be paid as follows: \$900.00 on the 25th day of every month thereafter through June 25, 2016. If this contract is terminated prior to June 30, 2016 the Provider shall be paid through the date of termination, but not for any time thereafter.

4. TERMINATION.

This contract may be terminated at any time by the County of Perquimans or by the Provider, Donna Jones., upon written notice to the other.

5. WORKERS' COMPENSATION.

The Provider will be covered under Perquimans County's Workers' Compensation Program for the period of time covered by this Agreement.

6. FICA AND TAXES.

The Provider will be required to record and pay all of her Social Security taxes and to file and pay all of her North Carolina and Federal Income taxes.

7. INDEPENDENT CONTRACTOR.

The Provider, Donna Jones, shall at all times under this Agreement be considered an independent contractor with Perquimans County. The Provider understands that under this contract he is not a county employee and he shall not be eligible for any of the benefits of the employees of Perquimans County and that he shall not come under the rules of the Perquimans County personnel policy.

IN WITNESS WHEREOF, PERQUIMANS COUNTY has caused this agreement to be executed, in duplicate originals, by the Chairman of its Board of Commissioners and attested by the Clerk to the Board, and its seal to be hereunto affixed, the day and year first above written, and DONNA JONES, has hereunto set her hand and seal, in duplicate originals, the day and year first above written.

PERQUIMANS COUNTY

By: _____
Chairman, Board of Commissioners of
Perquimans County

ATTEST:

Clerk to the Board

DONNA JONES

NORTH CAROLINA

PERQUIMANS COUNTY

I, _____, a Notary Public of the County and State aforesaid, certify that Mary P. Hunnicutt, personally came before me this day and acknowledged that she is Clerk to the Board of the Commissioners of Perquimans County, and that by authority duly given and as the act of said Board, the foregoing instrument was signed in its name by its Chairman, sealed with is corporate seal and attested by her as its Clerk.

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

My commission expires: _____

Notary Public

NORTH CAROLINA

PERQUIMANS COUNTY

I, _____, a Notary Public of the County and State aforesaid, certify that DONNA JONES, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

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

My commission expires: _____

Notary Public

The Board welcomed Ms. Jones and said that they looked forward to working with her and continuing the work that Mr. Griffin had done in these two programs. Ms. Jones said that she was ready to work.

RESIGNATION: ALBEMARLE RC&D MEMBER & NURSING HOME ADVISORY COMMITTEE APPOINTMENT

County Manager Heath reported that we had received a letter from Albemarle RC&D Council Chairman, Nathan (Tommy) Everett, explaining that Mr. Maurice (Buck) Bunch had recently submitted his resignation from their Council and a phone call/e-mail stating that one of our appointed members of the Nursing Home Advisory Committee is no longer eligible to serve since his mother-in-law is in the facility. Therefore, Brandi Jordan, Regional LTC Ombudsman, has contacted Gene Boyce to inform him that he is no longer eligible to serve. She asked that the Board appoint another individual to serve in his place. Chair Cole tabled these appointments until next month. She again encouraged the public to apply to serve on these committees or any other committees that the Board appoints members to. Commissioner Peeler encouraged people to sign up because this particular committee has been operating for a long time and Mr. Boyce has served on this Board for a long time. He further explained that these individuals are advocates for the residents of these nursing homes. He encourages people to sign up to serve.

PUBLIC COMMENTS

The following comments were made:

- **Gigi Badawi:** After thanking Commissioners Peeler and Nelson for what they tried to do with regard to the Text Amendment, Ms. Badawi cited the following definitions from Article 33C of the N.C. General Statutes and made several comments: According to this Article, the definition of a "public body" is: "... any elected or appointed authority, board, commission, committee, council, or other body of the State, or of one or more counties, cities, school administrative units, etc.". It further states that these public bodies are "authorized to exercise a legislative, policy-making, quasi-judicial, administrative, or advisory function." The Planning Board has an advisory function. Under NC General Statute 143-318-10(e), "Every public body shall keep full and accurate minutes of all official meetings, including any closed sessions held pursuant to G.S. 143-318.11. Such minutes may be in written form or, at the option of the public body, may be in the form of sound or video and sound recordings." Her point is that a public body such as the Planning Board neglected to keep any minutes. They were not made public and as of this evening, it still says on the modified Agenda that they are backlogged. That was also reported at the last Planning Board meeting. The other item is located in NC General Statute 143-310.16A which states "Any person may institute a suit in the superior court requesting the entry of a judgment declaring that any action of a public body was taken, considered, discussed, or deliberated in violation of this Article." Ms. Badawi then quoted the following section from her and her husband's attorney, Elliott Engstrom: "I write on behalf of my clients, Steve Owens and Gigi Badawi of Perquimans County, Mr. Owens and Mrs. Badawi have raised several concerns to me regarding the objectivity and interests of several members of the Perquimans County Planning Board, whose recommendations you will be considering when you make decisions regarding your county's wind energy ordinance at your February 1st meeting. It is my understanding that the Planning Board and its subcommittees have not been maintaining minutes for your review, as required by county ordinance." Not only is it required by County Ordinance but it is a requirement from the State Statute. She is calling into question how the Board could make a decision you just made without proper minutes to go by. She is calling you in question and she wanted the Board to know that her name will be heard and seen again. She is calling in question the Board's process. She further stated that Ms. Cole said at the last meeting that you needed to get back to your normal procedures and processes because they have not been followed and this is also recorded and available on YouTube. Chair Cole said that was not what she said. Ms. Badawi said that she can look pull up the records but that she was paraphrasing at this point. She requested that this information be part of the Minutes.
- **Sue Stokely:** Ms. Stokely said that what she has to say will not make any difference because the Board had already made their decision but she wanted to express her opposition to the wind energy farm that will be located in the Bear Swamp Area.
- **Kristy LaLonde:** Ms. LaLonde owns property in Chowan and Perquimans Counties and expressed her opposition to the wind energy farm.
- **Don Giecek:** Mr. Giecek wanted to thank the Board for their due diligence in working on this matter. He wanted to assure the Board that they are very willing to work closely with the Board during the CUP process. Expert witnesses will be here during the process to provide a thorough testimony. Also, he said that, once we have dots on the map of where the turbines might go, they will be able to have a better and more realistic conversation as to what impact this project will have. Again, he said that he is looking forward to working with the Board in this process. Commissioner Peeler addressed Mr. Giecek's comment about a realistic conversation. He hopes that when you do begin your CUP process that you listen to the 900 people that he is about to impact and do like Evron in Rupert, WV and listen to the people and stay a mile away and they will have no complaints.
- **Judith Hoffer:** Ms. Hoffer presented the following statement for the record: "Good Evening everyone. My name is Judie Felton Hailer. To the county commissioners, I thank each and every one of you for giving me the opportunity to speak before you tonight. I live near the Bear Swamp area that has been slated for the windmills. This past summer, my husband, Joseph Hoffer, and I drove out west. On the way there and back, we saw several crops of windmills, between 5-7 different sets of them. Initially, upon seeing them, we said to one another, what in the world are those, before we realized that they were wind turbines. One thing that we noticed about each and every one of the crops of turbines, was that they ALL had one thing in common and that was the fact that each crop was set in the middle of "NO MAN'S LAND" in the middle of nowhere. They weren't even **REMOTELY** close to any residential or populated area. They were not even close to the road! Putting the turbines in a very **ISOLATED** area was purposeful, because of the possible detriment they can have by being placed too close to humans in a residential area. I've done a lot of research on the turbines, and one case that I came across involved a couple who lived where a wind turbine had been placed across the road from their home. The husband was a diabetic, and the constant whirring of the turbine sent his blood sugar spiraling completely out of control, spiraling too high sometimes, and other times, too low! The wife, who considered herself to be fairly healthy could sometimes feel, her own heart beat in rhythm with the turbine. Another aspect that I found during my research was that there was always much excitement about them initially, about the green energy and the small sum of money that the area would get, until it was discovered that their being placed too close to humans can have a very nonplus or alarming effect. The constant noise of the whirring is nerve wracking. Studies also show that the noise is another form of radiation. Also, the constant noise has been held accountable for sleep deprivation. For young and old alike, everyone needs rest, and with the constant turning, churning and whirring of the turbines, some find it difficult to get their proper rest. The human effect could be too great to put these turbines anywhere near a populated area. When you consider the possible risk to humans, the risk is just too grave! Risks that have already happened to some when the turbines have been placed too close to humans. Why can't we learn, from other's mistakes? Do we want to wait until people start to become ill? Or when it starts to affect the elderly, and the young alike? We say we want to help the elderly, but will the windmills help them or hurt them? I understand that some feel that the so called revenue that Perquimans County could get from the windmills would help to avoid a small tax hike for the elderly and everyone. But, has it been considered that not only could the turbines affect people's health, but it could possibly have a negative effect on tax revenue down the road. There has been much documentation about property values decreasing on surrounding areas where windmill turbines have been placed. Adjoining and nearby property owners would be adversely affected in more ways than one. The setback is way too small, and would prevent them and their offspring and future generations from enjoying the land for which their parents and they worked so hard. If people start to leave Perquimans County because of the wind turbines causing health issues to their family, and property values decreasing where people can't even build on or sell their own land because the property values have decreased, and because of the very small setback, there could actually be negative taxes collected in Perquimans County. The very small amount that APEX is offering to put the windmills in the very heart of a populated and residential area is **NOT** worth putting people's lives, their families, their livelihood, their well-being and their adjoining and nearby property at risk. In other words, right in our backyard. Would any of you, truly want a project like that in your backyard? I don't think so. Think about it, that very small amount that is being offered, ostensibly to help the county. (*not so*)! The windmill project will basically be to line the company's and their investor's pockets. And, when they have a monopoly on energy and the cost skyrockets through the roof in this area, what then? All of the things that I just mentioned have already happened in other areas. Please consider this carefully and put the people first, because as money and taxes go, it could actually have a (minus) or negative effect on taxes and the well-being of those affected all around. Again, hopefully, we can benefit from other's proven mistakes. Thank you for your time."
- **Commissioner Peeler:** Mr. Peeler said that we had two or three speakers to ask that their information be placed in the Minutes. He asks that everything that was provided to the Clerk to the Board regarding these individuals' statements be placed in the Minutes. Commissioner Nelson said that he does not have a problem with this and that he thought that is what we usually did. Chair Cole said that we did do this whenever we are asked to. Mr. Peeler just wanted to make sure that these comments were included.

