

**AGENDA**

All items are for discussion and possible action.  
Perquimans County Board of Commissioners  
Commissioners' Room - Courthouse Annex Building  
November 7, 2016  
6:40 p.m.

- |                          |                          |  |  |
|--------------------------|--------------------------|--|--|
|                          | I.                       | <b>Call to Order</b>   |  |
|                          | II.                      | <b>Prayer &amp; Pledge</b>   |  |
|                          | III.                     | <b>Public Hearings</b>   |  |
| ACTION<br>TAKEN<br>LATER | A.                       | <b>Conditional Use Permit No. CUP-16-02 - Heath McLaughlin</b> ..... 6:40 p.m.<br><ul style="list-style-type: none"> <li>➤ To receive citizens' comments to consider Conditional Use Permit No. CUP-16-02, requested by Heath McLaughlin (for Alpha Value Solar, LLC) for a Large Scale, ground-mounted Solar Power Energy System Facility in the 700-block of Ocean Highway South (US Hwy. 17), to include Tax Parcel Nos. 3-0049-00010A and 3-0049-00016.</li> </ul> |  |
|                          | B.                       | <b>Conditional Use Permit No. CUP-16-04 - Heath McLaughlin</b> ..... 6:50 p.m.<br><ul style="list-style-type: none"> <li>➤ To receive citizens' comments to consider Conditional Use Permit No. CUP-16-04, requested by Heath McLaughlin (for Sun Farm V, LLC) for a Large Scale, ground-mounted Solar Power Energy System Facility in the 700-block of Ocean Highway South (US Hwy. 17), to include Tax Parcel Nos. 3-0049-00012 and 3-0049-00013..</li> </ul>        |  |
|                          | C.                       | <b>Conditional Use Permit No. CUP-16-03 - Tildon Whitehurst, Jr.</b> ..... 6:55 p.m.<br><ul style="list-style-type: none"> <li>➤ To receive citizens' comments to consider Conditional Use Permit No. CUP-16-03 requested by Tildon Whitehurst, Jr. to conduct a Sand Mining Operation to excavate a 10.80 acre pond on a 41.746 acre tract known as Tax Parcel #3-0035-0023.</li> </ul>   |  |
|                          | IV.                      | <b>Approval of Agenda</b>  |  |
| ACTION<br>REQUIRED       | V.                       | <b>Consent Agenda</b><br><i>(Consent items as follows will be adopted with a single motion, second and vote, unless a request for removal of an item or items is made from a Commissioner or Commissioners.)</i>   |  |
|                          | A.                       | Approval of Minutes: October 3, 2016 Regular Meeting, October 17-18 & 22, 2016 Continued Quasi-Judicial Hearing Minutes & Special Called Meeting Minutes   |  |
|                          | B.                       | Tax Release/Refund Approvals   |  |
|                          | C.                       | Personnel Matters<br>1. Resignation: EMT-I – Part-Time/Fill-In (2)<br>2. Resignation: Fill-In Telecommunicators (2)  |  |
|                          | D.                       | Merit/Step Increases<br>1. Telecommunications<br>2. Social Services<br>3. Recreation   |  |
|                          | E.                       | Board Appointments/Reappointments<br>1. Board of Adjustment - Alternate<br>2. Planning Board<br>3. HCCBG Committee Appointments (2)<br>4. RPO Transportation Advisory Committee – Alternate  |  |
|                          | F.                       | Budget Amendment No. 5   |  |
|                          | G.                       | Resolution<br>1. Resolution Authorizing Sale of Certain Surplus County Property<br>2. Resolution Supporting the Upgrading of US Highway 17 in NE North Carolina to Interstate Standards  |  |
|                          | VI.                      | <b>Scheduled Appointments</b>  |  |
|                          | NO<br>ACTION<br>REQUIRED | A.   | Mr. Matthew Cheeseman, School Superintendent |
|                          | B.                       | Bill Jennings, Tax Department  | 7:10 p.m.                                    |
|                          | C.                       | Jonathan Nixon, Emergency Services Director  | 7:15 p.m.                                    |
|                          | D.                       | Phillip McMullan & Sandy Stevenson, Newbold-White House  | 7:20 p.m.                                    |

**VII. Commissioner's Concerns/Committee Reports**

- A.
- B.
- C.

**NO  
ACTION  
REQUIRED**

**VIII. Old Business**

- A. Updates from County Manager

**IX. New Business**

- A. Planning Items
  1. Conditional Use Permit No. CUP-16-02 - Heath McLaughlin
  2. Conditional Use Permit No. CUP-16-04 - Heath McLaughlin
  3. Conditional Use Permit No. CUP-16-03 - Tildon Whitehurst, Jr
- B. Planning Board Appointment
- C. Albemarle-Tideland Retiree Resolution & Agreement
- D. Appointment to Board of Minzie's Creek Sanitary District
- E.
- F.
- G.

**ACTION  
REQUIRED**

**X. Unscheduled Appointments/Public Comments**

*(If you wish to address the Board, please state your name for the record prior to speaking)*

- A.
- B.
- C.

**XI. Closed Session: Personnel Matter**

**XII. Adjournment**

**FOR INFORMATION ONLY:**

- Prescription Card Program

**DEPARTMENT HEAD REPORT:**

- Plat Log
- Building Inspections Report
- Code Enforcement Report
- Sheriff's Department

**COMMITTEE WRITTEN REPORTS:**

- Annual Report 2015-16 from Adult Care & Nursing Home & Community Advisory Committee

NOTES FROM THE COUNTY MANAGER

November 7, 2016

6:40 p.m.

- III. **Enclosures:** Public Hearings are being held regarding the following matters:
- A. **Conditional Use Permit No. CUP-16-02 - Heath McLaughlin**.....6:40 p.m.
    - To receive citizens' comments to consider Conditional Use Permit No. CUP-16-02, requested by Heath McLaughlin (for Alpha Value Solar, LLC) for a Large Scale, ground-mounted Solar Power Energy System Facility in the 700-block of Ocean Highway South (US Hwy. 17), to include Tax Parcel Nos. 3-0049-00010A and 3-0049-00016.
  - B. **Conditional Use Permit No. CUP-16-04 - Heath McLaughlin**.....6:50 p.m.
    - To receive citizens' comments to consider Conditional Use Permit No. CUP-16-04, requested by Heath McLaughlin (for Sun Farm V, LLC) for a Large Scale, ground-mounted Solar Power Energy System Facility in the 700-block of Ocean Highway South (US Hwy. 17), to include Tax Parcel Nos. 3-0049-00012 and 3-0049-00013.
  - C. **Conditional Use Permit No. CUP-16-03 - Tildon Whitehurst, Jr.**.....6:55 p.m.
    - To receive citizens' comments to consider Conditional Use Permit No. CUP-16-03 requested by Tildon Whitehurst, Jr. to conduct a Sand Mining Operation to excavate a 10.80 acre pond on a 41.746 acre tract known as Tax Parcel #5-0035-0023.
- V. **Enclosures.** Items included on the Consent Agenda are enclosed. *If you wish to discuss any of these items, please make that request during the meeting.*
- VI.A. Matthew Cheeseman, School Superintendent will give the Board an update on the Athletic Complex and officially request that the \$600,000 donation from Charles Ward's estate be designated for the Athletic Complex.
- VI.B. **Enclosures.** Bill Jennings, Tax Administrator, will present his Monthly update.
- VI.C. **Enclosure.** Jonathan Nixon, Emergency Services Director, will present the proposals for the EMS Billing Contract. Board action is being requested.
- VI.D. Mr. McMullan and Ms. Stevenson will thank the Board for their contribution to the Newbold-White House.
- VIII.A. **Enclosure.** County Manager Heath will present several updates to the Board.
- IX.A. **Enclosure.** Donna Godfrey, County Planner, will present the following item for Board action:
1. **Conditional Use Permit No. CUP-16-02 - Heath McLaughlin:** A Public Hearing was held earlier to receive citizens' comments to consider Conditional Use Permit No. CUP-16-02, requested by Heath McLaughlin (for Alpha Value Solar, LLC) for a Large Scale, ground-mounted Solar Power Energy System Facility in the 700-block of Ocean Highway South (US Hwy. 17), to include Tax Parcel Nos. 3-0049-00016. Board action is being requested.
  2. **Conditional Use Permit No. CUP-16-04 - Heath McLaughlin:** A Public Hearing was held earlier to receive citizens' comments to consider Conditional Use Permit No. CUP-16-04, requested by Heath McLaughlin (for Sun Farm V, LLC) for a Large Scale, ground-mounted Solar Power Energy System Facility in the 700-block of Ocean Highway South (US Hwy. 17), to include Tax Parcel Nos. 3-0049-00012 and 3-0049-00013. Board action is being requested.
  3. **Conditional Use Permit No. CUP-16-03 - Tildon Whitehurst, Jr. :** A Public Hearing was held earlier to receive citizens' comments to consider Conditional Use Permit No. CUP-16-03 requested by Tildon Whitehurst, Jr. to conduct a Sand Mining Operation to excavate a 10.80 acre pond on a 41.746 acre tract known as Tax Parcel #5-0035-0023. Board action is being requested.
- IX.B. **Enclosure.** Donald Manley has informed us that he no longer wanted to serve on the Planning Board. Therefore, the Board will need to appoint his replacement. A copy of the Volunteer Application list is enclosed for your review and action.
- IX.C. **Enclosures.** In June, 2011, the Board adopted the enclosed Memorandum of Understanding to provide health insurance benefits for qualified retirees of Albemarle Mental Health and Tideland Mental Health. After having some discussions with the State Treasurer's Office, Martin and Dare Counties are recommending that, if the counties set up a trust (similar to OPEB trusts), they could place the funds in the trust and the trust can place the funds with the State Treasurer's Office. They are asking that the Commissioners review the enclosed documents and, if approved, have the parties sign the documents and forward them to Martin County, Administrator. County Attorney High has already reviewed the Resolution and Agreement, and Camden, Tyrell, Martin, and Dare Counties have already approved the revised Agreement. Board action is being requested.
- IX.D. **Enclosure.** We have received notification from the attorney representing the Board of Minzie's Creek Sanitation District that they have a vacancy that needs to be filled. Per N.C.G.S. 130A-54, the Board of Commissioners have been given the authority to appoint the replacement. Board action is being requested.
- XI. The Board will enter into Closed Session, per NCGS #143-318.11(6), to discuss a personnel matter.

\*\*\*\*\*

CONSENT AGENDA NOTES

*(Consent items as follows will be adopted with a single motion, second and vote, unless a request for removal from the Consent Agenda is heard from a Commissioner)*

- A. **Enclosures:** Approval of Minutes – October 3, Regular Meeting, October 17-18, 2016 Continued Quasi-Judicial Hearing Minutes, October 22, 2016 Continued Quasi-Judicial Hearing & Special Called Meeting
- B. **Enclosure:** Tax Releases/Refunds – see attached list

C. Enclosures: Personnel Matter

Employee Name	Employee Job Title	Action Required	Grade/Step	New Salary	Effective Date
Debbie Lyman	EMT-I Part-Time/Fill-In	Resignation			10/1/2016
Heather Bray	EMT-I Part-Time/Fill-In	Resignation			10/25/2016
Jacqueline Downing	Fill-In Telecommunicator	Resignation			10/20/2016
Wilma Jordan	Fill-In Telecommunicator	Resignation			11/14/2016

D. Enclosures: During the Budget process, these step/merit increases was approved for the employee. The following individual is being recommended by their supervisor for merit increase:

Employee Name	Employee Job Title	Grade/Step	New Salary	Effective Date
Cartwright, Keely	Telecommunicator Fill-In	60/2	12.52	11/1/16
Lauretta Powell	IMC II	63/1	28,999	11/1/16
Janice Thornton	IMC II	63/1	28,999	11/1/16
Brenda Jackson	Buildings & Grounds	54/6	10.60	11/1/16

E. Enclosure: The following Board reappointments/appointments are being presented for Board action:

NAME	BOARD	ACTION	TERM	EFFECTIVE DATE
Reed, Deborah	Board of Adjustment	Reappointment	3 yrs.	11/1/2016
Smith, Lewis	Planning Board	Reappointment	3 yrs.	11/1/2016
Darden, Kisha	Home & Community Block Grant Committee	Appointment	3 yrs.	11/1/2016
Peeler, Matthew	RPO Transportation Advisory Committee - Alternate	Reappointment	2 yrs.	11/1/2016

F. Enclosure: Budget Amendment No. 5 is presented for Board action.

G. Enclosure: The following resolutions are presented for Board consideration and action:

1. **Resolution Authorizing Sale of Certain Surplus County Property:** The County has several vehicles that need to be declared as surplus equipment in order to be sold through GovDeals. Board action is being requested.
2. **Resolution Supporting the Upgrading of US Highway 17 in NE North Carolina to Interstate Standards:** The Counties along NE North Carolina are being asked to adopt this Resolution supporting the upgrade of US Highway 17 to Interstate Standards. Board action is being requested.

# PUBLIC NOTICE

The Perquimans County Board of County Commissioners will hold a Quasi-Judicial Hearing on Monday, November 7, 2016 at 6:40 PM in the Commissioners' Meeting Room on the 1st floor of the Perquimans County Courthouse Annex Building located at 110 North Church Street, Hertford, NC, next door to the Historic County Courthouse, to consider:

- 1) Conditional Use Permit No. CUP-16-02, requested by Heath McLaughlin (for Alpha Value Solar, LLC) for a Large Scale, ground-mounted Solar Power Energy System Facility in the 700-block of Ocean Highway South (US Hwy. 17), to include Tax Parcel Nos. 3-0049-00010A and 3-0049-00016.
- 2) Conditional Use Permit No. CUP-16-03 requested by Tildon Whitehurst, Jr. to conduct a Sand Mining Operation to excavate a 10.80 acre pond on a 41.746 acre tract known as Tax Parcel #5-0035-0023.
- 3) Conditional Use Permit No. CUP-16-04, requested by Heath McLaughlin (for Sun Farm V, LLC) for a Large Scale, ground-mounted Solar Power Energy System Facility in the 700-block of Ocean Highway South (US Hwy. 17), to include Tax Parcel Nos. 3-0049-00012 and 3-0049-00013.

Property owners, residents and other interested parties may review these items during normal business hours before the quasi-judicial Public Hearing at the Perquimans County Planning & Zoning Office, at 104 Dobbs Street, Hertford, NC, or call 252-426-2027 or email [rhondamoney@perquimanscountync.gov](mailto:rhondamoney@perquimanscountync.gov) for more information.



**BACKGROUND INFORMATION continued:**

**Consideration of CUP Criteria and Proposed Conditions:** The County's Zoning Ordinance provides for the BCC to consider the proposed Draft CUP at a Public Hearing and to use Sections 903(a) thru (d) as summarized in the Table as a guide (see below), and to look for concurrence with Section 907.28, Solar Power Energy System regulations. If approved, the CUP document will run with the land and shall be binding on the original applicants for the Conditional Use Permit, their heirs, successors, and assigns.

**PROJECT REVIEW:** For more detailed background, reference is made to the attached Application Form and the Draft Minutes of the Planning Board's meeting on October 11<sup>th</sup>. In summary, the Applicants are seeking approval to install and operate a 5 Megawatt Solar Farm on approximately 55 acres of land located on or adjacent to two parcels containing altogether about 125 acres, as depicted on the Applicant's Site Plan. The Applicants are requesting some latitude in the final footprint of the Solar System, to allow optimization of the subject property as it pertains to soil conditions, wetness, etc. This is a departure from previous solar projects which utilized for the most part an entire parcel or where a special metes and bounds legal description was provided to distinguish the location of the project boundaries which differed from the property lines. Should the BCC approve this approach, the Planning Staff would simply ask to acknowledge this in the Conditional Use Permit. To this end, Mr. McLaughlin proposes revisions to Condition A to rely on the density of development and the Site Plan. The Planning staff has no objections to this approach, provided that the word "minor" is retained in Condition M-7.

The Draft CUP document was written in coordination with Mr. McLaughlin to include required and suggested conditions for the proposed Solar Energy System. As with other CUP requests, the Applicant's Site Plans and Statements are parts of the CUP itself. If approved, the Draft CUP will be executed by the property owner(s) and the BCC Chair and recorded in a timely fashion by the Applicant or owners in the Register of Deeds Office, along with said Statement and Plans. Later, the recorded CUP will be attached to the Applicant's proposed Zoning Permit and then used by Planning & Zoning staff to determine zoning compliance.

**SUGGESTED MOTIONS and ACTIONS:** As previously stated, the County's Zoning Ordinance provides for the BCC to consider the proposed development at a Public Hearing and to use as a guide Sections 903(a) thru (d) as summarized in the Table of Findings (see below). The BCC is requested to consider and act on each finding separately, prior to making a fifth motion for approval or denial of the request. For the fifth action, scripted motions in the positive and negative tense are provided for the BC's use on page 1, to acknowledge the DRAFT Conditional Use Permit and any changes required to it by the BCC, in the event the BCC approves the project.

When making a motion, BCC members are requested to reference the Draft Conditional Use Permit and the conditions proposed therein. As indicated in Section 903, the Draft CUP, if approved by the BCC, must contain conditions included by the BCC's motion, if so moved. A preliminary listing of potential conditions is contained in the Draft CUP.

Finally, Section 903 states in part that: *"The (BCC) shall consider the application, the Planning Board recommendation, and comments at a public hearing and may grant or deny the Conditional Use Permit. In application consideration, the (BCC) shall use as a guide the specific conditions outlined in the Article for each use proposed"* (in this case, Section 907 in general and Section 907.28 specifically). In addition, the Boards shall find:

<b>Section 903 Table of Findings for Case No. Cup-16-02: Proposed Riddick Family Solar Farm on 55-acre portion of 125-acre holdings located to the west of 764 and 768 Ocean Hwy South (US Hwy. 17 South)</b>	
<b>Motion to approve finds:</b>	<b>Motion to deny finds:</b>
1) That the CUP will not materially endanger the public health or safety if located according to the plan submitted and approved.	1) That the CUP will materially endanger the public health or safety if located according to the plan submitted and approved.
2) That the use meets the required conditions and specifications.	2) That the use does not meet the required conditions and specifications.
3) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.	3) That the use will substantially injure the value of adjoining or abutting property, or that the use is not a public necessity.
4) That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Perquimans County Land Use Plan.	4) That the location and character of the use, if developed according to the plan as submitted and approved, will not be in harmony with the area in which it is to be located and not be in general conformity with the Perquimans County Land Use Plan.

**Attachments:** 1) Draft Conditional Use Permit No. CUP-16-02 (County-prepared with Applicant and including Statement of the nature of the proposed use and Site Plan); 2) Application Form and related materials received from Applicant); 3) Planning Board Minutes of October 11<sup>th</sup>; and 4) County GIS Zoning Map.

10-28-16 Draft CUP-16-02

**Do NOT record this page**

-Beginning of Proposed Conditional Use Permit No. CUP-16-02  
to be recorded by Alpha Value Solar, LLC-

for

**Large scale, ground-mounted Solar Power Energy System  
located on west side of Ocean Hwy South (in 700-block)**

**Do NOT record this page**



10-28-16 Draft CUP-16-02

**Do NOT record this page**

-Beginning of Proposed Conditional Use Permit No. CUP-16-02  
to be recorded by Alpha Value Solar, LLC-

for

**Large scale, ground-mounted Solar Power Energy System  
located on west side of Ocean Hwy South (in 700-block)**

**Do NOT record this page**

10-28-16 Draft CUP-16-02

**CONDITIONAL USE PERMIT No. CUP-16-02**

Page 1 of \_\_\_\_

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

- Authorized Applicant:**        **Alpha Value Solar, LLC**  
1800 Pembroke Drive, Suite 100  
Orlando, FL 32810
- Property Owners:**            **The Riddick Family Partnership c/o Rufus M Riddick IV**  
103 Village Gate Drive  
Chapel Hill, NC 27514
- Site Location:**                Portion(s) of two parcels containing about 124.44 acres located on the west side of Ocean Highway South, about 800 feet south of the Town of Hertford ETJ.
- Tax Parcel Nos:**                3-0049-00010A & 3-0049-00016
- Zoning District:**                RA, Rural Agriculture

**Proposed Use of Property:** To construct and operate a Large-Scale ground-mounted Solar Power Energy System on property located in Perquimans County, as described herein and depicted on the attached Site Plan. As stated by the Applicant in his Statement of the nature of the proposed use:

*"The proposed nature of this Conditional Use Permit is to develop and construct a 5 mega-watt solar farm on approximately 55 acres owned by The Riddick Family Partnership. The proposed solar farm will consist of ground-mount racking held in place with pilings driven to an engineered depth best suited for coastal conditions. The preferred racking technology is a single-axis tracker system that will allow the solar panels to rotate with the sun during the day and stow*

10-28-16 Draft CUP-16-02

**CONDITIONAL USE PERMIT No. CUP-16-02****Page 2 of \_\_\_\_**

*flat/level at night. The sight impact (if any) to public right-of-ways and local residences will be minimal as the average system height will be less than 7', with little or no security lighting at night, and a minimum setback greater than 500' from U.S. Hwy 17 and well outside the Highway Corridor Overlay District. The solar farm buffers and screening will meet or exceed the Perquimans County screening standards currently found in Article XVIII\*, Sections 1802 and 1803. Solar farm operations and maintenance will also be minimal post construction with very little traffic, noise, or additional county services required. The 125-acre property (two parcels) will continue to operate as rural farm acreage for harvested crop, timber, and solar farm for the prime purpose to earn income, pay taxes, and remain available for future development opportunities."*

**Meeting & Hearing Dates:** Planning Board on 10-11-16; & Board of Commissioners on 11-7-16.

Having heard all the evidence and argument presented at the hearing(s), the Board finds that the application is complete, that the application complies with all of the applicable requirements of the Perquimans County Zoning Ordinance for the development proposed, and that therefore the application to make use of the above-described property for the purpose indicated is hereby approved, subject to all applicable provisions of the Zoning Ordinance pertaining to "*Solar Farm (Large-scale, ground-mounted Solar Power Energy System)*" and other conditions as follows:

- A) The Applicant, heirs and assigns shall conduct operations in accordance with the plans and application materials submitted to and approved by the Board of Commissioners (BCC), a copy of which is contained in the County Planning & Zoning Office and recorded with the Register of Deeds Office. Any Major Modification proposed to the approved plans shall require reapplication and approval by the Board of County Commissioners. "Major Modification" is defined as "*Any significant change in land use, and any change in the ~~project boundary~~ property boundaries and/or any change that results in an increase in the density or intensity of the project, as shown and described in the approved Conditional Use Permit and Site Plans.*" However, it is understood that the conceptual layout of the Solar Farm as shown on the Site Plans may require adjustments in the exact location of the equipment, pending the outcome of final survey, wetlands delineation, storm water permits, Army Corp of Engineers requirements, and maximization of solar energy production, as applicable. Minimum setbacks and buffering must comply with Section 907.28 of the Perquimans County Zoning Ordinance. In addition, adjustments may be needed in the final locations of access roads within the overall subject property. For purposes of enforcing this section, the ~~Project Boundary~~ Property Boundaries are defined as "*The Access Road and the series of lines which are identified by the attached legal description containing metes and bounds on the attached proposed Site Plan and which encompass the subject property and which are known as portions of Tax Parcel Nos. 3-0049-00010A & 3-0049-00016, as approved for development of the proposed Solar Power Energy System.*"
- B) The approved Site Plan includes a total 5 Mega-watts (AC) of solar power production throughout the subject property. The facility will generate power which will be sold directly to the Power Company servicing the facility. The Solar Farm will consist of a single phase of construction.

