

redacted. Mr. Johnson requested that Mr. Campen provide him with the part that he wanted redacted. Mr. Campen said that the following sections are being requested to be redacted: Section 5 through Section 5.3 on pages 20 through 42 because it references health effects. Mr. Johnson responded to Mr. Campen's request. Mr. Campen made a rebuttal statement with regard to Mr. Rand's qualifications as a health expert and that the opposition could have obtained a qualified witness like they did with Dr. Ollson. Mr. Johnson stated that Dr. Ollson was not a medical doctor. Chair Cole asked if there was any other unfinished business. Mr. Weber said that, with regard to Opponent's Exhibit #28, they have no objection after confirming the URL citing. Mr. Essick wanted to make sure that, when he questioned Mr. Hunter and Ms. Scaff, he referenced Exhibits #25 and #26 and he asked that they be entered into the record. No objection from Mr. Campen. Mr. Essick said that he deferred to Mr. Campen while he conferred with his associate. Mr. Campen distributed copies of a list of Conditions on the Conditional Use Permit that he had problems with. Mr. Essick said that he had nothing further but had not seen this document prior to tonight and would waive discussion of that request until closing argument. Mr. Campen said that he had nothing further.

On motion made by Edward R. Muzzulin, seconded by Wallace E. Nelson, the Board went into Closed Session to receive direction from their attorney. Chair Cole reviewed several items that needed action on. The Board moved to the Law Library to hold their Closed Session.

On motion made by Wallace E. Nelson, seconded by Edward R. Muzzulin, the Board resumed the Continued Quasi-Judicial Hearing. After talking with the two attorneys, Mr. Hanna, County's Attorney, needed to go back into Closed Session. On motion made by Edward R. Muzzulin, seconded by Wallace E. Nelson, the Board went back into Closed Session again. On motion made by Edward R. Muzzulin, seconded by Fondella Leigh, the Board resumed the Continued Quasi-Judicial Hearing. Chair Cole explained that the attorneys will present their closing arguments on Saturday, October 22, 2016, at 9:00 a.m. Each attorney will be allotted 30 minutes. The Board will then go into Closed Session to discuss the procedures for their deliberations. The Board's deliberations will not take place on Saturday, October 22, 2016, but will take place on Monday, November 14, 2016, at 4:00 p.m. Mr. Campen asked if the Board would allow them to present closing arguments on November 14th prior to their deliberations instead of coming back on a separate day. Chair Cole stated that the Board considered all dates and determined this was the best schedule.

ADJOURNMENT

Chair Cole continued the Quasi-Judicial Hearing until Saturday, October 22, 2016, at 9:00 a.m. at the same location.

Janice McKenzie Cole, Chair

Clerk to the Board

CONTINUED QUASI-JUDICIAL HEARING
October 22, 2016
9:00 p.m.

The Perquimans County Board of Commissioners met to continue a Quasi-Judicial Hearing on Saturday, October 22, 2016, at 9:00 p.m. in the Upstairs Courtroom of the Perquimans County Courthouse Annex Building.

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

MEMBERS ABSENT: None

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

Chair Cole opened up the meeting and restated the purpose of the Continued Quasi-Judicial Hearing and proceeded with the meeting. She stated that the first item of business was to go into Closed Session to confer with the Board's attorney. On motion made by Edward R. Muzzulin, seconded by Fondella A. Leigh, the Board unanimously approved to go into Closed Session.

On motion made by Edward R. Muzzulin, seconded by Wallace E. Nelson, the Board resumed the Continued Quasi-Judicial Hearing. There were twenty-three (23) people present.

Chair Cole addressed the following motions which needed to be decided upon:

- Motion filed by Applicant's Attorney regarding "Standing". The motion was denied.
- Motion filed by Applicant's Attorney regarding certain parts of the Rand Report being stricken from the record. Chair Cole is going to allow it subject to the Board being able to obtain copies of the transcripts. Opponent's Attorney, Mr. Johnson, asked for clarification of this ruling. He stated that they were about to give closing arguments and was fully prepared to cite the Rand Report during his closing arguments. How does that affect his remarks? Chair Cole told him to proceed with his closing argument and we will consider that when we receive the transcripts.