- **Tommy Harrell:** Mr. Harrell expressed his disappointment that they did not receive the setbacks that they requested and cited examples of how dangerous the turbines can be. He further expressed his concerns that the people have been lied to by Apex and asked again for more setbacks and protection.
- **Alan Lennon:** Mr. Lennon had not planned on speaking tonight because he felt that, over the last three to four months, he had done a good job sharing the information that he had researched and found. His valid concern and the concerns of the citizens of the County was the fact that the setbacks were not correctly addressed. For the protection of the citizens, we see signs around the County that say, "Preserve and Protect". He is afraid and sure that these signs will be removed and "For Sale" signs will replace them. The reality of this situation is that we should have been talking money all this time and not wind turbines because that is what seems to be most important here. That is all he had to say because he did not want to ruin his testimony. **He thanked the Board for what they do and he presented the Board with a petition that had 936 signatures from County residents who oppose the proposed Timberrmill Wind Energy Project in the Bear Swamp section of Perquimans County and ask that the governing body of County Commissioners amend the current Wind Energy Facilities Ordinance 907.27 to provide adequate protections for our safety, health, and welfare with regard to: (a) Minimum one (1) mile setback of units from any non-participating property line, residence or occupied dwelling; (b) Adequate property value guarantee provisions; (c) Protection from sound, flicker, audible and inaudible noise; and (d) Adequate and financially secured decommissioning plans.**
- **Jeff Williams:** Mr. Williams who lives on Hunters Fork Road in Perquimans County was disappointed with what happened tonight. He recommends that the County needs to place a tax on all the kilowatt of energy that is produced from these turbines.
- **Billy Williams:** Mr. Williams said that the Board's action tonight would help him purchase farmland within the County because it has lower the tax values of these properties.
- The following people signed up to speak but had left the meeting before speaking: Patti Kersey, Ed Mulligan, and Martin Drees.