10-28-16 Draft CUP-16-02

**CONDITIONAL USE PERMIT No. CUP-16-02**

Page 3 of 9

- C) Reference is made to the Applicant's attached Exhibit "A" cover letter which indicates that the Applicant has reviewed the Zoning Ordinance for Perquimans County and is prepared and committed to satisfy the ordinance language adopted for Solar Energy Facilities as necessary for a Conditional Use Permit.
- D) The main point of ingress and egress for the facility will be directly off of U. S. Highway 17 South) with an assigned 911 address of \_\_\_\_\_ Ocean Highway South, Hertford, NC 27944. For both aesthetics and safety, the driveway entrance leading from the public highway shall be surfaced with asphalt or six inches (6") of concrete as measured from the edge of the road for at least 30 feet to facilitate site access in coordination with the NCDOT District Engineer's Office. The remainder of the access or service roads will be constructed of 6" of size 12 crushed stone compacted in native soil to a width of 20 feet with a minimum 30-foot radius of curvature. The Access Roadway is further defined as: "A road bed having a width of 20 feet with a paved entrance apron a minimum of 30 feet long and a minimum 30-foot centerline radius of curvature, with 6" inches of size 13 gravel compacted on native soil in order to provide reliable site access for site construction, maintenance, and emergency vehicles. Said roads must be maintained by the Applicant, heirs and assigns to allow access for emergency vehicles. The access roadway shall be located as specified on the proposed CUP Site Plans.
- E) Prior to final project approval and issuance of a Zoning Permit, the Applicant must apply for and obtain a Driveway Permit from the North Carolina Department of Transportation (NCDOT).
- F) No occupied building structures are anticipated for the solar facility at this time; however, any future proposal to construct an Accessory Building on the property will require the Applicant, heirs and assigns to first apply for and obtain Zoning and Building Permits in compliance with minimum design standards and may require review by the Planning Board to determine if the proposed improvement constitutes a Major Modification. Prior to issuance of a Zoning Permit for any new building, the Applicant, heirs and assigns must provide a Site Plan detailing the existing and proposed site improvements, pursuant to Section 509 of the Perquimans County Zoning Ordinance.
- G) The Solar Energy System equipment and any potential future buildings or structures, shall be secured and screened from routine view from public rights-of-way, existing residential uses and adjacent properties, through compliance with Sections 907.28B(3)(a) and (b), 1802 and 1803.
- H) More specifically, all solar panels and related equipment will meet all required buffering and setbacks along property or leased project boundary lines. The buffering will consist of a security fence plus screening, as required by Sections 907B(3)(a) and (b), 1802 and 1803, and will be continuous around those portions of the perimeter of the project which are not shielded by existing woods or which are interrupted by vehicular access roads. Mounting structures and solar panels will not exceed the maximum height of 15'. Outdoor lighting is expected to be minimal. Standard access gates will be used for any entrances to the Solar Farm and will be kept locked and secured at all times when authorized personnel are not occupying the property. The Facility will meet all Local, State and Environmental requirements.

10-28-16 Draft CUP-16-02

**CONDITIONAL USE PERMIT No. CUP-16-02****Page 4 of 9**

- I) The Solar Farm shall be enclosed with a 6' security fence with 1' of barbed wire with a minimum height of seven (7) feet and screened with either a minimum three foot (3') wide strip planted with dense evergreen vegetation such as Wax Myrtle, Wax-Leaf Ligustrum or other suitable plant material with an initial height of at least five feet (5') with expected growth of at least seven (7) feet in height within three (3) years or a twenty (20) foot wide strip of natural wooded area. Minimum setbacks and buffering must comply with Section 907.28 of the Perquimans County Zoning Ordinance.
- J) The Applicant, heirs and assigns shall take every precaution to ensure there is no increased stormwater directed onto adjacent properties resulting from new construction and development on the subject property. Should unforeseen stormwater problems occur, the Applicant, heirs and assigns shall take immediate action to rectify the situation in coordination with the owner of any adjacent property adversely impacted by stormwater runoff.
- K) The Applicant, heirs and assigns shall submit for review by the Perquimans County Soil & Water Conservation District Office to confirm acceptance of proposed culverts and compliance with storm drainage requirements of the NCDEQ.
- L) Applicant's Obligation to Restore the Property at the end of the Lease Term: The Applicants, heirs and assigns shall do the following with respect to any portions of the Property disturbed in the course of Solar Operations:
- 1) Within six (6) months after completion of construction of the solar project, the Applicant, heirs and assigns, shall restore such portions of the Property to a condition reasonably similar to its condition on November 7, 2016, except for any parts of the Property that the Applicant determines it needs for continuing Solar Operations; and
  - 2) Within twelve (12) months after the expiration, surrender or termination of the Lease between The Riddick Family Partnership and Alpha Value Solar, LLC, the Applicants, heirs and assigns shall restore the Site to substantially its RA (Rural Agricultural) condition as of the CUP approval date using prudent engineering practices where applicable, including, without limitation, the removal of (i) all improvements and solar farm related alterations on the subject Tax Parcel(s), without limitation, all fencing, roads, solar panels, racking, and pilings, and other improvements or alterations, and shall rough grade the Site to the same condition of level as existed as of the CUP approval date, and (ii) any electrical or communication or other utility poles, lines and connections (unless such lines, equipment, and connections are used in connection with subject Tax Parcel(s) and Property Owner elects to allow such lines and connections to remain); provided, however, that Applicant shall not be obligated to replant any crops or plants, and (iii) remove from such portions of the Property any Solar Energy System owned or installed by Applicant thereon, and (iv) restore, in a commercially reasonable manner and to commercially reasonable standards, such portions of the Property to a condition reasonably similar to its condition as of November 7, 2016, specifically to a farmable condition.

10-28-16 Draft CUP-16-02

**CONDITIONAL USE PERMIT No. CUP-16-02****Page 5 of 9**

M) Other minimum design standards and requirements for the large scale Solar Farm include but are not limited to required Site Considerations, Operational Considerations, and Application Requirements, pursuant to Article IX, Section 907.28, as follows:

- 1) Height: Solar energy system structures and related equipment shall not exceed fifteen (15) feet in height.
- 2) Solar Equipment Setback: Solar energy system structures and related equipment must meet the minimum zoning setback for the zoning district in which it is located, or 30 feet as measured from the project boundary, whichever is strictest;
- 3) Building and Parking Area Setbacks: The setback for any building and parking area proposed to serve the Solar Farm shall be in keeping with that required by the zoning district as it applies to any street right-of-way and any contiguous property line that is used or zoned for nonresidential purposes.
- 4) Lighting: The project currently proposes no lighting; however, any future use of lighting shall utilize minimal lighting and no lighting other than normal security lighting and that required by government agencies shall be permitted.
- 5) Screening: In general, Solar energy system structures and related equipment and buildings shall be screened from routine view from public rights-of-way, existing residential uses and adjacent properties zoned Residential Agriculture, Historic Agriculture, Rural Agricultural, or Commercial Zoning Districts using the County's Buffers and Screening standards currently found in Article XVIII, Sections 1802 and 1803.
- 6) Operational Considerations: Any access gate which affords views from an existing residence must be kept closed and locked at any time the Solar Farm is not occupied by the operator for preventive maintenance, repair and similar activities, etc.
- 7) Application Requirements: The Applicant's approved Site Plans (Exhibit "B") are conceptual and minor adjustments may be made pending permits and approvals by other entities. Prior to commencing construction, Applicant, heirs and assigns shall prepare and submit Site Plans which demonstrate compliance with minimum design standards of the County, State and other agencies as applicable, including but not limited to Site Considerations, Operational Considerations and Application Requirements of the Zoning Ordinance, Section 907.28, as amended. Such Site Plan shall be prepared in accordance with Site Plan Requirements currently found in Section 509 to denote the dimensions of the subject property, the proposed arrangement of solar panels, the distances from the proposed site improvements to all property lines, and the location of proposed driveway(s). No portion of the Solar Farm may encroach into the required setbacks of any buffer areas. The Site Plan shall also show the location of any required buffers. Other application requirements include:
  - (a) Horizontal and vertical (elevation) to-scale drawings with dimensions, showing the location of the system on the property.

10-28-16 Draft CUP-16-02

**CONDITIONAL USE PERMIT No. CUP-16-02**

Page 6 of 9

- (b) All required permits from other governmental agencies (local, state, and federal) shall be obtained by the Applicant prior to commencing construction or as otherwise required by the applicable laws and regulations, including but not limited to the following:
- (1) Building permits shall be obtained from Perquimans County for all components of the project which are required by the North Carolina Building Code.
  - (2) State stormwater permits and County review and approval may be required pursuant to Sections 509, 1902 and 1906, to ensure that storm water does not cause problems on the site or on adjacent properties.
  - (3) A Driveway Permit or documentation from NCDOT that the existing or proposed site access is acceptable for the proposed use prior to final project approval.
- (c) Approved Solar Components: Solar energy system components must have a UL listing.
- (d) Compliance with Building Code: All active solar energy systems shall meet all requirements of the North Carolina State Building Code and shall be inspected by a Perquimans County Building Inspector.
- (e) Compliance with National Electric Code: All photovoltaic systems shall comply with the National Electrical Code, applicable edition.
- (f) Collector substations, and any other substations located within the project area shall be secured with fencing at least 7 feet in height.
- N) The Conditional Use Permit is approved and recorded with the Applicants' cover letter and conceptual Site Plans, to become the basis for the Zoning Permit issued by the Planning & Zoning Office upon submittal and approval of a final Site Plan. If the Conditional Use Permit is not recorded in the Register of Deeds Office by the Applicant, heirs and assigns within three (3) months from the date of BCC approval, the BCC may revoke the Conditional Use Permit.
- O) Annual Reports: The Planning Board and Board of County Commissioners hereby acknowledge the Applicant's intent to complete construction of the Solar Farm in 2017. During construction of the project, the Applicant, heirs and assigns shall provide the County with annual reports outlining progress to date along with circumstances that may result in delays. In the event construction will be delayed beyond (insert date of BCC public hearing), the Applicant, heirs and assigns shall formally request an extension be granted by the Board of County Commissioners; otherwise the BCC may revoke the Conditional Use Permit.
- P) Prior to the issuance of a Certificate of Zoning Compliance, the Applicant, heirs or assigns shall provide certified "as built drawings" to the County showing the locations of the solar panel farm location, roads, transmission lines, equipment, components, and all related improvements. Operation of the entire facility or any individual component of the facility may be delayed at the discretion of the Planning & Zoning Administrator to allow for the review and issuance of said certificate which is based upon determination by County staff or its outside consultants, of compliance with the CUP and other applicable zoning standards.

10-28-16 Draft CUP-16-02

**CONDITIONAL USE PERMIT No. CUP-16-01**

Page 7 of \_\_\_\_

- Q) Pursuant to Section 509 of the Perquimans County Zoning Ordinance, no Certificate of Zoning Compliance will be issued until all required site improvements have been completed and an appropriately licensed person submits an "as built" plan, where deemed necessary. No Final Building Inspection will be conducted and no Certificate of Occupancy will be issued until a Certificate of Zoning Compliance has been issued.
- R) The Applicant, heirs and assigns shall take every precaution to ensure there is no increased stormwater directed onto adjacent properties resulting from new construction and development on the subject property. Should unforeseen stormwater problems occur, the Applicant, heirs and assigns shall take immediate action to rectify the situation in coordination with the owner of any adjacent property adversely impacted by stormwater runoff.
- S) Continued Access and Inspections: For a period of up to 12 months after the Applicant, heirs and assigns submits the certified "as built" drawings, County staff may confirm compliance with the specific specifications determined to be within compliance according to the Perquimans County Zoning Ordinance, Sections 907.28B.(1)-(8), as amended.
- T) Cultural Resources: The Applicant, heirs and assigns shall inform the County about any historical or archaeological resources found within the project boundaries and provide an opportunity for the County to document said resources. In addition, the Applicant, heirs and assigns shall submit a copy to the County of any inventory, study, plan, etc., required or prepared by State or Federal regulations or agencies which documents historical or archaeological resources found within the project boundaries.
- U) Sign Permits: A separate Sign Permit must be obtained from the Planning & Zoning Office and the Building Inspections Department for any sign not exempted or otherwise required by local, State or Federal law.
- V) Applicant, heirs and assigns shall accommodate and support and hold training sessions for emergency service personnel if requested by the Emergency Services Director with adequate advanced notice.
- W) The access point from Ocean Highway South and the point of interconnection and related attachment facilities and appurtenances are approved for certain portions of the subject property (known as Tax Parcel No. 3-0049-00010A and 3-0049-00016) which are zoned CH and RA as per the approved CUP Site Plan in support of the proposed Solar Power Energy System located behind 708 Ocean Highway South (US Hwy 17 South). All other site improvements for the proposed Alpha Value Solar Power Energy System shall be located within the RA, Rural Agriculture District.

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



10-28-16 Draft CUP-16-02

CONDITIONAL USE PERMIT No. CUP-16-02

Page 8 of 9

IN WITNESS WHEREOF, Perquimans County has caused this permit to be issued in its name, and the undersigned, being all the authorized applicants, agents, representatives, or property owners of the property above described, do hereby accept this Conditional Use Permit, together with all its conditions, as binding on them and their successors in interest.

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

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

I (We), \_\_\_\_\_, authorized Applicant(s) of the above identified property, do/does hereby acknowledge receipt of this Conditional Use Permit. The undersigned does further acknowledge that no work may be done pursuant to this permit except in accordance with all of its conditions and requirements and that this restriction shall be binding on them and their successors in interest.

Alpha Value Solar, LLC \_\_\_\_\_ Date  
By: Heath McLaughlin, Its \_\_\_\_\_

The State of \_\_\_\_\_  
\_\_\_\_\_ County

I, \_\_\_\_\_, a Notary Public in and for the said State and County, do hereby certify that \_\_\_\_\_ personally appeared before me this day and acknowledged the due execution of the forgoing instrument.

WITNESS my hand and notarial seal, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_  
(Not valid until fully executed and recorded)

-----

10-28-16 Draft CUP-16-02

**CONDITIONAL USE PERMIT No. CUP-16-02**  
**Page 9 of 9**

Insert Here Site Plan(s) no larger than 8.5" X 14"

which bear(s) the following statement:

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

10-28-16 Draft CUP-16-02

**Do NOT record this page**

-End of Proposed Conditional Use Permit No. CUP-16-02  
to be recorded by Alpha Value Solar, LLC-

for

**Large scale, ground-mounted Solar Power Energy System  
located on west side of Ocean Hwy South (in 700-block)**

**Do NOT record this page**



10-28-16 Draft CUP-16-02

**Do NOT record this page**

-End of Proposed Conditional Use Permit No. CUP-16-02  
to be recorded by Alpha Value Solar, LLC-

for

**Large scale, ground-mounted Solar Power Energy System  
located on west side of Ocean Hwy South (in 700-block)**

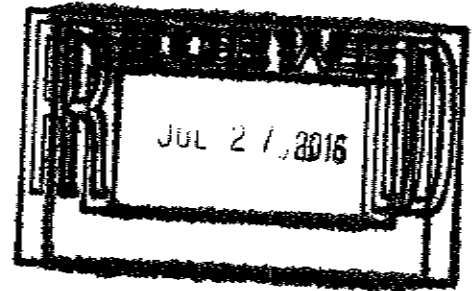
**Do NOT record this page**


  
**BLUEGREEN**

July 25, 2016

Board of Commissioners  
 Perquimans County, NC  
 P.O. Box 45  
 Hertford, NC 27944

Re: Conditional Use Permit Request



Dear Board of Commissioners:

On behalf of Alpha Value Solar, LLC, please allow this letter to serve as a formal request for timely consideration and approval of a Conditional Use Permit to construct a 5 mega-watt (~50 acre) solar farm on an approximately 125 acre property located south of Hertford off U.S. Hwy 17 / Ocean Hwy S. The subject property is owned by the Riddick Family Partnership, consists of two tax parcels, is zoned RA, and has been primarily used for agriculture and timber production in recent past.

The intent for Alpha Value Solar, LLC is to propose a renewable energy solar farm with the capability to convert natural sunlight into clean power electricity for delivery into the local electrical grid in the form of distributed generation. The solar farm facility will purposely be located outside of the 500' Highway Corridor Overlay District and will be designed to minimize sight impact with its isolated location, low profile single-axis tracker system, natural landscape preservation, and additional vegetative screening in accordance with Perquimans County Zoning Ordinance for solar energy structures and related equipment.

The applicant is prepared to address any specific issues not attended to in the Site Plan and/or raised by the Planning Board or Board of Commissioners to ensure the proposed use will be in harmony with the area in which it is located, will meet all required zoning conditions and specifications, will not endanger public health or safety, and will not injure the value of adjoining or abutting properties. The site will continue to support agricultural crop and timber production as well as preserve open space for future highway corridor development along U.S. Hwy 17 / Ocean Hwy S. All federal, state, and local permits required will be satisfied prior to start of construction and the proposed solar farm will be in compliance with NC state building codes and national electric codes with UL approved electrical system components. Upon completion of construction, the solar farm operations will support local county services with an increase in tax basis, promote local clean energy production, reduce the use of pesticides and herbicides, protect the local watershed, and preserve rural farm acreage for future generations.

Site design consideration(s) shall include the limitation of solar energy system equipment to not exceed 15 feet in height, limited traffic, noise, and security lighting (if



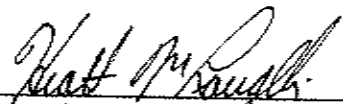
any), a standard security fence, and setbacks that will exceed zoning requirements for the purpose of promoting "good neighbor" attributes in harmony with adjacent properties and ongoing farm and timber operations. The facility will not require water, sewer, and other local and county services associated with traditional residential, commercial, or industrial property development.

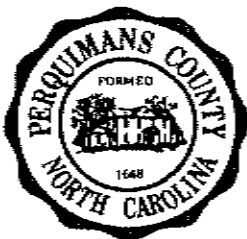
For the purpose of solar farm orientation, the front yard of the facility will face U.S. Hwy 17 with a target setback in excess of 750' and will not interfere with or impact the small cemetery on property. Visual impact from the public right-of-way and closest residence will be mitigated by an existing mature tree stand and an evergreen vegetative buffer to be planted and maintained as a screening buffer in accordance with zoning requirements.

Additional project planning information is included in the Site Plan and will be updated based on comments and feedback received prior to the Board of Commissioners meeting. Also, a power point presentation will be available to share at the public meeting to help describe and illustrate the proposed solar farm in greater detail.

Thank you kindly in advance for your time and consideration with this important request for Conditional Use Permit approval and I look forward to meeting with you again soon.

With sincere regards,

  
\_\_\_\_\_  
Heath McLaughlin,  
Project Manager



Perquimans County, North Carolina  
APPLICATION FOR CONDITIONAL USE PERMIT REQUEST

Case No. CUP-16-02 Receipt No. 921381  
\$300<sup>00</sup>

This section to be completed by County:

Date received: 7-27-16 Received by: PEJ.  
 Date completed: \_\_\_\_\_ Confirmed by: \_\_\_\_\_  
 Subject Property Tax Map No(s): 3-0049-00010A + 00016  
 Subject Property Zoning District(s): \_\_\_\_\_  
 Will proposed Conditional Use require site improvements? YES  
 Will proposed Conditional Use require review by other agencies? YES-TRC-8-22-16

**Applicant's Information**

Name(s) of Owner(s): The Riddick Family Partnership c/o Rufus M Riddick IV  
 Street Address: 103 Village Gate Drive  
 City/State/Zip Code: Chapel Hill, NC 27514  
 Phone Number(s): (919) 240-7837 Fax: \_\_\_\_\_ E-mail Address: Rif99@aol.com  
 Applicant (if different from Owner): Alpha Value Solar, LLC  
 Street Address: 1800 Pembroke Drive, Suite 100  
 City/State/Zip Code: Orlando, FL 32810  
 Phone Number(s): (888) 746-5568 Fax: (321) 226-7000 E-mail Address: Info@Alpha-Value.com  
 Person to receive comments and correspondence: Project Manager - Heath McLaughlin / (321) 202-3600  
Heath@Blue-GreenEnergy.com

**Description of Property**

Address(es) of Subject Property: Farm Property 748 Ocean Hwy South, Hertford, NC 27944 (911 TBD)  
 Property Appraiser's Parcel Nos.: 3-0049-00010A / 3-0049-00016  
 Location: This property is located on the North side of + US Hwy 17 / Ocean Hwy South Road,  
 approximately 4,400 feet Southwest of S. Edenton Road Street Road.  
 Township/Region: Hertford Subdivision: N/A Block -- Lot Nos.: \_\_\_\_\_  
 Size of Property: \_\_\_\_\_ ~125 acres. Lot width: \_\_\_\_\_ ~1,200 feet. Lot depth: ~4,000  
 Flood Plain: No Community Panel No.: \_\_\_\_\_

I) I (We), the undersigned, do hereby respectfully make application and request the Planning Board and Board of Commissioners to consider a proposed Conditional Use Permit to make use of the subject property as follows: Agriculture, Timber, and Solar Farm. The subject property is zoned RA. The subject property is owned by The Riddick Family Partnership as evidenced by deed recorded in Real Estate Book 42 / 59, Page 336 / 328 OR Will File Number \_\_\_\_\_ in the Perquimans County Register of Deeds. [Large Parcel - Book 42, Page 336 / Small Parcel - Book 59, Page 328]

Blue Green Energy, LLC  
 Attn: Heath McLaughlin  
 176 Mine Lake Court, Suite #100  
 Raleigh, NC 27615



**Application for Conditional Use Permit Request**  
**Case No. CUP-16-02**

- 2) The following is from the most recent County Tax Office listing and contains all of the individuals, firms, or corporations owning properties involved in the Conditional Use Permit request as well as the owners of all properties any portion of which is within one-hundred fifty (150) feet of the subject property. This includes any property owner who is adjacent to the subject property (to the side, rear or front) and across the street.