CLOSING ARGUMENTS

Chair Cole asked for the attorneys to present their closing arguments. Beginning at 9:10 a.m., Mr. Campen presented his closing argument. Mr. Campen explained that they presented witnesses to address the issues required by the Conditional Use Permit Request. The only issue that was contradicted by the Opposition was health impacts but Mr. Rand was not a health expert. Mr. Campen continued by stating that the Applicant has complied by presenting a complete application, compliance with required setbacks, sound and shadow flicker requirements, installation and design requirements, and decommissioning requirements. The Applicant had also presented the required shadow flicker report, the sound report, and the ice/blade throw report and the only one that was opposed was the sound report by Mr. Rand which was unreliable. With regard to the effect it would have on property values, Mr. Campen said that their appraiser, Chuck Moody, proved that they had complied with the County's requirements in that it would not affect the property values of the property owners nor the abutting property owners. The opponents presented Mike McCann who had not been a licensed

appraiser in North Carolina but for four months. Mr. Campen continued by stating that they presented witnesses attesting that the Applicant complied with the fact that the location and character of the wind farm would be in harmony with the area in which it is to be located and in general conformity with the Perquimans County Land Use Plan. Furthermore, Mr. Campen stated that the project has complied with the development standards of the Wind Turbines. With that said, Mr. Campen completed his closing argument at 9:40 a.m.

At 9:40 a.m., Mr. Johnson proceeded with the first part of the Opponent's Closing Argument which would cover the noise impacts. Mr. Johnson stated that they had presented Mr. Robert Rand to report on his findings for the noise impacts to the property owners within the project area and to those abutting the project area. He reviewed Mr. Rand's presentation. At 9:51 a.m., Mr. Essick discussed the impacts that this would have on the property values and on the harmony with the area. He stated that he had presented information from Mike McCann, Paul Gregory, and several property owners abutting the project area and each one stated that this project would significantly affect the values of these properties. With regard to Mike McCann's testimony, Mr. McCann used actual sales data to determine the effect on property values. In addition, these individuals were asked if this project would be in conformity and harmony of Perquimans County and each one said that it would not. Mr. Essick concluded his Closing Argument at 10:05 a.m.

REBUTTAL COMMENTS

Mr. Campen made a couple of rebuttal statements regarding the Hardcastle case and about Mr. Rand not being a medical expert.

Chair Cole thanked the attorneys for their professionalism during this hearing and asked if there were any other comments or items that they needed to discuss. Mr. Campen asked about his providing a copy of the Hardcastle Complaint showing date stamped. He provided a copy to Chair Cole and Ms. Cole said that it would be admitted into the record. He asked that this dismissal of the Hardcastle case against Mr. Bastasch be placed in the record as Applicant's Exhibit #308. Ms. Cole said it would be accepted. Mr. Johnson presented a copy of the second amended summary as Opponent's #12. It was accepted into the record.

CLOSED SESSION

With everything completed, Chair Cole asked for a motion to go into Closed Session to consult with their attorneys. On motion made by Edward R. Muzzulin, seconded by Wallace E. Nelson, the Board went into Closed Session to consult with their attorneys. Commissioner Peeler asked that he be allowed to meet in the Closed Session. Chair Cole stated that, since they were going to be getting instructions from their attorney on the Conditional Use Permit, he had been recused for any proceedings on this matter and would not be eligible to be present.

On motion made by Edward R. Muzzulin, seconded by Fondella A. Leigh, the Board resumed the Continued Quasi-Judicial Meeting.

ADJOURNMENT

Chair Cole concluded the Quasi-Judicial Hearing and informed the public that the following Special Called Meetings will be held:

- November 14, 2016 at 4:00 p.m. in the upstairs Courtroom of the Courthouse Annex Building
- November 21, 2016 at 7:00 p.m. in the upstairs Courtroom of the Courthouse Annex Building

The Quasi-Judicial Hearing was adjourned at 11:15 a.m. and the Board will meet to deliberate on November 14th and hope to make their decision on November 21st.

Janice McKenzie Cole, Chair

Clerk to the Board

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