See request for correction from March 7, 2016 Minutes

ADJOURNMENT

Chair Cole asked if there was a motion to adjourn. Commissioner Peeler asked that, before they have that motion, he made a motion to reconsider the motion of the setback discussion based on what we have heard tonight. Chair Cole asked if there was a second. There being none, the motion died. There being no further comments or business to discuss, the Regular Meeting was adjourned at 8:30 p.m. on motion made by Matthew Peeler, seconded by Edward R. Muzzulin.

Janice McKenzie Cole, Chair

Clerk to the Board

ATTACHMENT A

ORDINANCE NO. 93

AN ORDINANCE OF PERQUIMANS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF NORTH CAROLINA, AMENDING, ADDING AND REPEALING SECTIONS OF THE PERQUIMANS COUNTY ZONING ORDINANCE AS ADOPTED BY ORDINANCE NO. 35, AS PREVIOUSLY AMENDED; THIS ORDINANCE AMENDS ARTICLE IX OF SAID ZONING ORDINANCE TO REVISE STANDARDS, CONDITIONS AND PROCEDURES FOR WIND ENERGY FACILITIES IN THE UNINCORPORATED COUNTY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PERQUIMANS COUNTY, NORTH CAROLINA THAT:

Section 1. Perquimans County Ordinance No. 35 (Zoning Ordinance), as previously amended, is hereby amended by revising **Article IX** of said Zoning Ordinance to revise standards, conditions and procedures for Wind Energy Facilities in the unincorporated County; and by adding and/or substitution the following excerpts of **Article IX** attached hereto as **Exhibit A** respectively, and incorporated herein by reference, in its stead;

Section 2. Severance Clause. It is the intent of the Board of County Commissioners of Perquimans County, North Carolina, and it is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance; and

Section 3. Effective Date. This Ordinance shall take effect upon its passage and enactment. This Ordinance shall be recorded in a book kept and maintained by the Clerk of the Board of County Commissioners of Perquimans County, North Carolina.

PASSED AND ENACTED by the Board of County Commissioners of Perquimans County, North Carolina, this 1st day of February, 2016.

BOARD OF COUNTY COMMISSIONERS OF PERQUIMANS COUNTY, NORTH CAROLINA

By: _____
Janice McKenzie Cole, Chair

ATTEST:

Mary P. Hunnicutt, Clerk to the Board

Effective Date: February 1, 2016

Exhibit “A”