Name	Address
a. <u>WEYERHAEUSER COMPANY</u>	<u>Timberlands Acct - 1785 Weyerhaeuser Road</u> <u>[Land Records] Vanceboro, NC 28586</u>
b. <u>White Family Company, LLC</u>	<u>2584 Pruden Blvd.</u> <u>Suffolk, VA 23434</u>
c. <u>Alice W Simmons</u>	<u>151 Geraldine Drive</u> <u>Coventry, CT 06238</u>
d. <u>Lauretta &amp; Herbert Holley Jr.</u>	<u>74 Eastern Drive</u> <u>Middletown, CT 06457</u>
e. <u>Beverly &amp; David Winterburn</u>	<u>768 Ocean Hwy South</u> <u>Hertford, NC 27944</u>
f. <u>Julia Simpson</u>	<u>787 Ocean Hwy South</u> <u>Hertford, NC 27944</u>
g. <u>Doris Jones</u>	<u>787 Ocean Hwy South</u> <u>Hertford, NC 27944</u>
h. <u>George &amp; Annie Taylor Revocable Living Trust</u>	<u>178 Culpepper Road</u> <u>South Mills, NC 27976</u>
i. <u>Susan Proctor &amp; Michael E Stokely</u>	<u>838 Ocean Hwy South</u> <u>Hertford, NC 27944</u>
j. <u>Thomas W. Proctor &amp; Susan Proctor Stokely</u>	<u>951 Old Ferry Road</u> <u>Edenton, NC 27932</u>
k. <u>Dolna &amp; Thomas Proctor</u>	<u>866 Ocean Hwy South</u> <u>Hertford, NC 27944</u>
l. _____	_____



Application for Conditional Use Permit Request  
Case No. CUP-15-02

Attach the following:

- Completed Application.
- Letter addressed to the Perquimans County Board of Commissioners explaining your intentions in detail. The Applicant is advised to address any general and specific conditions and finding required by the Zoning Ordinance, Sections 903(a), (b), (c) and (d), 905, and 907A through X.
- Proof of Ownership.
- Owner's Authorization for Agent, if required. (*Land owner and Alpha Value Solar*)
- Legal Description and/or boundary survey to be used as an exhibit to the proposed Conditional Use Permit.
- Site plan prepared in accordance with Section 509 of the Perquimans County Zoning Ordinance.
- Two sets of stamped addressed envelopes of all property owners of subject, adjacent and nearby properties to whom notice of public hearing must be sent. Said notices will be sent by the Planning and Zoning Office in the envelopes provided by the Applicant.
- Two self-addressed stamped envelopes.
- Filing Fee of \$300 made payable to Perquimans County.

Additional information needed by Planner, Technical Review Committee or County Officials:

Legal Description is hard to read. Will follow up to see if a better copy is available

Applications will not be scheduled for public meeting until complete.

*Matt P. Rough*  
Signature of Owner or Authorized Applicant

07/25/2016  
Date

(This Application must be submitted to the Planning and Zoning Administrator no less than 25 days prior to the Planning Board's meeting and, where deemed necessary, additional time may be required for review by Technical Review Committee member[s]).

Application for Conditional Use Permit Request  
Case No. CUP-16-02

(1 of 2) Owner's Authorization for Agent

NOTE: IF THE APPLICANT REQUESTING DEVELOPMENT APPROVALS OR PERMITS FOR A PARTICULAR PIECE OF PROPERTY IS NOT THE ACTUAL OWNER OF THE PROPERTY, THE ACTUAL OWNER MUST COMPLETE THIS FORM. IF THE PERSON WHO IS REQUESTING THE APPLICATION IS THE OWNER, PLEASE DISREGARD THIS FORM.

I am (We are) the owner(s) of the property located at Alpha Value Solar, LLC  
748 Ocean Hwy South, Hertford, NC 27944

I (WE) HEREBY AUTHORIZE Heath McLaughlin / Blue Green Energy, LLC TO ACT ON MY/OUR BEHALF to appear with my consent before the Perquimans County Board of Commissioners and Planning Board in order to request approval(s) for development and/or use of those lands described within the attached application, and as described in the attached deed or other such proof of ownership as may be required, or other action pursuant to one or more of the following:

- Rezoning Request
- Conditional Use District Rezoning
- Zoning Variance
- Administrative Appeal
- Conditional Use Permit
- Non-Zoning Variance

I authorize you to advertise and present this matter in my name as the owner of the property. If there are any questions, you may contact me at address 176 Mine Lake Court, Suite 100, Raleigh, NC 27615 or by telephone at (888) 746-5558

BY: Alpha Value Solar, LLC  
[Signature]  
 Signature of Owner  
Min You, Member (888) 746-5558  
 Print Name Telephone Number

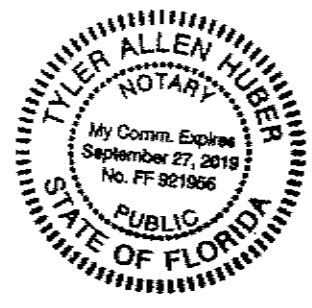
\_\_\_\_\_  
 Signature of Owner  
 \_\_\_\_\_  
 Print Name Telephone Number

Sworn to and subscribed before me, this the 5<sup>th</sup> day of August, 2016

Notary Public [Signature] County of Seminole

State of Florida

My commission expires: September 27, 2019



Application for Conditional Use Permit Request  
Case No. CUP-16-02

(2 of 2) Owner's Authorization for Agent

NOTE: IF THE APPLICANT REQUESTING DEVELOPMENT APPROVALS OR PERMITS FOR A PARTICULAR PIECE OF PROPERTY IS NOT THE ACTUAL OWNER OF THE PROPERTY, THE ACTUAL OWNER MUST COMPLETE THIS FORM. IF THE PERSON WHO IS REQUESTING THE APPLICATION IS THE OWNER, PLEASE DISREGARD THIS FORM.

I am (We are) the owner(s) of the property located at The Riddick Family Limited Partnership  
706 - 748 Ocean Hwy South, Hertford, NC 27944

I (WE) HEREBY AUTHORIZE Heath McLaughlin TO ACT ON MY/OUR BEHALF to appear with my consent before the Perquimans County Board of Commissioners and Planning Board in order to request approval(s) for development and/or use of those lands described within the attached application, and as described in the attached deed or other such proof of ownership as may be required, or other action pursuant to one or more of the following:

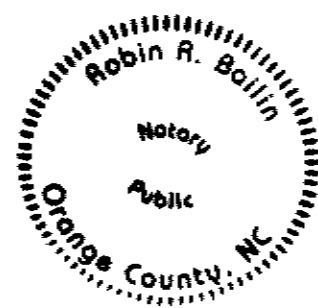
- Rezoning Request
- Conditional Use District Rezoning
- Zoning Variance
- Administrative Appeal
- Conditional Use Permit
- Non-Zoning Variance

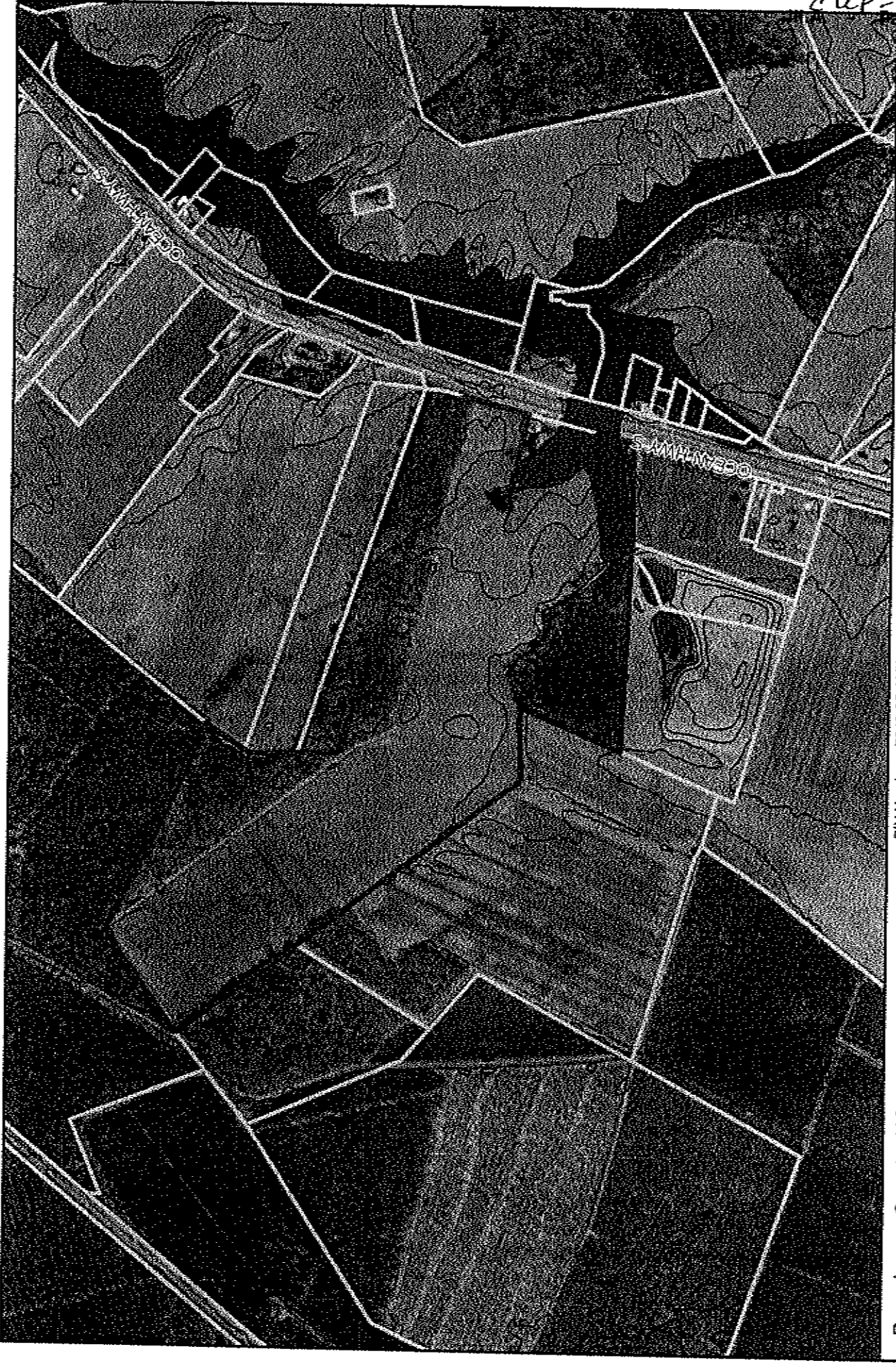
I authorize you to advertise and present this matter in my name as the owner of the property. If there are any questions, you may contact me at address 103 Village Gate Drive Drive, Chapel Hill, NC 27514 or by telephone at (919) 240-7837.

BY: The Riddick Family Limited Partnership, LLC  
Rufus Riddick IV Signature of Owner  
Rufus Riddick IV Print Name      (919) 240-7837 Telephone Number

\_\_\_\_\_  
 Signature of Owner  
 \_\_\_\_\_  
 Print Name      Telephone Number

Sworn to and subscribed before me, this the 22 day of July, 2016.  
Notary Public Robin R. Ballin County of Orange  
State of North Carolina  
My commission expires: My Commission Expires 10-12-2019





Perquimans County, NC

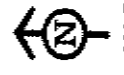
PROPERTY MAP

Disclaimer:  
 The data provided on this map are prepared for the inventory of real property found within  
 Perquimans County, NC and are compiled from recorded plans, deeds, and other public records  
 and data. This data is for informational purposes only and should not be substituted  
 for a true title search, property appraisal, survey, or for zoning verification.



PIN Number: 7848-05-4852  
 Parcel Number: 3-0049-00010A  
 Owner Name: RIDDICK FAMILY PARTNERSHIP, THE  
 Owner Address: C/O RUFUS M RIDDICK IV  
 Owner Address 2: 103 VILLAGE GATE DRIVE  
 Owner Address 3: CHAPEL HILL, NC 27514  
 Owner Account: 0355943  
 Description: RIDDICK-OCEAN HWY S  
 Deed Book: 42  
 Deed Page: 336

Plat Cab:  
 Plat Map:  
 Plat Slide:  
 Record Date:  
 Sold Date:  
 Deed Acres: 109.54  
 Tax Value: 314,700  
 Use Value: 93,600  
 Township: HERTFORD



One Inch = 800 Feet

386

Book 42

North Carolina,  
Perquimans County.

This deed, made this 14th day of September, 1959, by Henry C. Stokes, Jr., and wife, Lois A. Stokes, and Randolph Clark Stokes and wife, Catherine Jolly Stokes, parties of the first part, to Joyce Stokes Riddick and husband, R. M. Riddick, III, parties of the second part (the said parties hereto being all the heirs at law of H. C. Stokes and wife, Ruth C. Stokes, both deceased), witnesseth:

That said parties of the first part in consideration of ten Dollars and other valuable considerations to them in hand paid by the said parties of the second part, the receipt of which is hereby acknowledged, have bargained and sold, and by these presents do bargain, sell, and convey to the said parties of the second part, and to the heirs and assigns of the survivor of them, all their right, title, and interest (the same being a two-thirds undivided interest) in and to that tract or parcel of land lying and being in Hertford Township, Perquimans County, North Carolina, and more particularly described as follows, viz.:

Bounded on the north and west by lands of C. W. Wood heirs, east by J. O. White and Main Public Road from Hertford to Edenton, and on the south by land of B. P. Sitterson, being the same land as plotted in deed book No. 6, pages 534-535, recorded in office of Register of Deeds, Perquimans County, N. C., containing 117 acres more or less. See said plot above mentioned for further description and the same is hereby made a part of this deed. For chain of title see deed book 13, page 192, and deed book 20, page 21, Public Registry of Perquimans County, N. C.

To have and to hold the said above described property and all privileges and appurtenances thereunto appertaining, to the said parties of the second part, and to the heirs and assigns of the survivor of them, to their only use and behoof in fee simple forever.





Perquimans County, NC

**PROPERTY MAP**

Disclaimer:  
The data provided on this map are prepared for the inventory of real property found within Perquimans County, NC and are compiled from recorded plats, deeds, and other public records and data. This data is for informational purposes only and should not be substituted for a true title search, property appraisal, survey, or for zoning verification.



PIN Number: 7848-16-4130  
 Parcel Number: 3-0049-00016  
 Owner Name: RIDDICK FAMILY PARTNERSHIP, THE  
 Owner Address: C/O RUFUS M RIDDICK IV  
 Owner Address 2: 103 VILLAGE GATE DRIVE  
 Owner Address 3: CHAPEL HILL, NC 27514  
 Owner Account: 0355943  
 Description: GRIFFIN-ELLIOTT  
 Deed Book: 59  
 Deed Page: 328

Plat Cab:  
 Plat Map:  
 Plat Slide:  
 Record Date:  
 Sold Date:  
 Deed Acres: 14.98  
 Tax Value: 21,300  
 Use Value: 3,100  
 Township: HERTFORD



One Inch = 400 Feet



Book 59

3-28

NORTH CAROLINA,  
PERQUIMANS COUNTY.

This deed, made this 18th day of June, 1969, by John A. Elliott and wife Julia L. Elliott, of Perquimans County, North Carolina, parties of the first part, to R. Marion Riddick, III, and wife Joyce S. Riddick, of Perquimans County, North Carolina, parties of the second part, witnesseth:

That whereas, John A. Elliott is the only child and heir at law of Lina W. Elliott, deceased, who held property from her father, John O. White, Sr., as will be shown by will recorded in the office of the Clerk of Superior Court of Perquimans County, N. C.;

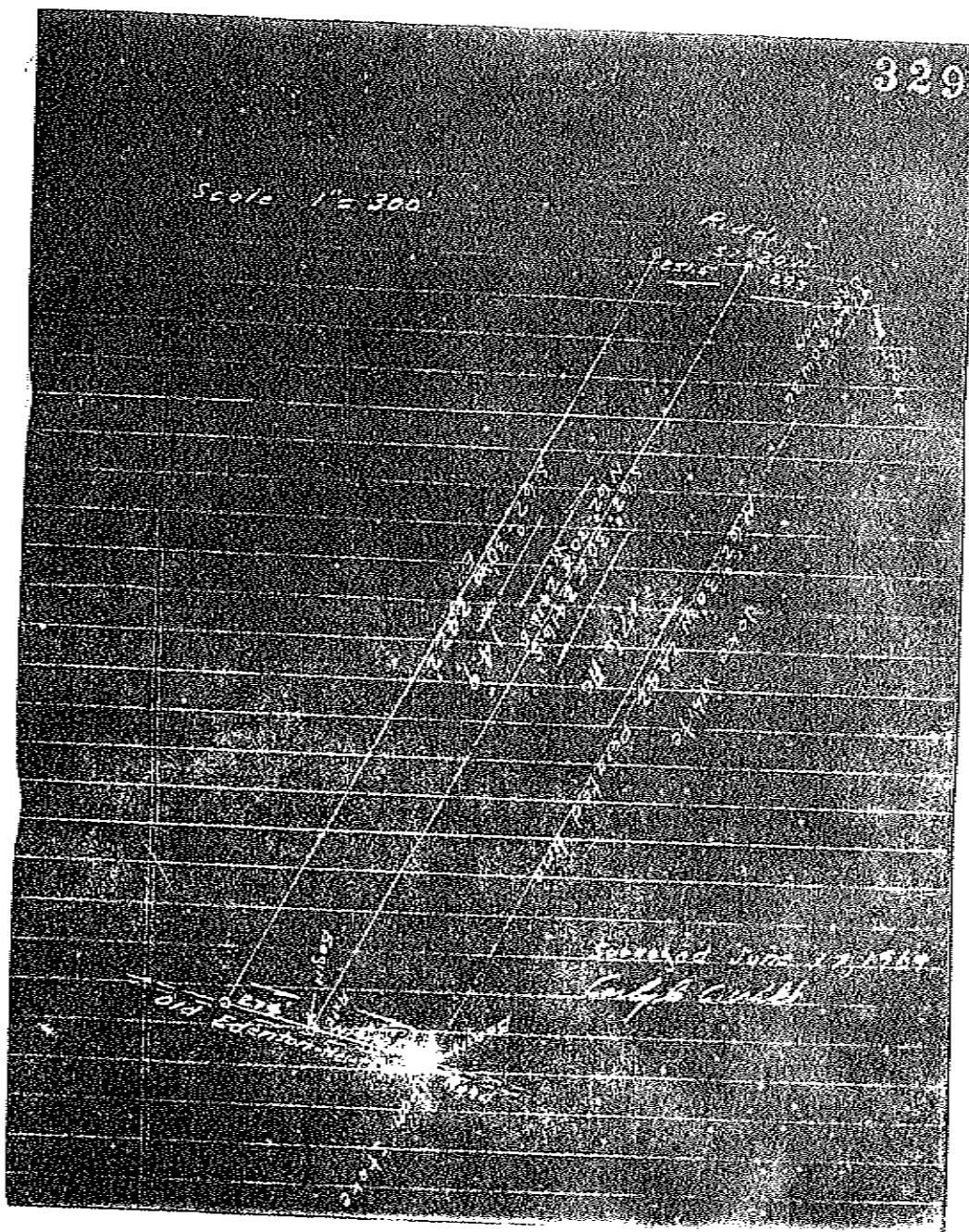
Now therefore, the said parties of the first part in consideration of Ten Dollars and other valuable considerations to them in hand paid by the said parties of the second part, the receipt of which is hereby acknowledged, have bargained and sold, and by these presents do bargain, sell and convey to the said parties of the second part, and to the heirs and assigns of the survivor of them, a certain tract or parcel of land lying and being in Hixford Township, Perquimans County, North Carolina, and more particularly described as follows, viz.:

Beginning at a point on the western side of the old Hixford-Harford Road, said point being at the northeastern corner of the R. Marion Riddick, III, and wife Joyce S. Riddick property, and thence along said road north 24° 40' east 274 feet to an iron stake; thence north 62° 30' west 246.3 feet to an iron stake; thence south 7° 30' west 251.5 feet to the said Riddick property; thence along the Riddick line south 52° 30' east 12 feet back to the road; the point of beginning, containing 2.9 acres as shown by plat of survey made by Carlyle C. Hess, Surveyor, June 17, 1969, copy of which is hereto attached,

Donna,

Not easy to read print copy. Can send you electronic copy. Enclosed is a copy of tax map as well.

Best regards, AM.



330

and by reference made a part of this description. For chain of title see will of John G. White, Sr., as above stated.

To have and to hold the said above described property and all privileges and appurtenances thereunto appertaining, to the said parties of the second part, and to the heirs and assigns of the survivor of them, to their only use and behoof in fee simple.

And the said parties of the first part covenant with the said parties of the second part, and with the heirs and assigns of the survivor of them, that they are seized of said premises in fee and have a right to convey the same in fee simple; that the same is free and clear of all encumbrances, and that they will warrant and defend the said title to the same against the lawful claims of all persons whomsoever.

In testimony whereof, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

John A. Elliott (SEAL)  
John A. Elliott

Julia L. Elliott (SEAL)  
Julia L. Elliott

North Carolina,  
Perquimans County,

The execution of the annexed deed of conveyance was this day duly acknowledged before me by John A. Elliott and wife Julia L. Elliott, the grantors, for the purposes therein expressed.

Witness my hand and official seal this 20 day of June,

Rebecca W. Winslow  
Notary Public

My commission expires: March 20, 1971

NORTH CAROLINA PERQUIMANS COUNTY  
REBECCA W. WINSLOW, Notary Public  
Perquimans County, North Carolina

William C. Powell  
Register of Deeds

This instrument was presented for registration and recorded in the office of the Register of Deeds of Perquimans County, N.C., in DEED Book 57, Page 328, File 23 by me James, on 6/20 at 9:40 o'clock A. M.  
Julian C. Powell  
Register of Deeds



Perquimans County Planning Board

MINUTES

Tuesday, Oct 11, 2016

The Perquimans County Planning Board held its regular monthly meeting on Tuesday, October 11, 2016 at 7:00 PM in the Commissioner Meeting Room of the Courthouse Annex Building.

MEMBERS PRESENT: Paul Kahl, Chair  
A.O. Roberts, Vice Chair  
Brenda Lassiter  
Donald Manley  
Lewis Smith

MEMBERS ABSENT: none

OTHERS PRESENT: Donna Godfrey, County Planner  
Rhonda Money, GIS/Planning Assistant  
Applicants  
A Few Interested Citizens

Chair Paul Kahl called the meeting to order at 7:07 pm and opened with prayer.

Agenda Item I, Approval of Agenda: Mr. Roberts made a motion, seconded by Ms. Lassiter, to move Business Item III B ahead of Business Item III A so the two solar farms could be discussed together. The motion passed unanimously.

\* \* \* \*

Agenda Item II, Consent Agenda/Approval of Draft Minutes of Previous Planning Board Meetings: Regular meeting of November 12, 2013; Rescheduled meeting of December 19, 2013; Regular Meetings of February 11, April 8, and September 9, 2014 and attached draft of Rescheduled Meeting of August 2, 2016.

Ms. Lassiter made a motion, seconded by Mr. Manley, to approve previous minutes of Rescheduled Meeting of August 2, 2016. The motion passed unanimously.

\* \* \* \*

Agenda Item III, Business Item A: Conditional Use Permit No. CUP-16-02, requested by Heath McLaughlin (for Alpha Value Solar, LLC), to operate a Large Scale, ground-mounted Solar Power Energy System Facility in the 700-block of Ocean Highway South (US Hwy. 17), to include Tax



Parcel Nos. 3-0049-00010A and 3-0049-00016. Planner Godfrey gave a basic review of both solar farm facilities on the agenda and notified the Planning Board that the draft Conditional Use Permit before them is a general draft representing both solar farms being presented tonight. She will adjust them slightly to address minor differences with each project. Ms. Godfrey pointed out a few conditions and a discussion ensued about condition "I" and the terms 'property line' versus 'project boundary'. A question was raised as to how much right an applicant and landowner have to move the project boundary around a large parcel. It was concluded that some movement is reasonable; however it needs to be minimal so the Planning Board can vote on decisions regarding vegetation location requirements and protection of neighboring properties. Planner Godfrey suggests the applicant produce metes and bounds legal descriptions for both projects before they reach the Board of County Commissioners.

Mr. Heath McLaughlin, the applicant, made a presentation with large wall maps regarding both solar farm facilities. Unless the whole parcel is relatively small, he said only the footprint is actually leased after the facility placement is finalized. The number of acres written in the application is just a general number on the high side of an estimate. Planner Godfrey explained to him that the acreage in the application needs to be considered a maximum number. Mr. Kahl asked how many megawatts the project would be. Mr. McLaughlin said 5MW and moveable, tracking panels would be used. Ms. Money pointed out that Hertford's Extra-Territorial Jurisdiction (ETJ) line was really a little closer to the property line (farther northeast) than Mr. McLaughlin's maps showed; so he really had a little more space to work with. Ditches and flood-zones were discussed. Mr. McLaughlin acknowledged that he had a good discussion with the local Conservationist about where to keep ditches and how they drained. Ms. Shelley Layden asked the Planning Board to not be too restrictive on a site's footprint at this stage because technology is always changing and different panels or other equipment could cause a shift in size and layout of a solar facility.

An audience member asked where the driveway would be for the Alpha-Value facility. The applicant said it would be to the North side of the property (which was agreeable because the audience member was on the South side). An audience gentleman asked about the drainage ditch to the back-side of the Sun Farm V property and wanted to know who was going to be responsible for keeping the proper drainage flowing through it. Mr. McLaughlin said the project owner would be responsible for keeping the ditches clean. He expanded by saying that stormwater drainage is one of the most stringent conditions NC Department of Environmental Quality (DEQ) looks at. The local DEQ office is in Washington, NC so their employees come out to do site inspections regularly.

Planner Godfrey pointed out conditions K and J on page 4 of the draft Conditional Use Permit for CUP-16-02 which discuss stormwater management and acceptance of proposed culverts.

Mr. Roberts asked why roads are shown between solar panel rows on one farm but not the other. Mr. McLaughlin said he is waiting for soybeans to be harvested so soil tests and engineering tests, regarding road placement and optimal drainage, can be completed. Mr. Roberts asked what types of toxic chemicals are used in production of the solar panels and where are the panels made? He wants to make sure the panels can be taken down and disposed of in a landfill. Mr. McLaughlin

responded that politics are involved and that people sometimes get solar photovoltaic (pv) panels confused with solar thermal panels. Solar *photovoltaic* panels are made of silicon, silver, aluminum framing and glass; standard household items. Solar *thermal* panels used to have toxic fluid running through tubes. Pilings are galvanized steel. Panels can be recycled, ground-up into aggregate and used with asphalt. They are made in China, the United States, Mexico, Germany, India and Malaysia. They are all Tier 1 panels and are U.L. listed and have the same quality control no matter what country they come from.

Planner Godfrey discussed conditions A, P, Q & V. In condition 'A' she discussed language change to address the applicant's earlier concern about being too restrictive with project boundaries. Mr. Roberts pointed out that the bottom of condition 'A' looks like condition V. Ms. Godfrey explained that V is about access through a CH zone. She also wants to see an as-built survey after construction, but before operation begins (covered by conditions P&Q). Ms. Lassiter asked about the projects' construction time-frame. Mr. McLaughlin said late summer or early fall is when construction is anticipated to start; July and August are best. Then it takes 4 months to build. Ms. Lassiter made a motion, seconded by Mr. Manley, to approve CUP-16-02 with Conditional Use Permit conditions that may be adjusted specifically for this project as needed by Planner Godfrey. The motion passed unanimously.

\* \* \* \*

Agenda Item III, Business Item B: Conditional Use Permit No. CUP-16-03, requested by Tildon Whitehurst, Jr. to conduct a Sand Mining Operation to excavate a 10.80 acre pond on a 41.746 acre tract known as Tax Parcel # 5-0035-0023. Planning Assistant, Ms. Money, started the review with basic background information about this project being in an RA zone and the applicant having mined sand on adjacent property for close to 25 years. She stated the only issue that arose from the Technical Review Committee was a question as to where the ditch in the middle of the parcel will be re-directed once the sand is mined to that point. Mr. Tildon Whitehurst, Jr., the applicant, then spoke in regards to the ditch. He said the State came by to look at it to make sure it was not what they classify as a stream; they were satisfied calling it a ditch. It will take many years before the mine reaches that area, so the ditch will be adjusted when its intersection is imminent. Mr. Roberts asked if its purpose was to drain water away from the road or just from the field. Mr. Whitehurst said field drainage. Mr. Manley asked if there was any opposition from the neighbors, to which Mr. Whitehurst responded 'no'. Mr. Smith asked about the existing haul road. Discussion ensued regarding a construction entrance and its composition. Conditions on the first draft of CUP-16-03 were silently read by all. Ms. Money explained that conditions 6 and 7 were specific to the subject property based on information supplied by the applicant's company and the local Soil and Water Conservationist, Scott Alons. Mr. Smith made a motion, seconded by Ms. Lassiter, to approve CUP-16-03 with conditions as written in the first draft of Conditional Use Permit CUP-16-03. The motion passed unanimously.

\* \* \* \*

Agenda Item III, Business Item C: Conditional Use Permit No. CUP-16-04, requested by Heath McLaughlin (for Sun Farm V, LLC), to operate a Large Scale, ground-mounted Solar Power Energy System Facility in the 700-block of Ocean Highway South (US Hwy. 17), to include Tax Parcel Nos. 3-0049-00012 and 3-0049-00013. See discussion under Business Item A, above. Mr. Smith made a motion, seconded by Mr. Roberts, to approve CUP-16-04 with Conditional Use Permit conditions that may be adjusted specifically for this project as needed by Planner Godfrey. The motion passed unanimously.

\* \* \* \*

Agenda Item IV, Other Items: A. Status Report on Previous Board Recommendations: Timbermill Wind Energy Facility The quasi-judicial hearing is still going.

Agenda Item IV, Other Items: B. Chair's signature on approved minutes

\* \* \* \*

Meeting adjourned at 8:43 p.m.

Minutes approved this 8th day of November, 2016.

\_\_\_\_\_  
Chairperson  
Attachments: A (Sign In Sheet)

\_\_\_\_\_  
Recorder



RA

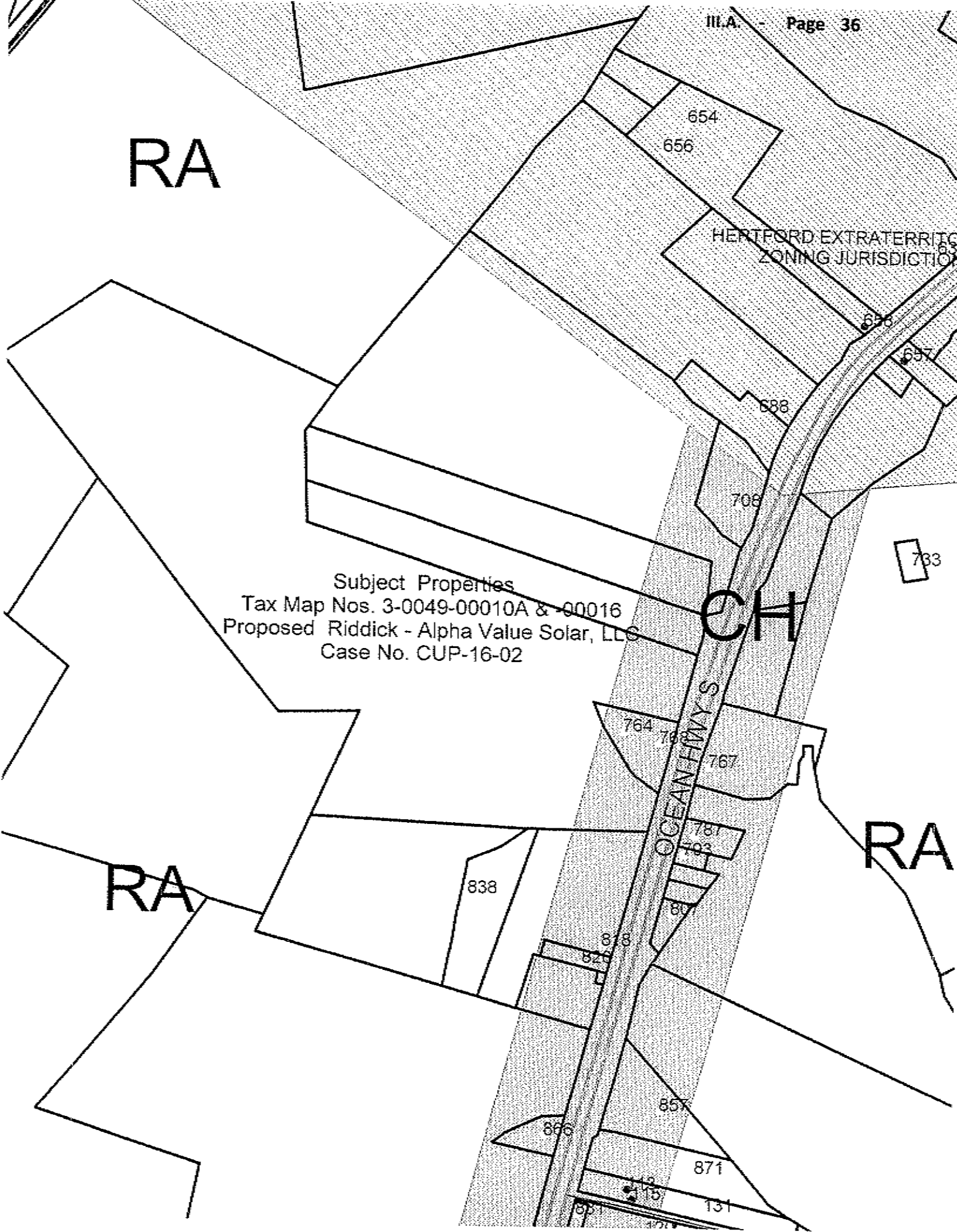
HERTFORD EXTRATERRITORY ZONING JURISDICTION

Subject Properties  
Tax Map Nos. 3-0049-00010A & -00016  
Proposed Riddick - Alpha Value Solar, LLC  
Case No. CUP-16-02

CH

RA

RA





**BACKGROUND INFORMATION continued:**

**Consideration of CUP Criteria and Proposed Conditions:** The County's Zoning Ordinance provides for the BCC to consider the proposed Draft CUP at a Public Hearing and to use Sections 903(a) thru (d) as summarized in the Table as a guide (see below), and to look for concurrence with Section 907.28, Solar Power Energy System regulations. If approved, the CUP document will run with the land and shall be binding on the original applicants for the Conditional Use Permit, their heirs, successors, and assigns.

**PROJECT REVIEW:** For more detailed background, reference is made to the attached Application Form and the Draft Minutes of the Planning Board's meeting on October 11<sup>th</sup>. In summary, the Applicants are seeking approval to install and operate a 5 Megawatt Solar Farm on two parcels containing altogether about 65 acres, as depicted on the Applicant's Site Plan. Unlike neighboring Case No. CUP-16-04 for Alpha Value Solar, LLC, this request known as Sun Farm V, LLC, will occupy most of the two parcels owned by White Family Company, LLC.

The Draft CUP document was written in coordination with Mr. McLaughlin to include required and suggested conditions for the proposed Solar Energy System. As with other CUP requests, the Applicant's Site Plans and Statements are parts of the CUP itself. If approved, the Draft CUP will be executed by the property owner(s) and the BCC Chair and recorded in a timely fashion by the Applicant or owners in the Register of Deeds Office, along with said Statement and Plans. Later, the recorded CUP will be attached to the Applicant's proposed Zoning Permit and then used by Planning & Zoning staff to determine zoning compliance.

**SUGGESTED MOTIONS and ACTIONS:** As previously stated, the County's Zoning Ordinance provides for the BCC to consider the proposed development at a Public Hearing and to use as a guide Sections 903(a) thru (d) as summarized in the Table of Findings (see below). The BCC is requested to consider and act on each finding separately, prior to making a fifth motion for approval or denial of the request. For the fifth action, scripted motions in the positive and negative tense are provided for the BCC's use on page 1, to acknowledge the DRAFT Conditional Use Permit and any changes required to it by the BCC, in the event the BCC approves the project.

When making a motion, BCC members are requested to reference the Draft Conditional Use Permit and the conditions proposed therein. As indicated in Section 903, the Draft CUP, if approved by the BCC, must contain conditions included by the BCC's motion, if so moved. A preliminary listing of potential conditions is contained in the Draft CUP.

Finally, Section 903 states in part that: *"The (BCC) shall consider the application, the Planning Board recommendation, and comments at a public hearing and may grant or deny the Conditional Use Permit. In application consideration, the (BCC) shall use as a guide the specific conditions outlined in the Article for each use proposed"* (in this case, Section 907 in general and Section 907.28 specifically). In addition, the Boards shall find:

<b>Section 903 Table of Findings for Case No. Cup-16-04: Proposed White Family Company Solar Farm on 65 acre holdings located to the west of 708 Ocean Hwy South (US Hwy. 17 South)</b>	
<b>Motion to approve finds:</b>	<b>Motion to deny finds:</b>
1) That the CUP will not materially endanger the public health or safety if located according to the plan submitted and approved.	1) That the CUP will materially endanger the public health or safety if located according to the plan submitted and approved.
2) That the use meets the required conditions and specifications.	2) That the use does not meet the required conditions and specifications.
3) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.	3) That the use will substantially injure the value of adjoining or abutting property, or that the use is not a public necessity.
4) That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Perquimans County Land Use Plan.	4) That the location and character of the use, if developed according to the plan as submitted and approved, will not be in harmony with the area in which it is to be located and not be in general conformity with the Perquimans County Land Use Plan.

**Attachments:** 1) Draft Conditional Use Permit No. CUP-16-04 (County-prepared with Applicant and including Statement of the nature of the proposed use and Site Plan); 2) Application Form and related materials received from Applicant; 3) Planning Board Minutes of October 11<sup>th</sup>; and 4) County GIS Zoning Map.

11-1-16 Draft CUP-16-04

**Do NOT record this page**

-Beginning of Proposed Conditional Use Permit No. CUP-16-04  
to be recorded by Sun Farm V, LLC-

for

**Large scale, ground-mounted Solar Power Energy System  
located on west side of Ocean Hwy South (in 700-block)**

**Do NOT record this page**

11-1-16 Draft CUP-16-04

**Do NOT record this page**

-Beginning of Proposed Conditional Use Permit No. CUP-16-04  
to be recorded by Sun Farm V, LLC-

for

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

**Do NOT record this page**

11-1-16 Draft CUP-16-04

**CONDITIONAL USE PERMIT No. CUP-16-04**

Page 1 of \_\_\_\_

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

- Authorized Applicant:** Sun Farm V, LLC/Heath McLaughlin, Member  
176 Mine Lake Court, Suite #100  
Raleigh NC 27615
- Property Owners:** White Family Company, LLC, c/o Clay White  
2584 Pruden Blvd  
Suffolk VA 23434
- Site Location:** Portion(s) of two parcels containing about 65 acres located west of 708 Ocean Highway South, adjacent to the Town of Hertford's ETJ.
- Tax Parcel Nos:** 3-0049-00012 & 3-0049-00013
- Zoning Districts:** RA, Rural Agriculture (with access through CH, Highway Commercial and HCOD, Highway Corridor Overlay District).
- Proposed Use of Property:** To construct and operate a Large-Scale ground-mounted Solar Power Energy System on property located in Perquimans County, as described herein and depicted on the attached Site Plan. As stated by the Applicant in his Statement of the nature of the proposed use:

*"The proposed nature of this Conditional Use Permit is to develop and construct a 5 mega-watt solar farm on two parcels (~65 acres) owned by The White Family Company, LLC. The proposed solar farm will consist of low-profile ground-mount racking with pilings driven to an engineered depth well suited for coastal conditions. The preferred racking technology is a low-profile, single-axis tracker system that will allow solar panels to rotate with the sun during the day and stow flat/level at night. Sight impact to public right-of-ways and local residences will be*

11-1-16 Draft CUP-16-04

## CONDITIONAL USE PERMIT No. CUP-16-04

Page 2 of \_\_\_\_

*minimal as the average height of the solar system will be less than 7', with little or no security lighting at night, and a minimum setback greater than 500' from U.S. Hwy 17 and purposely outside of the Highway Corridor zoning. The required buffers and screening for the solar farm will meet or exceed Perquimans County screening standards currently found in Article XVIII, Sections 1802 and 1803. Solar farm operations and maintenance will also be minimal post construction with very little traffic, noise, or additional county services required. All federal, state and local building permits will be satisfied prior to start of construction and in compliance with NC state building codes and national electric codes with UL approved electrical system components. Any access acreage not leased for solar farm operations will remain available for agricultural crop harvest, timber production, and future development opportunities."*

**Meeting & Hearing Dates:** Planning Board on 10-11-16; & Board of Commissioners on 11-7-16.

Having heard all the evidence and argument presented at the hearing(s), the Board finds that the application is complete, that the application complies with all of the applicable requirements of the Perquimans County Zoning Ordinance for the development proposed, and that therefore the application to make use of the above-described property for the purpose indicated is hereby approved, subject to all applicable provisions of the Zoning Ordinance pertaining to "*Solar Farm (Large-scale, ground-mounted Solar Power Energy System)*" and other conditions as follows:

- A) The Applicant, heirs and assigns shall conduct operations in accordance with the plans and application materials submitted to and approved by the Board of Commissioners (BCC), a copy of which is contained in the County Planning & Zoning Office and recorded with the Register of Deeds Office. Any Major Modification proposed to the approved plans shall require reapplication and approval by the Board of County Commissioners. "Major Modification" is defined as "*Any significant change in land use, and/or any change in the ~~project boundary~~ property boundaries and/or any change that results in an increase in the density or intensity of the project, as shown and described in the approved Conditional Use Permit and Site Plans.*" However, it is understood that the conceptual layout of the Solar Farm as shown on the attached Site Plan may require adjustments in the exact location of the equipment, pending the outcome of final survey, wetlands delineation, storm water permits, Army Corp of Engineers requirements, and maximization of solar energy production, as applicable. Minimum setbacks and buffering must comply with Section 907.28 of the Perquimans County Zoning Ordinance. In addition, adjustments may be needed in the final locations of access roads within the overall subject property. For purposes of enforcing this section, the ~~Project Boundary~~ is Property Boundaries are defined as "*The Access Road and the series of lines which are identified by the ~~attached legal description containing metes and bounds on the attached proposed Site Plan and~~ which encompass the subject property and which are known as portions of Tax Parcel Nos. 3-0049-00012 & 3-0049-00013, as approved for development of the proposed Solar Power Energy System.*"
- B) The approved Site Plan includes a total 5 Mega-watts (AC) of solar power production throughout the subject property. The facility will generate power which will be sold directly to the Power Company servicing the facility. The Solar Farm will consist of a single phase of construction.