907.27 Wind Energy Facilities

- A. Zoning Districts: Small: RA-43, RA-25, RA-15, CR, CN, CH, IL and IH;
 Medium: RA, CR, CN, CH, IL and IH; and
 Large: RA
- B. Preamble: Wind Energy Facilities may be permitted in districts as designated in the Table of Permitted and Conditional Uses, subject to the following requirements:
- (1) A Permit Application for a Wind Energy Facility shall contain the following:
 - (a) A narrative describing the proposed Wind Energy Facility, including an overview of the project;
 - (b) The proposed total rated capacity of the Wind Energy Facility;
 - (c) The proposed number, representative types and height or range of heights of Wind Turbines to be constructed, including their rated capacity, dimensions and respective manufacturers, and a description of ancillary facilities;
 - (d) Identification and location of the property or properties on which the proposed Wind Energy Facility will be located;
 - (e) A site plan showing the planned location of all Wind Turbines, property lines, setback lines, access roads, substation(s), electrical cabling from the Wind Energy Facility to the substation(s), ancillary equipment, building(s), transmission and distribution lines. The site plan must also include the location of all Occupied Buildings, Residences, and other features sufficient to demonstrate compliance with the setbacks required by this Article;
 - (f) Any Environmental Assessment required by state or Federal law;
 - (g) Decommissioning plans that describe the anticipated life of the Wind Energy Facility, the estimated decommissioning costs in current dollars, the salvage value of the equipment, and the anticipated manner in which the Wind Energy Facility will be decommissioned and the site restored;
 - (h) Documentation of agreement between Participating Landowner(s) and the Applicant, Facility Owner, or Operator; and
 - (i) ~~(1)~~ Signature of the Applicant; and
 - (j) The applicant shall establish an escrow account in the name of Perquimans County in the amount set forth by the Board of County Commissioners in separate Fee Schedules. Said Escrow Account shall be established at the time the Zoning Permit Application and detailed Site Plan(s) are submitted and shall be used by the County for all County expenses related to the project.
 - (2) Throughout the permit process, the Applicant shall promptly notify Perquimans County of any proposed changes to the information contained in the permit application that would materially alter the impact of the project.
 - (3) Changes to the approved application that do not materially alter the initial site plan may be administratively approved by the Zoning Administrator. Major modifications to the approved Conditional Use Permit will require a new Application and approval by the Planning Board and Board of County Commissioners in the same manner as the original Conditional Use Permit.
 - (4) Wind Turbine Height and Setback Multipliers and Minimum Lot Sizes: The Setbacks shall be calculated by multiplying the required setback number by the Wind Turbine Height and measured from the center of the Wind Turbine base to the property line or the nearest point on a public road right-of-way or the nearest point on the foundation of a Residence or an Occupied Building.

Table 907.27: Lot Size, Setback and Height Requirements

| Facility Type | Minimum Lot Size | Minimum Setback Requirements | | | | Maximum Height |
|-----------------|------------------|------------------------------|------------|--|--------------|----------------|
| | | Occupied Buildings | Residences | Property Line (Non-Participating Property) | Public Roads | |
| Small Facility | 43,000 Sq. Ft. | 1.5 | 1.5 | 1.1 | 1.5 | 120 feet |
| Medium Facility | 5 Acres | 2.0 | 2.0 | 1.5 | 1.5 | 250 feet |
| Large Facility | 25 Acres | 2.5 | 2.5 | 1.5 | 1.5 | 600 feet |

Setback requirements may be waived by a property owner so long as such waiver is in writing and signed by the property owner and recorded in the Perquimans County Register of Deeds Office.

- (5) Sound and Shadow Flicker: This Section shall only apply to Large Wind Energy Facilities. Sound and Shadow Flicker issues for Small and Medium Wind Energy Facilities are addressed by setbacks.
 - (a) Audible sound from a Large Wind Energy Facility shall not exceed fifty-five (55) dBA, as measured at any Occupied Building or Residence on the property of a Non-Participating Landowner.
 - (b) Shadow Flicker on any Occupied Building or Residence on a non-participating landowner's property caused by a Large Wind Energy Facility must not exceed thirty (30) hours per year.
 - (c) Sound and/or Shadow Flicker provisions may be waived by a property owner so long as such waiver is in writing, signed by the property owner and recorded in the Perquimans County Register of Deeds Office.

- (6) Installation and Design:
 - (a) The installation and design of the Wind Energy Facility shall conform to applicable industry standards, including those of the American National Standards Institute, and take into consideration local conditions.
 - (b) All structural, electrical and mechanical components of the Wind Energy Facility shall conform to relevant and applicable local, state and national codes.
 - (c) The visual appearance of a Wind Turbine shall at a minimum:
 - (1) Be a non-obtrusive color such as white, off-white or gray;
 - (2) Not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety; and
 - (3) Not display advertising (including flags, streamers or decorative items), except for identification of the Wind Turbine manufacturer, Facility Owner and Operator.