11-1-16 Draft CUP-16-04

## CONDITIONAL USE PERMIT No. CUP-16-04

Page 3 of 9

- C) Reference is made to the Applicant's attached Exhibit "A" cover letter which indicates that the Applicant has reviewed the Zoning Ordinance for Perquimans County and is prepared and committed to satisfy the ordinance language adopted for Solar Energy Facilities as necessary for a Conditional Use Permit.
- D) The main point of ingress and egress for the facility will be directly off of U. S. Highway 17 South) with an assigned 911 address of \_\_\_\_\_ Ocean Highway South, Hertford, NC 27944. For both aesthetics and safety, the driveway entrance leading from the public highway shall be surfaced with asphalt or six inches (6") of concrete as measured from the edge of the road for at least 30 feet to facilitate site access in coordination with the NCDOT District Engineer's Office. The remainder of the access or service roads will be constructed of 6" of size 12 crushed stone compacted in native soil to a width of 20 feet with a minimum 30-foot radius of curvature. The Access Roadway is further defined as: "A road bed having a width of 20 feet with a paved entrance apron a minimum of 30 feet long and a minimum 30-foot centerline radius of curvature, with 6" inches of size 13 gravel compacted on native soil in order to provide reliable site access for site construction, maintenance, and emergency vehicles. Said roads must be maintained by the Applicant, heirs and assigns to allow access for emergency vehicles. The access roadway shall be located as specified on the proposed CUP Site Plans.
- E) Prior to final project approval and issuance of a Zoning Permit, the Applicant must apply for and obtain a Driveway Permit from the North Carolina Department of Transportation (NCDOT).
- F) No occupied building structures are anticipated for the solar facility at this time; however, any future proposal to construct an Accessory Building on the property will require the Applicant, heirs and assigns to first apply for and obtain Zoning and Building Permits in compliance with minimum design standards and may require review by the Planning Board to determine if the proposed improvement constitutes a Major Modification. Prior to issuance of a Zoning Permit for any new building, the Applicant, heirs and assigns must provide a Site Plan detailing the existing and proposed site improvements, pursuant to Section 509 of the Perquimans County Zoning Ordinance.
- G) The Solar Energy System equipment and any potential future buildings or structures, shall be secured and screened from routine view from public rights-of-way, existing residential uses and adjacent properties, through compliance with Sections 907.28B(3)(a) and (b), 1802 and 1803.
- H) More specifically, all solar panels and related equipment will meet all required buffering and setbacks along property or leased project boundary lines. The buffering will consist of a security fence plus screening, as required by Sections 907B(3)(a) and (b), 1802 and 1803, and will be continuous around those portions of the perimeter of the project which are not shielded by existing woods or which are interrupted by vehicular access roads. Mounting structures and solar panels will not exceed the maximum height of 15'. Outdoor lighting is expected to be minimal. Standard access gates will be used for any entrances to the Solar Farm and will be kept locked and secured at all times when authorized personnel are not occupying the property. The Facility will meet all Local, State and Environmental requirements.



11-1-16 Draft CUP-16-04

## CONDITIONAL USE PERMIT No. CUP-16-04

Page 4 of 9

- I) The Solar Farm shall be enclosed with a 6' security fence with 1' of barbed wire with a minimum height of seven (7) feet and screened with either a minimum three foot (3') wide strip planted with dense evergreen vegetation such as Wax Myrtle, Wax-Leaf Ligustrum or other suitable plant material with an initial height of at least five feet (5') with expected growth of at least seven (7) feet in height within three (3) years or a twenty (20) foot wide strip of natural wooded area. Minimum setbacks and buffering must comply with Section 907.28 of the Perquimans County Zoning Ordinance.
- J) The Applicant, heirs and assigns shall take every precaution to ensure there is no increased stormwater directed onto adjacent properties resulting from new construction and development on the subject property. Should unforeseen stormwater problems occur, the Applicant, heirs and assigns shall take immediate action to rectify the situation in coordination with the owner of any adjacent property adversely impacted by stormwater runoff.
- K) The Applicant, heirs and assigns shall submit for review by the Perquimans County Soil & Water Conservation District Office to confirm acceptance of proposed culverts and compliance with storm drainage requirements of the NCDEQ.
- L) Applicant's Obligation to Restore the Property at the end of the Lease Term: The Applicants, heirs and assigns shall do the following with respect to any portions of the Property disturbed in the course of Solar Operations:
- 1) Within six (6) months after completion of construction of the solar project, the Applicant, heirs and assigns, shall restore such portions of the Property to a condition reasonably similar to its condition on November 7, 2016, except for any parts of the Property that the Applicant determines it needs for continuing Solar Operations; and
  - 2) Within twelve (12) months after the expiration, surrender or termination of the Lease between the White Family Company, LLC and Sun Farm V, LLC, the Applicants, heirs and assigns shall restore the Site to substantially its RA (Rural Agricultural) condition as of the CUP approval date using prudent engineering practices where applicable, including, without limitation, the removal of (i) all improvements and solar farm related alterations on the subject Tax Parcel(s), without limitation, all fencing, roads, solar panels, racking, and pilings, and other improvements or alterations, and shall rough grade the Site to the same condition of level as existed as of the CUP approval date, and (ii) any electrical or communication or other utility poles, lines and connections (unless such lines, equipment, and connections are used in connection with subject Tax Parcel(s) and Property Owner elects to allow such lines and connections to remain); provided, however, that Applicant shall not be obligated to replant any crops or plants, and (iii) remove from such portions of the Property any Solar Energy System owned or installed by Applicant thereon, and (iv) restore, in a commercially reasonable manner and to commercially reasonable standards, such portions of the Property to a condition reasonably similar to its condition as of November 7, 2016, specifically to a farmable condition.

11-1-16 Draft CUP-16-04

**CONDITIONAL USE PERMIT No. CUP-16-04**  
**Page 5 of 9**

- M) Other minimum design standards and requirements for the large scale Solar Farm include but are not limited to required Site Considerations, Operational Considerations, and Application Requirements, pursuant to Article IX, Section 907.28, as follows:
- 1) Height: Solar energy system structures and related equipment shall not exceed fifteen (15) feet in height.
  - 2) Solar Equipment Setback: Solar energy system structures and related equipment must meet the minimum zoning setback for the zoning district in which it is located, or 30 feet as measured from the project boundary, whichever is strictest;
  - 3) Building and Parking Area Setbacks: The setback for any building and parking area proposed to serve the Solar Farm shall be in keeping with that required by the zoning district as it applies to any street right-of-way and any contiguous property line that is used or zoned for nonresidential purposes.
  - 4) Lighting: The project currently proposes no lighting; however, any future use of lighting shall utilize minimal lighting and no lighting other than normal security lighting and that required by government agencies shall be permitted.
  - 5) Screening: In general, Solar energy system structures and related equipment and buildings shall be screened from routine view from public rights-of-way, existing residential uses and adjacent properties zoned Residential Agriculture, Historic Agriculture, Rural Agricultural, or Commercial Zoning Districts using the County's Buffers and Screening standards currently found in Article XVIII, Sections 1802 and 1803.
  - 6) Operational Considerations: Any access gate which affords views from an existing residence must be kept closed and locked at any time the Solar Farm is not occupied by the operator for preventive maintenance, repair and similar activities, etc.
  - 7) Application Requirements: The Applicant's approved Site Plans (Exhibit "B") are conceptual and minor adjustments may be made pending permits and approvals by other entities. Prior to commencing construction, Applicant, heirs and assigns shall prepare and submit Site Plans which demonstrate compliance with minimum design standards of the County, State and other agencies as applicable, including but not limited to Site Considerations, Operational Considerations and Application Requirements of the Zoning Ordinance, Section 907.28, as amended. Such Site Plan shall be prepared in accordance with Site Plan Requirements currently found in Section 509 to denote the dimensions of the subject property, the proposed arrangement of solar panels, the distances from the proposed site improvements to all property lines, and the location of proposed driveway(s). No portion of the Solar Farm may encroach into the required setbacks of any buffer areas. The Site Plan shall also show the location of any required buffers. Other application requirements include:
    - (a) Horizontal and vertical (elevation) to-scale drawings with dimensions, showing the location of the system on the property.

11-1-16 Draft CUP-16-04

**CONDITIONAL USE PERMIT No. CUP-16-04**

Page 6 of 9

- (b) All required permits from other governmental agencies (local, state, and federal) shall be obtained by the Applicant prior to commencing construction or as otherwise required by the applicable laws and regulations, including but not limited to the following:
- (1) Building permits shall be obtained from Perquimans County for all components of the project which are required by the North Carolina Building Code.
  - (2) State stormwater permits and County review and approval may be required pursuant to Sections 509, 1902 and 1906, to ensure that storm water does not cause problems on the site or on adjacent properties.
  - (3) A Driveway Permit or documentation from NCDOT that the existing or proposed site access is acceptable for the proposed use prior to final project approval.
- (c) Approved Solar Components: Solar energy system components must have a UL listing.
- (d) Compliance with Building Code: All active solar energy systems shall meet all requirements of the North Carolina State Building Code and shall be inspected by a Perquimans County Building Inspector.
- (e) Compliance with National Electric Code: All photovoltaic systems shall comply with the National Electrical Code, applicable edition.
- (f) Collector substations, and any other substations located within the project area shall be secured with fencing at least 7 feet in height.
- N) The Conditional Use Permit is approved and recorded with the Applicants' cover letter and conceptual Site Plans, to become the basis for the Zoning Permit issued by the Planning & Zoning Office upon submittal and approval of a final Site Plan. If the Conditional Use Permit is not recorded in the Register of Deeds Office by the Applicant, heirs and assigns within three (3) months from the date of BCC approval, the BCC may revoke the Conditional Use Permit.
- O) Annual Reports: The Planning Board and Board of County Commissioners hereby acknowledge the Applicant's intent to complete construction of the Solar Farm in 2017. During construction of the project, the Applicant, heirs and assigns shall provide the County with annual reports outlining progress to date along with circumstances that may result in delays. In the event construction will be delayed beyond (insert date of BCC public hearing), the Applicant, heirs and assigns shall formally request an extension be granted by the Board of County Commissioners; otherwise the BCC may revoke the Conditional Use Permit.
- P) Prior to the issuance of a Certificate of Zoning Compliance, the Applicant, heirs or assigns shall provide certified "as built drawings" to the County showing the locations of the solar panel farm location, roads, transmission lines, equipment, components, and all related improvements. Operation of the entire facility or any individual component of the facility may be delayed at the discretion of the Planning & Zoning Administrator to allow for the review and issuance of said certificate which is based upon determination by County staff or its outside consultants, of compliance with the CUP and other applicable zoning standards.

11-1-16 Draft CUP-16-04

**CONDITIONAL USE PERMIT No. CUP-16-04**

Page 7 of \_\_\_\_

- Q) Pursuant to Section 509 of the Perquimans County Zoning Ordinance, no Certificate of Zoning Compliance will be issued until all required site improvements have been completed and an appropriately licensed person submits an "as built" plan, where deemed necessary. No Final Building Inspection will be conducted and no Certificate of Occupancy will be issued until a Certificate of Zoning Compliance has been issued.
- R) The Applicant, heirs and assigns shall take every precaution to ensure there is no increased stormwater directed onto adjacent properties resulting from new construction and development on the subject property. Should unforeseen stormwater problems occur, the Applicant, heirs and assigns shall take immediate action to rectify the situation in coordination with the owner of any adjacent property adversely impacted by stormwater runoff.
- S) Continued Access and Inspections: For a period of up to 12 months after the Applicant, heirs and assigns submits the certified "as built" drawings, County staff may confirm compliance with the specific specifications determined to be within compliance according to the Perquimans County Zoning Ordinance, Sections 907.28B.(1)-(8), as amended.
- T) Cultural Resources: The Applicant, heirs and assigns shall inform the County about any historical or archaeological resources found within the project boundaries and provide an opportunity for the County to document said resources. In addition, the Applicant, heirs and assigns shall submit a copy to the County of any inventory, study, plan, etc., required or prepared by State or Federal regulations or agencies which documents historical or archaeological resources found within the project boundaries.
- U) Sign Permits: A separate Sign Permit must be obtained from the Planning & Zoning Office and the Building Inspections Department for any sign not exempted or otherwise required by local, State or Federal law.
- V) Applicant, heirs and assigns shall accommodate and support and hold training sessions for emergency service personnel if requested by the Emergency Services Director with adequate advanced notice.
- W) The access point from Ocean Highway South and the point of interconnection and related attachment facilities and appurtenances are approved for certain portions of the subject property (known as Tax Parcel No. 3-0049-00012 and 3-0049-00013) which are zoned CH and RA as per the approved CUP Site Plan in support of the proposed Solar Power Energy System located behind 708 Ocean Highway South (US Hwy 17 South). All other site improvements for the proposed Sun Farm V Solar Power Energy System shall be located within the RA, Rural Agriculture District.

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

11-1-16 Draft CUP-16-04

CONDITIONAL USE PERMIT No. CUP-16-04  
Page 8 of 9

IN WITNESS WHEREOF, Perquimans County has caused this permit to be issued in its name, and the undersigned, being all the authorized applicants, agents, representatives, or property owners of the property above described, do hereby accept this Conditional Use Permit, together with all its conditions, as binding on them and their successors in interest.

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

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

I (We), \_\_\_\_\_, authorized Applicant(s) of the above identified property, do/does hereby acknowledge receipt of this Conditional Use Permit. The undersigned does further acknowledge that no work may be done pursuant to this permit except in accordance with all of its conditions and requirements and that this restriction shall be binding on them and their successors in interest.

Sun Farm V, LLC \_\_\_\_\_ Date \_\_\_\_\_  
By: Heath McLaughlin, Its \_\_\_\_\_

The State of \_\_\_\_\_  
\_\_\_\_\_ County

I, \_\_\_\_\_, a Notary Public in and for the said State and County, do hereby certify that \_\_\_\_\_ personally appeared before me this day and acknowledged the due execution of the forgoing instrument.

WITNESS my hand and notarial seal, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_  
(Not valid until fully executed and recorded)

-----

11-1-16 Draft CUP-16-04

**CONDITIONAL USE PERMIT No. CUP-16-04**  
**Page 9 of 9**

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

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

11-1-16 Draft CUP-16-04

**Do NOT record this page**

-End of Proposed Conditional Use Permit No. CUP-16-04  
to be recorded by Sun Farm V, LLC-

for

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

**Do NOT record this page**





11-1-16 Draft CUP-16-04

**Do NOT record this page**

-End of Proposed Conditional Use Permit No. CUP-16-04  
to be recorded by Sun Farm V, LLC-

for

**Large scale, ground-mounted Solar Power Energy System  
located on west side of Ocean Hwy South (in 700-block)**

**Do NOT record this page**

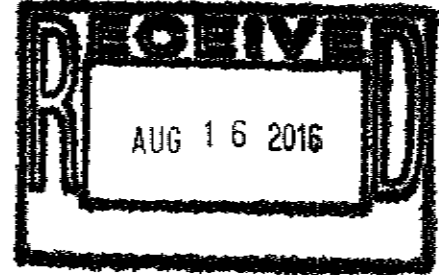

  
**BLUEGREEN**

Case # CUP-16-04

August 12, 2016

Board of Commissioners  
 Perquimans County, NC  
 P.O. Box 45  
 Hertford, NC 27944

Re: Conditional Use Permit Request



Dear Board of Commissioners:

On behalf of Sun Farm V, LLC, please allow this letter to serve as a formal request for the consideration and approval of a Conditional Use Permit to construct a 5 mega-watt solar farm on two unimproved parcels consisting of approximately 65 acres owned by the White Family Company, LLC. The subject property is zoned RA and has been primarily used for agriculture and timber production to date.

The intent for Sun Farm V, LLC is to propose a renewable energy solar farm with the capability to convert natural sunlight into clean power electricity for delivery into the local electrical grid in the form of distributed generation. The solar farm facility will be purposely located outside of the 500' Highway Corridor Overlay District and will be designed to minimize sight impact with low profile, single-axis tracker system, natural landscape, and additional vegetative screening in accordance with Perquimans County Zoning Ordinance for site planning and related solar energy system equipment.

The applicant is prepared to address any specific issues raised during TRC and Planning & Zoning Board review to ensure the proposed use will be in harmony with the area in which it is located, will meet all required zoning conditions, will not endanger public health or safety, and will not injure the value of adjoining or abutting properties. All federal, state, and local permits will be secured prior to start of construction and the proposed solar farm will comply with NC state building codes and national electric codes with UL approved electrical system components. Upon completion of construction, it is expected solar farm operations will support local county services with an increase in tax basis, promote local clean energy production, protect the local watershed, and preserve rural farm acreage for future generations.

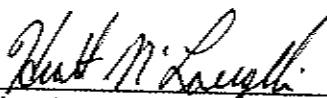
Site design consideration(s) shall include the limitation of solar energy system equipment to less than 15 feet in height, limited traffic, noise, and security lighting (if any), a standard security fence, and setbacks that will exceed RA zoning requirements. The facility will not require water, sewer, and other local and county services associated with traditional residential, commercial, or industrial property development.



Visual impact from U.S. Hwy 17 / Ocean Hwy S. will be mitigated by an existing mature tree stand and an evergreen vegetative buffer to be planted in accordance with Perquimans County screening standards found in Article XVIII, Sections 1802 and 1803.

Thank you kindly for your time and consideration with this Conditional Use Permit request for the development and construction of a low-impact, high-value solar farm in Perquimans County, North Carolina.

With sincere regards,

  
\_\_\_\_\_  
Heath McLaughlin,  
Project Manager



**Perquimans County, North Carolina**  
**APPLICATION FOR CONDITIONAL USE PERMIT REQUEST**  
 Case No. CUP-16-07

This section to be completed by County:	
Date received: <u>8-16-16</u>	Received by: <u>DJ</u>
Date completed: _____	Confirmed by: _____
Subject Property Tax Map No(s): _____	
Subject Property Zoning District(s): _____	
Will proposed Conditional Use require site improvements? _____	
Will proposed Conditional Use require review by other agencies? _____	

**Applicant's Information**

Name(s) of Owner(s): White Family Company, LLC

Street Address: 2584 Pruden Blvd.

City/State/Zip Code: Suffolk, VA 23434

Phone Number(s): (757) 539-0214 Fax: \_\_\_\_\_ E-mail Address: Clay@starmotors.com

Applicant (if different from Owner): Sun Farm V, LLC

Street Address: 176 Mine Lake Court, Suite #100

City/State/Zip Code: Raleigh, NC 27615

Phone Number(s): (321) 202-3600 Fax: (321) 226-7000 E-mail Address: Heath@Blue-GreenEnergy.com

Person to receive comments and correspondence: Project Manager - Heath McLaughlin

**Description of Property**

Address(es) of Subject Property: 728 Ocean Hwy South, Hertford, NC 27944 (911 Address TBD)

Property Appraiser's Parcel Nos.: 3-0049-00012 / 3-0049-00013

Location: This property is located on the North side of + US Hwy 17 / Ocean Hwy South Road, approximately 3,500 feet Southwest of S. Edenton Road Street Road.

Township/Region: Hertford Subdivision: N/A Block - Lot Nos.: \_\_\_\_\_

Size of Property: \_\_\_\_\_ ~65 acres. Lot width: \_\_\_\_\_ ~1,200 feet. Lot depth: \_\_\_\_\_ ~2,500

Flood Plain: No Community Panel No.: \_\_\_\_\_

1) I (We), the undersigned, do hereby respectfully make application and request the Planning Board and Board of Commissioners to consider a proposed Conditional Use Permit to make use of the subject property as follows: Agriculture, Timber, and Solar Farm. The subject property is zoned RA. The subject property is owned by White Family Company, LLC as evidenced by deed recorded in Real Estate Book 272, Page 494 OR Will File Number \_\_\_\_\_ in the Perquimans County Register of Deeds.

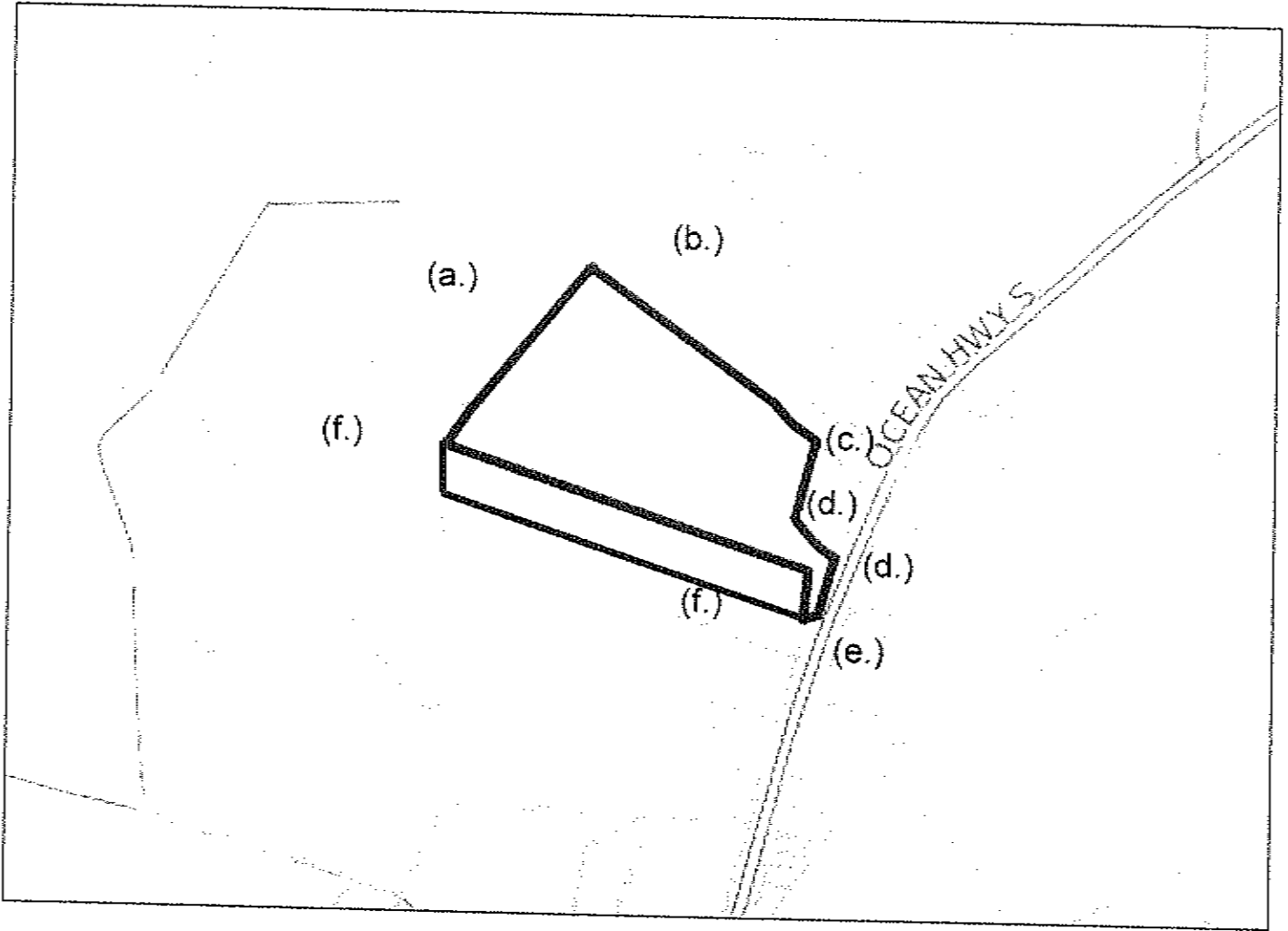
Application for Conditional Use Permit Request  
Case No. CUP -16- 04

2) The following is from the most recent County Tax Office listing and contains all of the individuals, firms, or corporations owning properties involved in the Conditional Use Permit request as well as the owners of all properties any portion of which is within one-hundred fifty (150) feet of the subject property. This includes any property owner who is adjacent to the subject property (to the side, rear or front) and across the street.