- (7) Decommissioning:
 - (a) The Wind Energy Facility Owner shall have twelve (12) months to complete decommissioning of the Wind Energy Facility if no electricity is generated for a continuous period of twelve (12) months. ~~The Wind Energy Facility Owner shall have twelve (12) months to complete decommissioning of any individual turbine if no electricity is generated for a continuous period of twelve months from any individual turbine.~~ For purposes of this Section, ~~this the~~ twelve (12) month periods ~~referenced herein~~ shall not include delay resulting from Force Majeure.
 - (b) Decommissioning shall include removal of Wind Turbines, buildings, cabling, electrical components, roads, and any other associated facilities down to thirty-six (36) inches below grade.
 - (c) Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
 - (d) Prior to the issuance of a building permit, the owner of a Medium or Large Wind Energy Facility shall provide a cash bond ~~or irrevocable letter of credit~~ in favor of the County in an amount equal to the estimated removal cost of the Wind Energy Facility, ~~less the salvage value of the equipment prior to construction.~~ ~~If the Wind Facility Owner elects to use a letter of credit, it shall be issued by a federally chartered bank with a branch office located in northeastern North Carolina.~~ The bond ~~or letter of credit~~ shall remain in full force and effect until any necessary site restoration is completed to restore the site to a condition comparable to that which existed prior to the issuance of the Conditional Use Permit.

- (8) Additional Reports for evaluation of Noise, Ice Drop and Ice Throw, Blade Drop and Blade Throw, and Shadow Flicker:
 - (a) Noise Evaluation Report: The applicant or petitioner shall submit a noise evaluation report for each of the proposed wind turbine locations and any alternative wind turbine locations at the proposed site and any alternative sites in accordance with the noise control regulations established by the Perquimans County Zoning Regulations. The report shall include, but not be limited to, the following:
 - (1) A detailed description of the potential noise levels that would be generated by the proposed wind turbines and any alternative wind turbines at the proposed site and any alternative sites, including, but not limited to, existing sound levels at the proposed site and any alternative sites, projected sound levels to be generated by the operation of the proposed wind turbines and any alternative wind turbines, the methodology used to monitor and evaluate sound levels, the wind turbine manufacturer's technical documentation of the noise emission characteristics of the proposed wind turbines and any alternative wind turbines, and an analysis of compliance with the noise control regulations established by Perquimans County.
 - (2) Calculations in accordance with the noise control regulations established by Perquimans County for the projected maximum cumulative sound levels generated when the proposed wind turbines and any alternative wind turbines are in operation at the proposed site and any alternative sites measured at **nearest existing occupied building**, projected maximum day-time and night-time sound levels generated when the proposed wind turbines and any alternative wind turbines are in operation measured at the **nearest occupied building**, and projected maximum levels of infrasonic sound, ultrasonic sound, impulsive noise and prominent discrete tones generated when the proposed wind turbines and any alternative wind turbines are in operation at the proposed site and any alternative sites measured at the nearest **occupied building**.
 - (3) A study area map for the proposed site and any alternative sites depicting the noise analysis study area radius, site boundaries, sound level monitoring locations and nearest occupied building.
 - (4) Identification of any potential mitigation measures to minimize sound levels at the nearest **occupied building**, including, but not limited to, utilization of best practical noise control measures in accordance with the Perquimans County Zoning Regulations.
 - (b) Ice Drop and Ice Throw Evaluation Report: The applicant or petitioner shall submit an ice drop and ice throw evaluation report for each of the proposed wind turbine locations and any alternative wind turbine locations at the proposed site and any alternative sites that shall include, but not be limited to:

See request for correction from March 7, 2016 Minutes

- (1) A detailed description of the conditions at the proposed site and any alternative sites that may cause ice to be dropped or ice to be thrown, or both, from the wind turbine blades of the proposed wind turbines and any alternative wind turbines, the methodology used to evaluate and assess the risk of ice drop or ice throw, or both, and the wind turbine manufacturer's technical documentation relating to recommended ice drop and ice throw setback distances and installed ice monitoring devices and sensors.
 - (2) Calculations in feet of the maximum distance that ice could be dropped from the wind turbine blades of each proposed wind turbine and any alternative wind turbines at the proposed site and any alternative sites when the wind turbines are stationary and calculations in feet of the maximum distance that ice could be thrown from the wind turbine blades for each proposed wind turbine and any alternative wind turbines at the proposed site and any alternative sites when the wind turbines are in operation.
 - (3) A study area map for the proposed site and any alternative sites depicting the ice throw study area radius, site boundaries and locations where ice could be dropped or locations where ice could be thrown from the wind turbine blades, or both, of each proposed wind turbine and any alternative wind turbines at the proposed site and any alternative sites when the wind turbines are stationary and in operation.
 - (4) Identification of any potential mitigation measures to minimize the risk, occurrence and impact of ice drop or ice throw, or both, from the wind turbine blades of each of the proposed wind turbines and any alternative wind turbines, including, but not limited to automatic and remote manual shutdown of the wind turbines.
- (c) Blade Drop and Blade Throw Evaluation Report: The applicant or petitioner shall submit a blade drop and blade throw evaluation report for each of the proposed wind turbine locations and any alternative wind turbine locations at the proposed site and any alternative sites that shall include, but not be limited to:
- (1) A detailed description of the conditions at the proposed site and any alternative sites that may cause a blade or any portion of a blade to be dropped or that may cause a blade or any portion of a blade to be thrown, or both, from each of the proposed wind turbines and any alternative wind turbines, the methodology used to evaluate and assess the risk of blade drop or blade throw, or both, and the manufacturer's technical documentation relating to recommended blade drop and blade throw setback distances and installed blade monitoring devices and sensors.
 - (2) Calculations in feet of the maximum distance that a blade or any portion of a blade could be dropped from each of the proposed wind turbines and any alternative wind turbines at the proposed site and any alternative sites when the wind turbines are stationary and calculations in feet of the maximum distance that a blade or any portion of a blade could be thrown from each of the proposed wind turbines and any alternative wind turbines at the proposed site and any alternative sites when the wind turbines are in operation.
 - (3) A study area map for the proposed site and any alternative sites depicting the blade throw study area radius, site boundaries and locations where a blade or any portion of a blade could be dropped or locations where a blade or any portion of a blade could be thrown, or both, from each of the proposed wind turbines and any alternative wind turbines at the proposed site and any alternative sites when the wind turbines are stationary and when the wind turbines are in operation.
 - (4) Identification of any potential mitigation measures to minimize the risk, occurrence and impact of blade drop or blade throw, or both, from each of the proposed wind turbines and any alternative wind turbines, including but not limited to, automatic and remote manual shutdown of the wind turbines.
- (d) Shadow Flicker Evaluation Report: The applicant or petitioner shall submit a shadow flicker evaluation report for each of the proposed wind turbine locations and any alternative wind turbine locations at the proposed site and any alternative sites that shall include, but not be limited to:
- (1) A detailed description of the potential shadow-flicker producing features of each of the proposed wind turbines and any alternative wind turbines at the proposed site and any alternative sites, including, but not limited to, an analysis of conditions that may cause shadow flicker, the methodology used to evaluate shadow flicker and the manufacturer's technical documentation relating to shadow flicker, if available.
 - (2) Calculations from each proposed wind turbine and any alternative wind turbines at the proposed site and any alternative sites to each off-site occupied structure location within a one mile radius, including, but not limited to, the following:
 - A) Distance in feet;
 - B) Shadow length and intensity;
 - C) Shadow flicker frequency;
 - D) Specific times shadow flicker is predicted to occur; and
 - E) Duration of shadow flicker measured in total annual hours.
 - (3) A study area map of the proposed site and any alternative sites depicting the shadow flicker analysis study area radius, site boundaries, locations of the proposed wind turbines and locations of any alternative wind turbines, locations of off-site occupied structures, and areas of shadow flicker occurrence identified according to total annual hours.
 - (4) Identification of potential mitigation measures to minimize the impact of shadow flicker, including, but not limited to, vegetation, screening and fence construction.

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