Name	Address
a. <u>WEYERHAEUSER COMPANY</u>	<u>Timberlands Acct - 1785 Weyerhaeuser Road</u> <u>[Land Records] Vanceboro, NC 28586</u>
b. <u>Broughton T. Dail</u>	<u>P.O. Box 366</u> <u>Hertford, NC 27944</u>
c. <u>Lewis Perry Bond</u>	<u>688 Ocean Hwy South</u> <u>Hertford, NC 27944</u>
d. <u>Kay Dail Whitley</u>	<u>322 N. Front Street</u> <u>Hertford, NC 27944</u>
e. <u>Alice W. Simons</u>	<u>151 Geraldine Drive</u> <u>Coventry, CT 06238</u>
f. <u>The Riddick Family Partnership</u>	<u>103 Village Gate Drive</u> <u>Chapel Hill, NC 27514</u>
g. _____	_____
h. _____	_____
i. _____	_____
j. _____	_____
k. _____	_____
l. _____	_____

# Perquimans County CUP Application

## List of Property Owner 150' from Subject Property





Application for Conditional Use Permit Request  
Case No. CUP-16-04

Attach the following:

\_\_\_\_\_ Completed Application.

\_\_\_\_\_ Letter addressed to the Perquimans County Board of Commissioners explaining your intentions in detail. The Applicant is advised to address any general and specific conditions and finding required by the Zoning Ordinance, Sections 903(a), (b), (c) and (d), 905, and 907A through X.

\_\_\_\_\_ Proof of Ownership.

\_\_\_\_\_ Owner's Authorization for Agent, if required.

\_\_\_\_\_ Legal Description and/or boundary survey to be used as an exhibit to the proposed Conditional Use Permit.

\_\_\_\_\_ Site plan prepared in accordance with Section 509 of the Perquimans County Zoning Ordinance.

\_\_\_\_\_ Two sets of stamped addressed envelopes of all property owners of subject, adjacent and nearby properties to whom notice of public hearing must be sent. Said notices will be sent by the Planning and Zoning Office in the envelopes provided by the Applicant.

\_\_\_\_\_ Two self-addressed stamped envelopes.

\_\_\_\_\_ Filing Fee of \$300 made payable to Perquimans County.

\_\_\_\_\_ Additional information needed by Planner, Technical Review Committee or County Officials:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Applications will not be scheduled for public meeting until complete.

Scott McLaughlin  
Signature of Owner or Authorized Applicant

08/12/2016  
Date

(This Application must be submitted to the Planning and Zoning Administrator no less than 25 days prior to the Planning Board's meeting and, where deemed necessary, additional time may be required for review by Technical Review Committee member[s]).





Application for Conditional Use Permit Request  
Case No. CUP-16-04

Owner's Authorization for Agent

NOTE: IF THE APPLICANT REQUESTING DEVELOPMENT APPROVALS OR PERMITS FOR A PARTICULAR PIECE OF PROPERTY IS NOT THE ACTUAL OWNER OF THE PROPERTY, THE ACTUAL OWNER MUST COMPLETE THIS FORM. IF THE PERSON WHO IS REQUESTING THE APPLICATION IS THE OWNER, PLEASE DISREGARD THIS FORM.

White Family Company, LLC

I am (We are) the owner(s) of the property located at 728 Ocean Hwy South, Hertford, NC 27944.

I (WE) HEREBY AUTHORIZE Heath McLaughlin TO ACT ON MY/OUR BEHALF to appear with my consent before the Perquimans County Board of Commissioners and Planning Board in order to request approval(s) for development and/or use of those lands described within the attached application, and as described in the attached deed or other such proof of ownership as may be required, or other action pursuant to one or more of the following:

- Rezoning Request
- Conditional Use District Rezoning
- Zoning Variance
- Administrative Appeal
- Conditional Use Permit
- Non-Zoning Variance

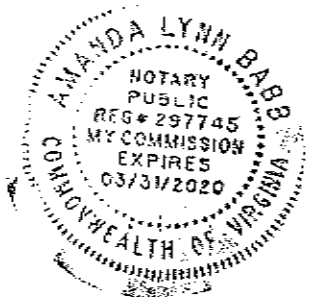
I authorize you to advertise and present this matter in my name as the owner of the property. If there are any questions, you may contact me at address 2584 Pruden Blvd., Suffolk, VA 23434 or by telephone at (757) 539-0214.

White Family Company, LLC

BY: [Signature]  
 Signature of Owner  
Clay White (757) 539-0214  
 Print Name Telephone Number

\_\_\_\_\_  
 Signature of Owner  
 \_\_\_\_\_  
 Print Name Telephone Number

Sworn to and subscribed before me, this the 27<sup>th</sup> day of July, 2016.  
 Notary Public Amanda Lynn Babb County of Suffolk  
 State of Va  
 My commission expires: 3/31/20



Application for Conditional Use Permit Request
Case No. \_\_\_\_-15-\_\_\_\_

Owner's Authorization for Agent

NOTE: IF THE APPLICANT REQUESTING DEVELOPMENT APPROVALS OR PERMITS FOR A PARTICULAR PIECE OF PROPERTY IS NOT THE ACTUAL OWNER OF THE PROPERTY, THE ACTUAL OWNER MUST COMPLETE THIS FORM. IF THE PERSON WHO IS REQUESTING THE APPLICATION IS THE OWNER, PLEASE DISREGARD THIS FORM.

Sun Farm V, LLC

I am (We are) the owner(s) of the property located at White Property - Ocean Hwy South, Hertford, NC 27944

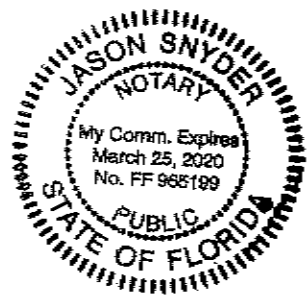
I (WE) HEREBY AUTHORIZE Heath McLaughlin / Blue Green Energy, LLC TO ACT ON MY/OUR BEHALF to appear with my consent before the Perquimans County Board of Commissioners and Planning Board in order to request approval(s) for development and/or use of those lands described within the attached application, and as described in the attached deed or other such proof of ownership as may be required, or other action pursuant to one or more of the following:

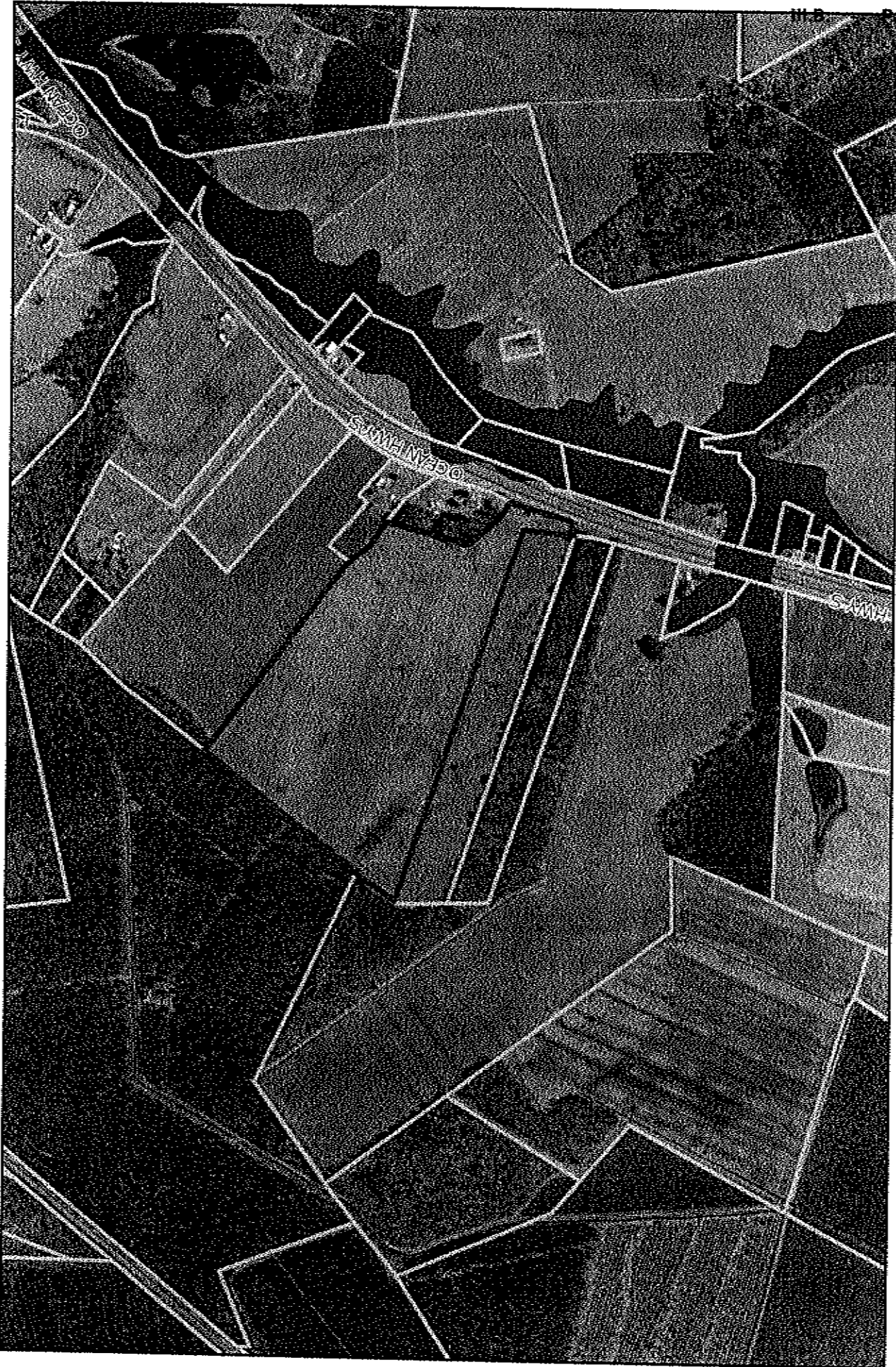
- [ ] Rezoning Request
[ ] Conditional Use District Rezoning
[ ] Zoning Variance
[ ] Administrative Appeal
[X] Conditional Use Permit
[ ] Non-Zoning Variance

I authorize you to advertise and present this matter in my name as the owner of the property. If there are any questions, you may contact me at address 176 Mine Lake Court, Suite 100, Raleigh, NC 27615 or by telephone at (321) 202-3600

BY: Sun Farm V, LLC
Signature of Owner
Heath McLaughlin, Member
Print Name
(321) 202-3600
Telephone Number
Signature of Owner
Print Name
Telephone Number

Sworn to and subscribed before me, this the 8th day of August, 2016
Notary Public
County of Seminole
State of Florida
My commission expires: March 25, 2020





Perquimans County, NC



PROPERTY MAP

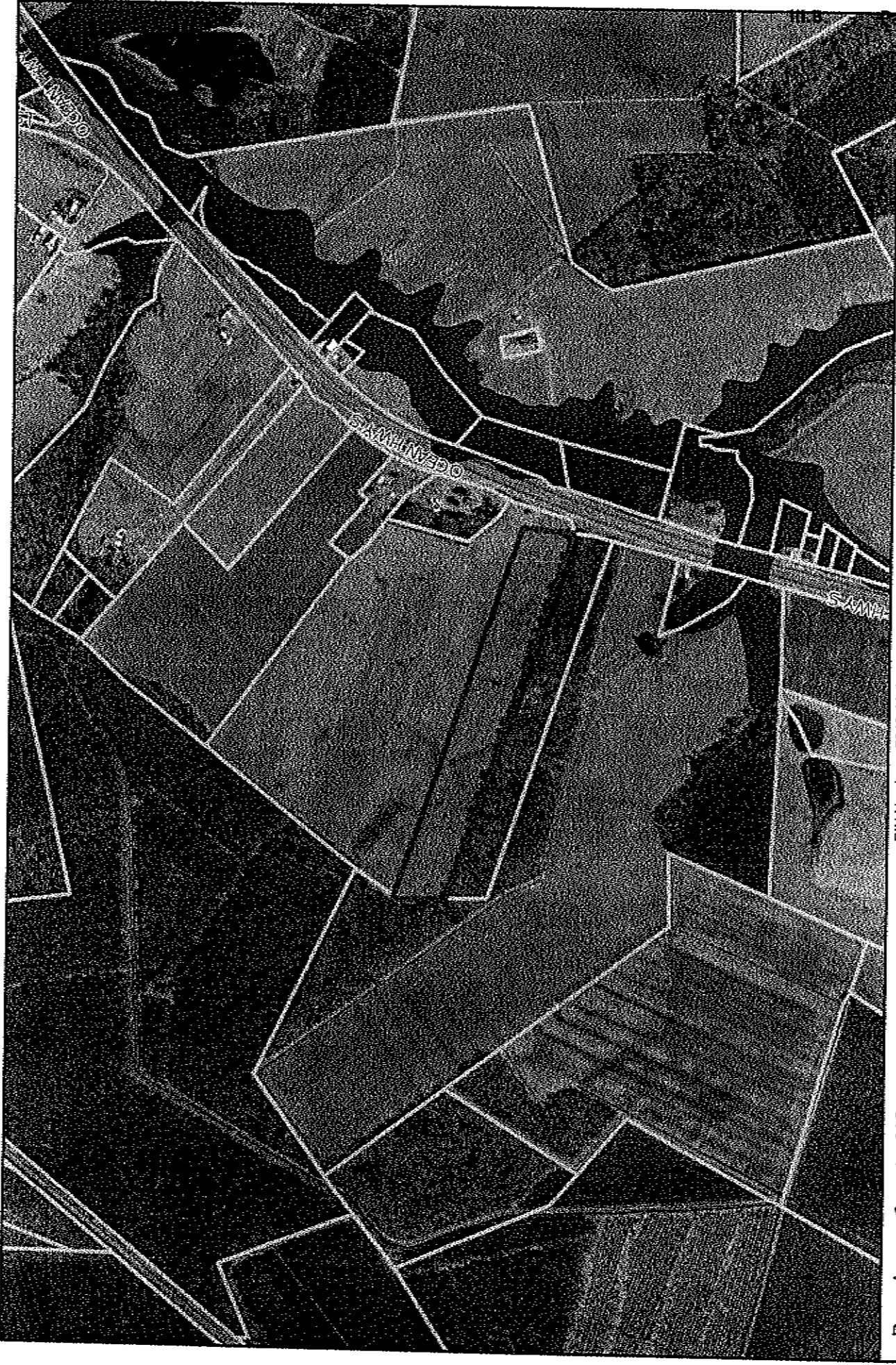
Disclaimer:  
 The data provided on this map are prepared by the emergency of real property found within Perquimans County, NC and are compiled from recorded plats, deeds, and other public records and data. This data is for informational purposes only and should not be substituted for a true title search, property appraisal, survey, or for zoning verification.

PIN Number: 7048-17-7001  
 Parcel Number: 3-0049-00012  
 Owner Name: WHITE FAMILY COMPANY, LLC  
 Owner Address: 2584 PRUDEN BOULEVARD  
 Owner Address 2: SUFFOLK, VA 23434  
 Owner Address 3:  
 Owner Account: 0356820  
 Description: CHAPPELLI, WHITE  
 Deed Book: 272  
 Deed Page: 494

Plat Cab:  
 Plat Map:  
 Plat Slide:  
 Record Date:  
 Sold Date:  
 Deed Acres: 47.77  
 Tax Value: 191,100  
 Use Value:  
 Township: HERTFORD



One Inch = 800 Feet



Perquimans County, NC

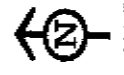
**PROPERTY MAP**

Disclaimer:  
The data provided on this map are prepared for the inventory of real property found within Perquimans County, NC and are compiled from recorded plats, deeds, and other public records and data. The data is for informational purposes only and should not be substituted for a true title search, property appraisal, survey, or for zoning verification.



PIN Number: 7848-16-4367  
 Parcel Number: 3-0049-00013  
 Owner Name: WHITE FAMILY COMPANY, LLC  
 Owner Address: 2584 PRUDEN BOULEVARD  
 Owner Address 2: SUFFOLK, VA 23434  
 Owner Address 3:  
 Owner Account: 0356820  
 Description: ELLIOTT-WHITE  
 Deed Book: 272  
 Deed Page: 494

Plat Cab:  
 Plat Map:  
 Record Date:  
 Sold Date:  
 Deed Acres: 17.60  
 Tax Value: 73,200  
 Use Value:  
 Township: HERTFORD



One Inch = 800 Feet





RA

HERTFORD EXTRATERRITORIAL  
ZONING JURISDICTION

Subject Properties  
Tax Map Nos. 3-0049-00012 & -00013  
Proposed White - Sun Farm, LLC  
Case No. CUP-16-04

CH

RA

R

OCEAN HWY S

654

656

656

655

688

708

764

767

781

782

838

818

828

837

857





FORWARDED TO BCC

SUPPORTING MATERIAL ATTACHED

**BACKGROUND INFORMATION continued:** The Applicants are seeking approval to excavate sand and topsoil in a 10.8-acre excavation, occurring within an approved permit area of 14.52 acres. Location of the proposed sand mine is in a lightly populated RA zone where sand mining is an accepted use with an approved Conditional Use Permit. Technical Review Committee met on September 19<sup>th</sup> and was supportive of the proposed mine operation. Questions were answered about the ditch that runs north then makes a sharp turn northwest across the middle of the parcel. The result is condition 7 on page 2 of the Draft Conditional Use Permit No. CUP-16-03. Current use of the property is agricultural row crops. Whitehurst Sand Company has been mining sand adjacent to this location for approximately 25 years and plans to continue to farm the land within the permitted area as the sand pit expands. After the mine reaches its full expanse, the area between it and Weight Station Road is expected to continue to be farmed with crops.

**CONSIDERATION of CUP CRITERIA and PROPOSED CONDITIONS:** The Draft Conditional Use Permit contains proposed conditions prepared in conjunction with the Applicant and is ready for the BCC's review at this time. The BCC is requested to review the Conditions together with the Applicants' Letter to the Board Of Commissioners and Site Plan, which are integral parts of the CUP. If approved, the Draft CUP will be executed by the Applicants and the BCC Chair and recorded by the Applicants in the Register of Deeds. Later, the recorded CUP will be attached to the Applicants' Zoning Permit and then used by Planning and Zoning staff to determine zoning compliance when inspecting the site.

The BCC may wish to consider approval of the Applicants' request subject to the Section 903 Findings which state that:

*"The (BCC) shall consider the application, the Planning Board recommendation, and comments at a public hearing and may grant or deny the Conditional Use Permit. In application consideration, the (BCC) shall use as a guide the specific conditions outlined in the Article for each use proposed" (in this case, Section 907, general)."* In addition, the Boards shall find:

<b>SECTION 903 TABLE OF FINDINGS</b> Case No. CUP-16-03: Proposed Elliott Sand Mine 292 Weight Station Road	
<b>Motion to approve finds:</b>	<b>Motion to deny finds:</b>
1) That the CUP will not materially endanger the public health or safety if located according to the plan submitted and approved.	1) That the CUP will materially endanger the public health or safety if located according to the plan submitted and approved.
2) That the use meets the required conditions and specifications.	2) That the use does not meet the required conditions and specifications.
3) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.	3) That the use will substantially injure the value of adjoining or abutting property, or that the use is not a public necessity.
4) That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Perquimans County Land Use Plan.	4) That the location and character of the use, if developed according to the plan as submitted and approved, will not be in harmony with the area in which it is to be located and not be in general conformity with the Perquimans County Land Use Plan.

For more details, please refer to attachments:

1. Draft Conditional Use Permit No. CUP-16-03;
2. Application (which includes a letter to the BCC and Site Plan)
3. GIS map of the subject area

**10-10-16 Draft CUP-16-03 for BCC**

**Do NOT record this page**

-Beginning of Conditional Use Permit document to be recorded-

Conditional Use Permit (Case No. CUP-16-03)

By Tildon and Patrick Whitehurst

for

**Proposed Sand Mine**

at 292 Weight Station Road, Hertford, NC

**Do NOT record this page**

**CONDITIONAL USE PERMIT No. CUP-16-03**

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

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

Owner/Applicant: Tildon and Pattie Whitehurst, 233 Woodville Road, Hertford NC 27944

Property Location: Tax Map 5 Block 0035 Lot 0023 (14.52 acre portion)

Street Address: 292 Weight Station Road, Hertford, NC 27944

Zoning District: RA, Rural Agriculture District.

Meeting & Hearing Dates: Planning Board on 10-11-16 & Board of Commissioners on 11-7-16.

**Proposed Use of Property:** In the applicant's attached letter to the Board of Commissioners they state, " *We recently acquired an additional 41.746 acres from Minnie Bell Elliot off of Weight Station Road. As some of you are aware, we have been mining sand at this location from (sic) approximately 25 years. This new addition will have a permitted boundary of 14.52 acres located on the eastern end of the property.*

*Per the mining rules and regulations, we are proposing a 25' unexcavated (undisturbed) buffer on the North, East and South side of the permit boundary. The remainder of our land adjoins on the West side of the permit boundary however we are stopping it at the existing 125' electrical transmission line.*

*We are proposing a 35' wide haul road running parallel to the northern property line, again maintaining the 25' unexcavated (undisturbed buffer) between the two. The road will primarily be built out of sand from the excavation. There will be a construction entrance at the beginning off of Weight Station Road per NCDENR requirements. This will help eliminate tracking onto the pavement."*

**CONDITIONAL USE PERMIT No. CUP-16-03**

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

Having heard all the evidence and argument presented at the hearing(s), the Perquimans County Board of Commissioners finds that the application is complete, that the application complies with all applicable requirements of the Perquimans County Zoning Ordinance for the development proposed, and therefore approves the "Elliott Sand Mine, Hertford, NC., also known as Case No. CUP-16-03, subject to all applicable provisions of the Zoning Ordinance pertaining to sand mines and subject to the following conditions:

- (1) The Applicants shall conduct operations in accordance with the plans and application materials submitted to and approved by the Board of County Commissioners (BCC), a copy of which is contained in the County Planning & Zoning Office and recorded with the Perquimans County Register of Deeds Office with this CUP document.
- (2) Vegetative buffering shall be established in compliance with the North Carolina Department of Environmental Quality (NCDEQ) permit.
- (3) Hours shall be limited for the quiet enjoyment of nearby residents from dawn to dusk.
- (4) The Applicants, heirs and assigns shall ensure that the mining operation has met all applicable Federal, State and local regulations and permitting requirements.
- (5) No permits authorizing land disturbing activities shall be issued prior to compliance with all applicable regulations.
- (6) Sand mine area will only be accessible through a gated or cabled private access road controlled by operator and landowner. "No Trespassing," signs will be posted. Six foot long metal stakes, covered by orange-painted PVC pipe driven approximately 2 feet into the ground, or similar markings, will be around the mine permit boundary.
- (7) When the ditch that flows north then turns northwest across the middle of the parcel is redirected, it shall be redirected into another ditch, either beside the Cooper property or the Meads property to flow northeast toward the swamp. It shall not impede drainage upstream from neighboring properties.
- (8) Permit applications are being submitted to Perquimans County Planning and Zoning Department, NCDEQ Energy, Mineral & Land Resources Division, and NCDEQ Division of Water Quality (for dewatering and storm water control). Excavation will not begin until all approved permits have been received by the operator. Yearly reporting and monitoring will be performed as required by all agencies.
- (9) Any Major Modification proposed to the approved plans shall require reapplication and approval by the Board of County Commissioners. "*Major Modification*" is defined as any departure from the conditions contained herein as well as "*Any significant change in land use, and change in the project boundary and/or change that results in an increase in the density or intensity of the project, as shown and described in the approved Conditional Use Permit and Site Plans.*" However, it is understood that the conceptual layout of the mining operation as shown on the Site Plan may require minor adjustments.
- (10) The Applicants, heirs and assigns shall conduct operations strictly in accordance with plans and narrative submitted to and approved by the Board of Commissioners.

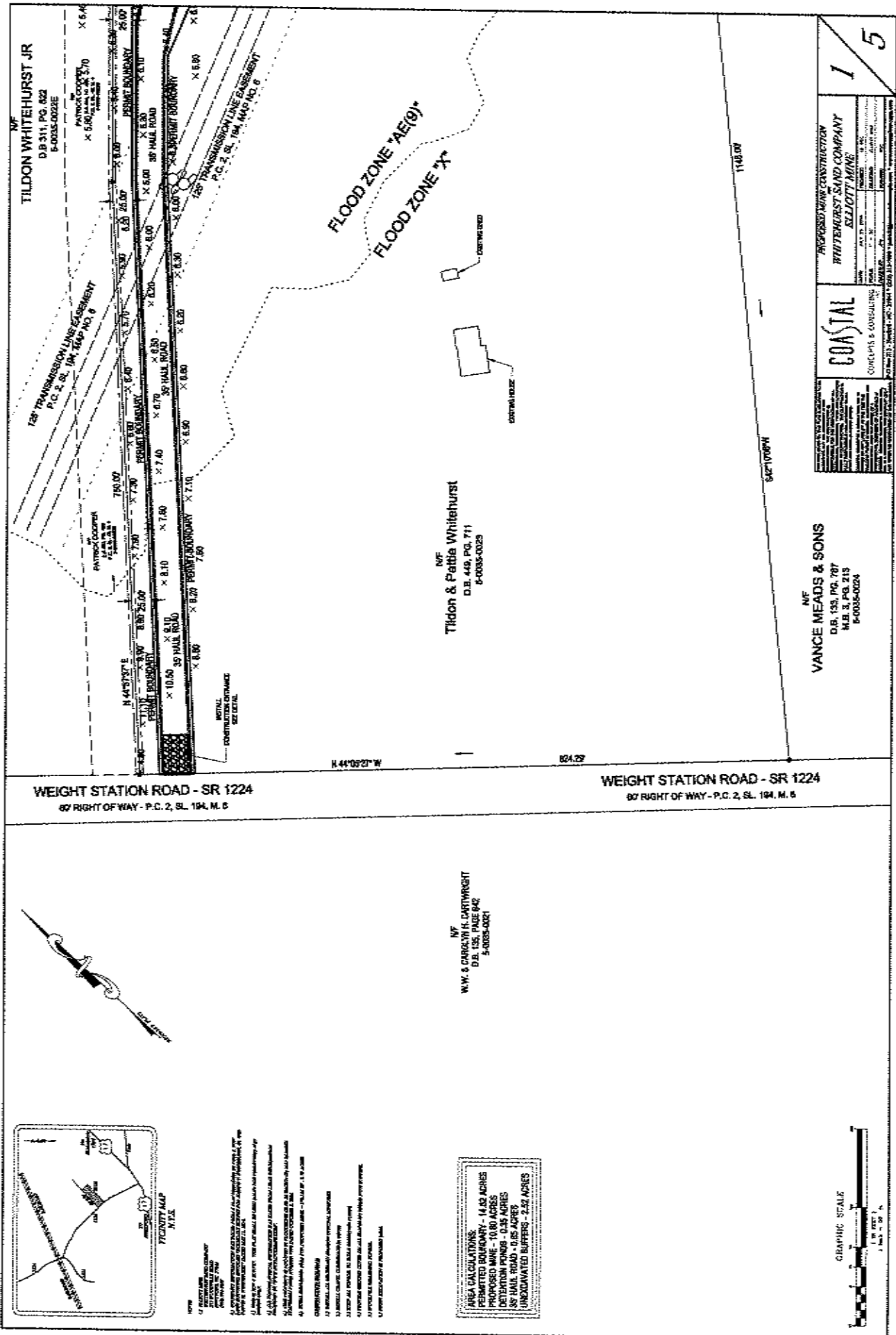
If any of the conditions affixed hereto, or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.



CONDITIONAL USE PERMIT No. CUP-16-03  
Page 4 of \_\_\_\_\_

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

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



NF  
TILDON WHITEHURST JR  
D.B. 311, PG. 622  
S-0035-0022E

120' TRANSMISSION LINE EASEMENT  
P.C. 2, S.L. 194, M.D. 6

PATRICK COOPER  
P.C. 2, S.L. 194, M.D. 6

NF  
Tildon & Patricia Whitehurst  
D.B. 448, PG. 711  
S-0035-0022E

NF  
VANCE MEADS & SONS  
D.B. 133, PG. 787  
M.B. 3, PG. 213  
S-0035-0022E

NF  
W.W. & CAROLYN H. CARTWRIGHT  
D.B. 135, PAGE 642  
S-0035-0021E

PROPOSED MAIN CONSTRUCTION  
WHITEHURST SAND COMPANY  
SLOTTING MINE

COASTAL  
CONSULTING & CONSTRUCTION

1  
5

WEIGHT STATION ROAD - SR 1224  
80' RIGHT OF WAY - P.C. 2, S.L. 194, M. 6

WEIGHT STATION ROAD - SR 1224  
80' RIGHT OF WAY - P.C. 2, S.L. 194, M. 5

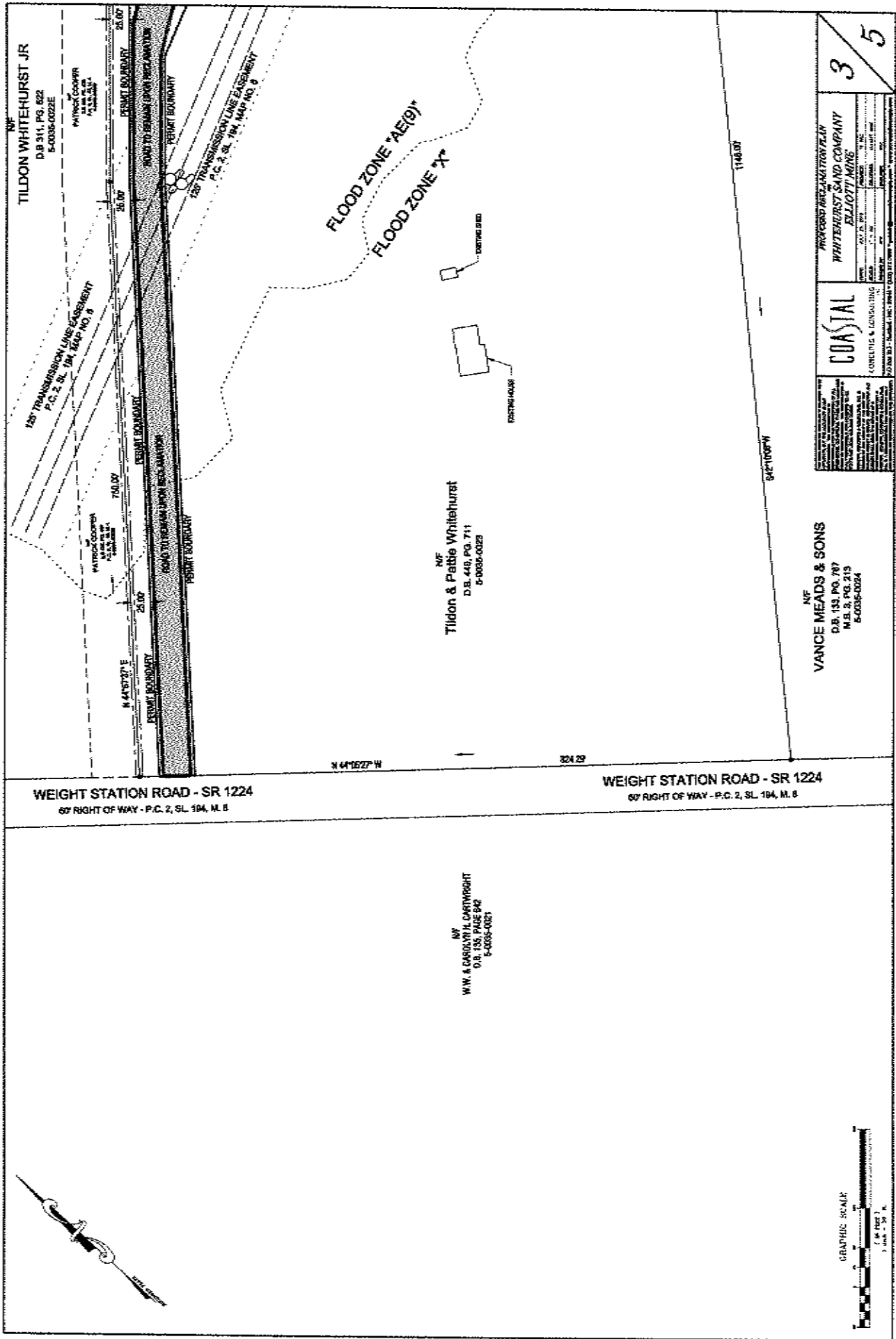
AREA CALCULATIONS  
TOTAL EASEMENT - 11.03 ACRES  
PROPOSED MINE - 1.03 ACRES  
DETENTION POND - 0.03 ACRES  
50' HAIL ROAD - 0.05 ACRES  
UNDEVELOPED BUFFERS - 2.92 ACRES

GRAPHIC SCALE  
1" = 100' (SEE P. 1)

NOTES:  
1. PROPERTY LINES SHOWN ARE BASED ON SURVEY DATA AND FIELD MEASUREMENTS.  
2. THE PROPOSED MINE AND DETENTION POND ARE SHOWN IN RED.  
3. THE 50' HAIL ROAD IS SHOWN IN BLUE.  
4. THE UNDEVELOPED BUFFERS ARE SHOWN IN GREEN.  
5. THE TRANSMISSION LINE EASEMENT IS SHOWN IN YELLOW.  
6. THE PATRICK COOPER EASEMENT IS SHOWN IN PINK.  
7. THE TILDON & PATRICIA WHITEHURST PROPERTY IS SHOWN IN WHITE.  
8. THE VANCE MEADS & SONS PROPERTY IS SHOWN IN LIGHT BLUE.  
9. THE W.W. & CAROLYN H. CARTWRIGHT PROPERTY IS SHOWN IN LIGHT GREEN.  
10. THE COASTAL CONSULTING & CONSTRUCTION PROPERTY IS SHOWN IN LIGHT PINK.







TILDON WHITEHURST JR  
D.B. 311, PG. 822  
5-0035-0022

120' TRANSMISSION LINE EASEMENT  
P.C. 2, SL. 184, MAP NO. 8

PERMIT BOUNDARY  
ROAD TO REMAIN UPON BEST AVAILABLE

FLOOD ZONE "AE(19)"  
FLOOD ZONE "X"

Tildon & Patie Whitehurst  
D.B. 448, PG. 711  
5-0035-0023

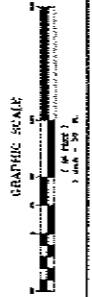
VANCE MEADS & SONS  
D.B. 143, PG. 787  
M.B. 3, PG. 213  
5-0035-0024

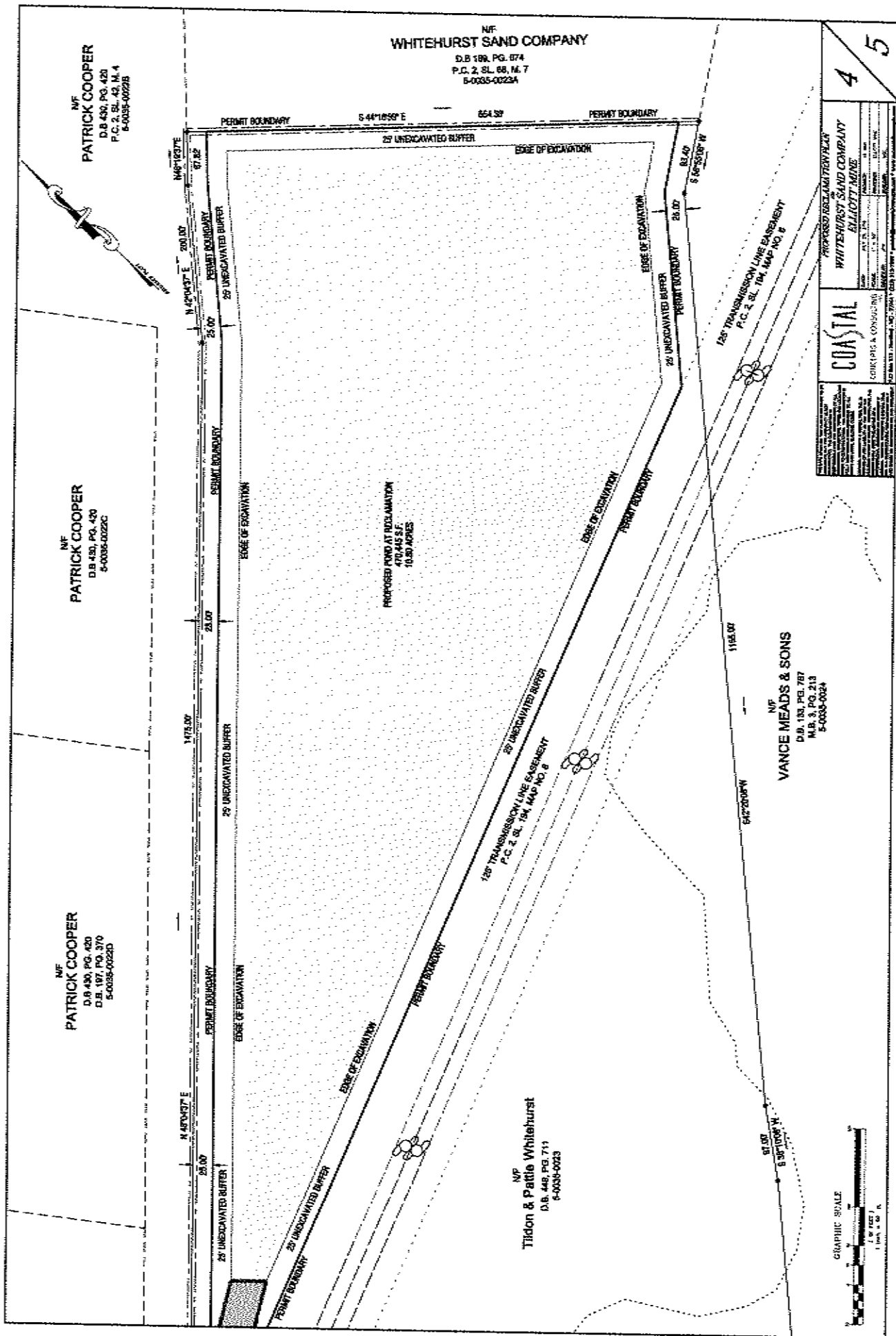
PROJECT INFORMATION	
PROJECT NAME	WHITEBURST SAND COMPANY BILLOTTI MINE
CLIENT	COASTAL CONCEPTS & ENGINEERING, INC.
DATE	02/25/2011
SCALE	AS SHOWN
DESIGNED BY	...
CHECKED BY	...
APPROVED BY	...
35	

WEIGHT STATION ROAD - SR 1224  
60' RIGHT OF WAY - P.C. 2, SL. 184, M. 8

WEIGHT STATION ROAD - SR 1224  
60' RIGHT OF WAY - P.C. 2, SL. 184, M. 8

W.W. & CAROLYN M. CARTWRIGHT  
D.B. 135, PAGE 842  
5-0035-0021





NF  
**PATRICK COOPER**  
 D.B. 430, PG. 420  
 P.C. 2, S.L. 42, M. 4  
 5-0035-0022B

NF  
**PATRICK COOPER**  
 D.B. 430, PG. 420  
 5-0035-0022C

NF  
**PATRICK COOPER**  
 D.B. 430, PG. 420  
 D.B. 107, PG. 370  
 5-0035-0022D

NF  
**WHITEHURST SAND COMPANY**  
 D.B. 189, PG. 574  
 P.C. 2, S.L. 68, M. 7  
 5-0035-0023A

PROPOSED WIND BREAK AT RECLAMATION  
 470,445 SF  
 10.30 ACRES

NF  
**Tidon & Pattie Whitehurst**  
 D.B. 448, PG. 711  
 5-0035-0023

NF  
**VANCE MEADS & SONS**  
 D.B. 131, PG. 787  
 M.B. 3, PG. 213  
 5-0035-0024

PROPOSED RECLAMATION PLAN  
**WHITEHURST SAND COMPANY**  
 ELLIOTT MINES

DATE	11/11/11
SCALE	1" = 100'
PROJECT NO.	111111
DRAWN BY	J. SMITH
CHECKED BY	M. JONES
APPROVED BY	[Signature]

**COASTAL**  
 CONSULTING & CONSTRUCTION  
 1000 N. 10th St., Suite 100, Tallahassee, FL 32301  
 TEL: 904.224.1111 FAX: 904.224.1112  
 WWW.COASTALCONSULTING.COM



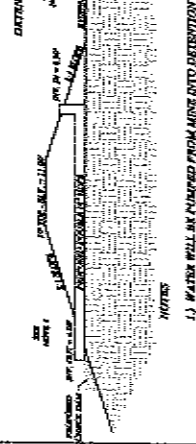
4 5

55

**COASTAL**  
CONCEPTS & CONSULTING

PROPOSED MINE DETAILS  
WHITFURST SAND COMPANY  
ELLIOTT MINE

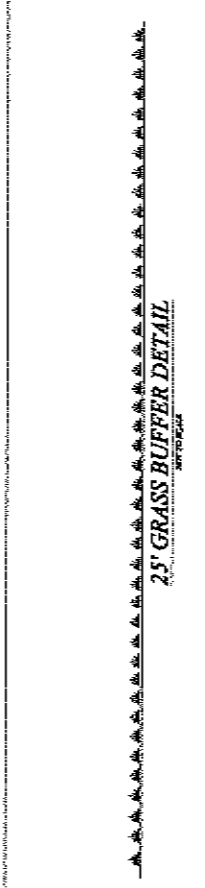
DATE: 11/15/11  
PROJECT: E.M.C.  
SCALE: AS SHOWN  
DRAWN BY: J.M.  
CHECKED BY: J.M.  
APPROVED BY: J.M.



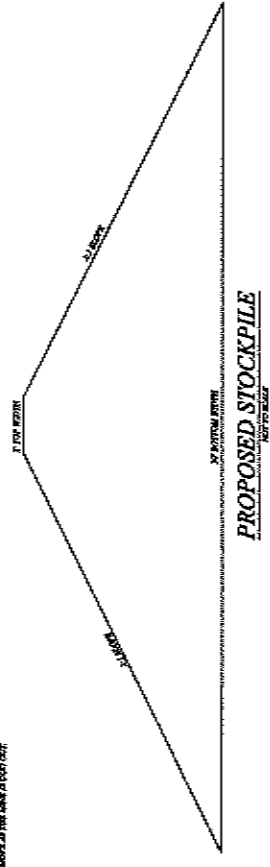
- NOTES**
- 1.) WATER WILL BE NERSED FROM MINE INTO DETENTION POND 1.
  - 2.) WATER FROM THIS POND WILL OVERFLOW THROUGH PROPOSED POPS INTO DETENTION POND 2.
  - 3.) WATER FROM DETENTION POND 3 WILL OVERFLOW THROUGH PROPOSED OUTFLOW STRUCTURE.
  - 4.) WATER WILL THEN DRAIN INTO EXISTING DITCH.

**DETENTION PONDS DETAIL**

**PROPOSED MINE CROSS SECTION**

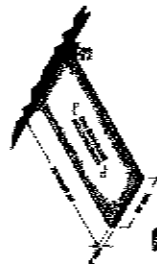


**25' GRASS BUFFER DETAIL**



**SEEDING SCHEDULE**

- GENERAL MINE RECONSTRUCTION:
1. SEEDING SHALL BE COMPLETED WITHIN 30 DAYS OF THE END OF CONSTRUCTION.
  2. SEEDING SHALL BE COMPLETED WITHIN 30 DAYS OF THE END OF CONSTRUCTION.
  3. SEEDING SHALL BE COMPLETED WITHIN 30 DAYS OF THE END OF CONSTRUCTION.
  4. SEEDING SHALL BE COMPLETED WITHIN 30 DAYS OF THE END OF CONSTRUCTION.
  5. SEEDING SHALL BE COMPLETED WITHIN 30 DAYS OF THE END OF CONSTRUCTION.
  6. SEEDING SHALL BE COMPLETED WITHIN 30 DAYS OF THE END OF CONSTRUCTION.
  7. SEEDING SHALL BE COMPLETED WITHIN 30 DAYS OF THE END OF CONSTRUCTION.
  8. SEEDING SHALL BE COMPLETED WITHIN 30 DAYS OF THE END OF CONSTRUCTION.
  9. SEEDING SHALL BE COMPLETED WITHIN 30 DAYS OF THE END OF CONSTRUCTION.
  10. SEEDING SHALL BE COMPLETED WITHIN 30 DAYS OF THE END OF CONSTRUCTION.



- NOTES:
1. SEEDING SHALL BE COMPLETED WITHIN 30 DAYS OF THE END OF CONSTRUCTION.
  2. SEEDING SHALL BE COMPLETED WITHIN 30 DAYS OF THE END OF CONSTRUCTION.
  3. SEEDING SHALL BE COMPLETED WITHIN 30 DAYS OF THE END OF CONSTRUCTION.
  4. SEEDING SHALL BE COMPLETED WITHIN 30 DAYS OF THE END OF CONSTRUCTION.
  5. SEEDING SHALL BE COMPLETED WITHIN 30 DAYS OF THE END OF CONSTRUCTION.
  6. SEEDING SHALL BE COMPLETED WITHIN 30 DAYS OF THE END OF CONSTRUCTION.
  7. SEEDING SHALL BE COMPLETED WITHIN 30 DAYS OF THE END OF CONSTRUCTION.
  8. SEEDING SHALL BE COMPLETED WITHIN 30 DAYS OF THE END OF CONSTRUCTION.
  9. SEEDING SHALL BE COMPLETED WITHIN 30 DAYS OF THE END OF CONSTRUCTION.
  10. SEEDING SHALL BE COMPLETED WITHIN 30 DAYS OF THE END OF CONSTRUCTION.

NOTE:  
1. SEEDING SHALL BE COMPLETED WITHIN 30 DAYS OF THE END OF CONSTRUCTION.

**10-10-16 Draft CUP-16-03 for BCC**

**Do NOT record this page**

-End of Conditional Use Permit document to be recorded-

**Conditional Use Permit (Case No. CUP-16-03)**  
By Tildon and Patrick Whitehurst

for

**Proposed Sand Mine**  
at 292 Weight Station Road, Hertford, NC

# Whitehurst Sand Company

North Carolina General Contractor – License 38655

August 15, 2016

Perquimans County  
Board of Commissioners  
P.O. Box 45  
Hertford, NC 27944

Subject: Conditional Use Permit Application for Tildon & Pattie Whitehurst

Thank you in advance for your consideration of this request. We recently acquired an additional 41.746 acres from Minnie Bell Elliot off of Weight Station Road. As some of you are aware, we have been mining sand at this location from approximately 25 years. This new addition will have a permitted boundary of 14.52 acres located on the eastern end of the property.

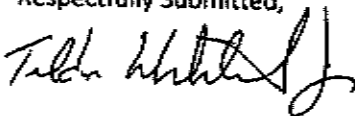
Per the mining rules and regulations, we are proposing a 25' unexcavated (undisturbed) buffer on the North, East and South side of the permit boundary. The remainder of our land adjoins on the West side of the permit boundary, however we are stopping it at the existing 125' electrical transmission line.

We are proposing a 35' wide haul road running parallel to the northern property line, again maintaining the 25' unexcavated (undisturbed buffer) between the two. The road will primarily be built out of sand from the excavation. There will be a construction entrance at the beginning off of Weight Station Road per NCDENR requirements. This will help eliminate tracking onto the pavement.

We will create two detention basins inside the mine boundary for pumping and storing water from our dewatering operation. The excavation is proposed to average 25' in depth so ground water will have to be dealt with. We'll pump water from the excavation into detention pond #1. There will be a berm separating detention pond #1 and detention pond #2. Water will over flow through pipes into detention pond #2 from detention pond #1. Once it reaches a certain level in detention pond #2, it will overflow into an existing property line ditch. There will be a check dam at the discharge point to prevent erosion. This method of dewatering allows plenty of time for any sediments to fall to the bottom prior to discharge.

The permitted life of the mine will be for 10 years. Upon completion, all sides will be sloped to a 3:1 slope and seeded in accordance with NCDENR requirements. The detention basins will be removed and the mine will fill with water. The haul road will stay in place for future access. A bond will be placed with NCDENR to ensure proper reclamation.

Respectfully Submitted,



Tildon Whitehurst, Jr.  
Owner/Operator

233 Woodville Road  
Hertford, NC 27944

[www.whitehurstsand.com](http://www.whitehurstsand.com)

(252) 264-3027 Office  
(252) 264-2712 Fax



**Perquimans County, North Carolina**  
**APPLICATION FOR CONDITIONAL USE PERMIT REQUEST**  
 Case No. CLP - 16-03

This section to be completed by County:	
Date received: _____	Received by: _____
Date completed: _____	Confirmed by: _____
Subject Property Tax Map No(s): _____	
Subject Property Zoning District(s): _____	
Will proposed Conditional Use require site improvements? _____	
Will proposed Conditional Use require review by other agencies? _____	

**Applicant's Information**

Name(s) of Owner(s): Tilden & Pattie Whitehurst

Street Address: 233 Woodville Road

City/State/Zip Code: Hertford, NC 27944

Phone Number(s): 252-264-3027 Fax: 252-264-2712 E-mail Address: patrick@whitehurstsand.com

Applicant (if different from Owner): \_\_\_\_\_

Street Address: \_\_\_\_\_

City/State/Zip Code: \_\_\_\_\_

Phone Number(s): \_\_\_\_\_ Fax: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

Person to receive comments and correspondence: Patrick Whitehurst

**Description of Property**

Address(es) of Subject Property: 292 Weight Station Road

Property Appraiser's Parcel Nos.: ~~7981-18-0950~~ 5-0035-0023AM

Location: This property is located on the East side of Weight Station Road, approximately 5,280 feet North of  Hwy 17 Road.

Township/Region: Parkville Subdivision: N/A Block - Lot Nos.: N/A

Size of Property: 41.746 acres. Lot width: 825 feet. Lot depth: 2500

Flood Plain: X2 AE1 Community Panel No.: 3720776000 J & 3720798000 J I.D. No. 370315 Parcels 796 & 798

1) I (We), the undersigned, do hereby respectfully make application and request the Planning Board and Board of Commissioners to consider a proposed Conditional Use Permit to make use of the subject property as follows: Sand Pit. The subject property is zoned RA. The subject property is owned by Tilden & Pattie Whitehurst as evidenced by deed recorded in Real Estate Book 449, Page 711 OR Will File Number \_\_\_\_\_ in the Perquimans County Register of Deeds.

**Application for Conditional Use Permit Request**  
**Case No. CUP -16- 03**

2) The following is from the most recent County Tax Office listing and contains all of the individuals, firms, or corporations owning properties involved in the Conditional Use Permit request as well as the owners of all properties any portion of which is within one-hundred fifty (150) feet of the subject property. This includes any property owner who is adjacent to the subject property (to the side, rear or front) and across the street.

Name	Address
a. <u>Tilda &amp; Pattie Whitehurst</u>	<u>213 Woodville Road</u> <u>Hertford, NC 27944</u>
b. <u>Whitehurst Sand Company</u>	<u>253 Woodville Road</u> <u>Hertford, NC 27944</u>
c. <u>Vance meads &amp; Sons, Inc</u>	<u>1700 Darian Drive</u> <u>Elizabeth City, NC 27909</u>
d. <u>W.W. &amp; Carolyn Cartwright</u>	<u>371 Weight Station Rd</u> <u>Hertford, NC 27944</u>
e. <u>Clay <sup>→ &amp; Stephanie</sup> Cooper</u>	<u>496 Gum Bridge Road</u> <u>Elizabeth City, NC 27909</u>
f. _____	_____
g. _____	_____
h. _____	_____
i. _____	_____
j. _____	_____
k. _____	_____
l. _____	_____

Application for Conditional Use Permit Request  
Case No. CUP -16-03

Use an additional sheet of paper if necessary.

- 3) Statement of the nature of the proposed use: We are proposing a 14.52  
acre sand pit on property recently acquired from Minnie Bell  
Elliott. The sand pit will be located on the eastern end of the  
property. In accordance with the application submitted to NCDENR,  
there will be a 25' unexcavated buffer on North, East & South  
sides of the proposed mine. The excavation will average 25' in  
depth and will carry a permit life of 10 years. A dard will  
be placed with NCDENR upon completion, all sides will be  
stopped with a 3:1 and seeded.



Application for Conditional Use Permit Request  
Case No. CUP -16- 03

Attach the following:

- Completed Application.
- Letter addressed to the Perquimans County Board of Commissioners explaining your intentions in detail. The Applicant is advised to address any general and specific conditions and finding required by the Zoning Ordinance, Sections 903(a), (b), (c) and (d), 905, and 907A through X.
- Proof of Ownership.
- N/A Owner's Authorization for Agent, if applicable.
- Legal Description(s) and/or boundary survey(s) to be used as an exhibit to the proposed Conditional Use Permit.
- Site plan prepared in accordance with Section 509 and Article IX of the Perquimans County Zoning Ordinance.
- Two self-addressed stamped envelopes and two sets of stamped pre-addressed envelopes of all property owners of subject, adjacent and nearby properties within 150 feet and/or across the street (as per current Tax Office listings), to whom notice of public meeting and hearing must be sent. Said notices will be sent by the Planning & Zoning Office in envelopes provided by Applicant.
- Filing Fee of \$300 made payable to Perquimans County.

\_\_\_\_\_ Additional information needed by Planner, Technical Review Committee or County Officials:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**APPLICATIONS WILL NOT BE SCHEDULED FOR PUBLIC MEETING UNTIL COMPLETE**

I (We), the undersigned, do hereby respectfully apply for a Conditional Use Permit on the property described herein. I (We) affirm that this application form and attached materials are true and accurate to the best of my (our) knowledge.

Todd White \_\_\_\_\_ 8/15/16  
 Signature of Owner or Authorized Applicant Date

**(This Application must be submitted to the Planning and Zoning Administrator no less than 25 days prior to the Planning Board's meeting and, where deemed necessary, additional time may be required for review by Technical Review Committee member[s]).**

Application for Conditional Use Permit Request

Case No. CUP -16- 03

Owner's Authorization for Agent

NOTE: IF THE APPLICANT REQUESTING DEVELOPMENT APPROVALS OR PERMITS FOR A PARTICULAR PIECE OF PROPERTY IS NOT THE ACTUAL OWNER OF THE PROPERTY, THE ACTUAL OWNER MUST COMPLETE THIS FORM. IF THE PERSON WHO IS REQUESTING THE APPLICATION IS THE OWNER, PLEASE DISREGARD THIS FORM.

I am (We are) the owner(s) of the property located at \_\_\_\_\_.

I (WE) HEREBY AUTHORIZE \_\_\_\_\_ TO ACT ON MY/OUR BEHALF to appear with my consent before the Perquimans County Board of Commissioners and Planning Board in order to request approval(s) for development and/or use of those lands described within the attached application, and as described in the attached deed or other such proof of ownership as may be required, or other action pursuant to one or more of the following:

- Rezoning Request
- Conditional Use District Rezoning
- Zoning Variance
- Administrative Appeal
- Conditional Use Permit
- Non-Zoning Variance

I authorize you to advertise and present this matter in my name as the owner of the property. If there are any questions, you may contact me at address \_\_\_\_\_ or by telephone at \_\_\_\_\_.

BY:

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Telephone Number

Sworn to and subscribed before me, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public \_\_\_\_\_ County of \_\_\_\_\_

State of \_\_\_\_\_

My commission expires: \_\_\_\_\_





CLOSED SESSION

After both parties presented their motions and responses, Chair Cole made a motion to go into Closed Session to consult with the County attorneys about these issues to receive legal clarity. The motion was seconded by Edward R. Muzzulin and unanimously approved by the Board. The Board moved into the Jury Room to confer with their attorneys.

When the Board returned, Chair Cole explained that, under advice of counsel, the two (2) motions, Motion to Dismiss the Application and Motion to Deny Application for Failure to Meet Burden will be taken up by the whole Board. In light of that, Ms. Cole explained that the Board would move on the Motion for Recusal of Matthew Peeler first. Attorney Campen presented his motion at the September 19, 2016 meeting. Ms. Cole cautioned the public to keep the proceedings orderly and requested Sheriff Eric Tilley to proceed to remove anyone that will disrupt the proceedings. Chair Cole then asked Mr. Essick to present his response to this motion. Attorney Campen responded to Mr. Essick's response. Chair Cole asked Commissioner Peeler if he would like to make a comment. Mr. Peeler did make a short statement. At this point, Chair Cole opened up for discussion from the Board. Comments were made by Chair Cole, Commissioners Leigh, Muzzulin, Nelson, and Jones made their statements. During his comments, Commissioner Nelson asked Mr. Peeler if he could explain how he could be objective after reading some of his comments in these e-mails. Mr. Peeler said that, during his term on this Board, he has voted on four (4) solar farms. Of the four (4) solar farms, he voted for one (1) and against (3) because the one solar farm followed the procedures laid out in the County's Ordinance. After reading the statement read during the first night of hearings in August, she asked the Board to decide whether or not Commissioner Peeler should be recused from these proceedings. After consulting with the County's attorney, she said that Mr. Peeler did provide the information prior to the hearings through the public records request. With that being said, Chair Cole called for a vote on the motion to recuse Commissioner Peeler. The Motion to Recuse Commissioner Peeler was approved by a vote of three (3) to two (2) with Commissioners Nelson and Jones voting against the motion. Commissioner Peeler was recused from the proceedings and he left the table prior to any further action being taken.

Chair Cole then addressed the Motion to Dismiss the Application as Incomplete. Ms. Cole stated that the Board has had an opportunity to read the motion and opened the floor for discussion. Commissioners Jones, Nelson, Muzzulin, and Leigh made some comments. Chair Cole asked if there were any more comments from the Board. There being none, she called for a vote. The Motion to Dismiss the Application as Incomplete was denied with all Commissioners voting against the motion.

Chair Cole then addressed the Motion to Deny Application for Failure to Meet Burden. Ms. Cole again stated that the Board has had an opportunity to read the motion and opened the floor for discussion. Commissioners Jones and Nelson made some comments. Chair Cole asked if there were any more comments from the Board. There being none, she called for a vote. The Motion to Deny Application for Failure to Meet Burden was denied with all Commissioners voting against the motion.

CONTINUED QUASI-JUDICIAL HEARING

Chair Cole asked Mr. Essick if they were ready to proceed with calling their first witness. Mr. Johnson asked if they could take a short break to set up the projector. Attorney Weber asked Chair Cole to take action on their Motion in Limine to Exclude Testimony from Out of State Lay Witnesses before Mr. Essick calls his first out-of-state witness. Mr. Johnson explains that he would like to complete his examination of three witnesses before the end of the night. Chair Cole asked how many witnesses they had. Mr. Essick said five (5) to six (6) individuals. Chair Cole said that she believed that the Motion in Limine was a motion that the Chair could act on. Therefore, Ms. Cole stated that she was going to deny their Motion in Limine to Exclude Testimony from Out of State Lay Witnesses and stated that, once the testimony begins, the applicant's attorney could object stating their grounds for the objection and she could consider it at that time. Chair Cole granted a short recess to allow Mr. Essick to set up his projector.

After the break, Chair Cole asked Mr. Johnson to call his first witness which was Robert W. Rand, Principal Consultant, Rand Acoustics.

ADJOURNMENT

The Continued Quasi-Judicial Hearing was continued to a date and time to be announced.

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

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

\*\*\*\*\*  
**REGULAR MEETING**

October 3, 2016

6:55 p.m.

The Perquimans County Board of Commissioners met in a regular meeting on Monday, October 3, 2016, at 6:55 p.m. in the Commissioners Room located on the first floor of the Perquimans County Courthouse Annex.

<b>MEMBERS PRESENT:</b>	Janice McKenzie Cole, Chair Fondella Leigh Wallace Nelson	Kyle Jones, Vice Chairman Edward R. Muzzulin Matthew Peeler
<b>MEMBERS ABSENT:</b>	None	
<b>OTHERS PRESENT:</b>	Frank Heath, County Manager Will Crowe, County Attorney	Mary Hunnicutt, Clerk to the Board

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

**PUBLIC HEARING: NO WAKE ZONE FOR YEOPIM CREEK**

Chair Cole opened the Public Hearing stating that the Public Hearing to receive citizens' comments on Perquimans County's intent to make application to the North Carolina Wildlife Commission for the investigation into the need for an adoption thereafter, if warranted, of a "NO-WAKE" Zone for the total body of water known as Yeopim Creek located off Yeopim River (adjacent to Heritage Shores North) in Bethel Township. There were thirty-one (31) people present. County Manager Heath explained the error in the public notice. The "No-Wake" Zone would be only on a portion of the water known as Yeopim Creek. With that said, Chair Cole asked if anyone had signed up to speak. The following comments were made:

- > Nancy Whelan: Ms. Whelan was pleased to hear that the "No-Wake" Zone was only going to be on a portion of Yeopim Creek. Ms. Whelan said that she resides in Albemarle Plantation and is a member of the Osprey Yacht Club. She further stated her disappointment in how this notice was handled and caused a great deal of confusion and wants to make sure that this Board clarifies this in public before the application goes to the State.
- > Victor Burdell: Mr. Burdell thanked County Manager Heath for clearing up the confusion and supports the "No-Wake" Zone.
- > Frank Heath: County Manager Heath wanted to let the public know that the Board tonight will be adopting a Resolution for the "No-Wake" Zone which includes the latitude and longitude coordinates of the area that was included in the map with the Notice of Hearing.
- > Jerry Austin: Mr. Austin lives in Heritage Shores and spoke in favor of the "No-Wake" Zone.
- > Bob Decker: Mr. Decker lives within the area proposed for a "No-Wake" Zone and supports it.
- > Rosemary Smith: Ms. Smith lives in Albemarle Plantation and appreciates hearing the information that Mr. Heath clarified tonight. She did express her concern about the way the notification was made and to make changes in the future to notify all residents along the area being considered for a "No-Wake" Zone.
- > Frank Billek: Mr. Billek spoke in favor of the "No-Wake" Zone.
- > Marjorie & Walker Rayburn: They provided a letter of support for the proposed "No-Wake" Zone.

There being no further comments, Chair Cole closed the Public Hearing at 7:10 p.m. and proceeded with the regular meeting.

**AGENDA**

On motion made by Matthew Peeler, seconded by Edward R. Muzzulini, 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 Wallace E. Nelson, seconded by Matthew Peeler.

1. Approval of Minutes: September 8, 2016 Regular Meeting, September 19-21, 2016 Continued Quasi-Judicial Hearing Minutes

2. Tax Release Approvals:

**PERQUIMANS COUNTY TAX RELEASES:**

Fethman, Barbara In error; didn't receive senior citizens exemption in the amount of \$78,250. Account No. 357700.	\$446.03
Hall, Curtis & Dorothy In error; didn't receive disabled veterans exemption in the amount of \$45,000. Account No. 244938.	\$256.50
Davis, Vernon & Essie In error; didn't receive senior citizens exemption in the amount of \$25,000. Account No. 503240.	\$142.50
Jacobs, Brittany Perry In error; didn't receive disabled veterans exemption in the amount of \$45,000. Account No. 429901.	\$256.50
Parker, David et al Billed at incorrect assessment. Account No. 527084.	\$206.34
Walker, William & Catherine In error; didn't receive senior citizens exemption in the amount of \$25,000. Account No. 517400.	\$142.50
Henry, Mildred A. A new parcel was set out of 2-D070-0104-BF, new parcel number is 2-D070-0101A-BF. Pearson Appraisal did not pick up this change. Bethel Fishing Center was double billed and other improvements were picked up incorrectly. Account Number 256073.	\$468.55
Henry, Mildred A. Mrs. Henry's senior citizens discount was applied to the wrong parcel in error. 2-D0700003A-BG. Account No. 256073.	\$140.79
Albemarle Trucking, Inc. Per Mr. Gregory, his 2015 Western Trailer valued at \$57,600 is listed in Maine. Account No. 356608.	\$328.32
Elmore, Jeannette In error; didn't receive senior citizens exemption in the amount of \$46,600. Parcel 5-D040-0216A-W. Account No. 539191.	\$251.64
Elmore, Jeannette In error; didn't receive senior citizens exemption in the amount of \$46,600. Parcel 5-D040-0216A-W. Account No. 539191.	\$205.62
Hepburn, David & Teresa Credit balance on account. Account No. 357170.	\$418.64
Hoffman, Stephen Credit balance on account. Account No. 258880.	\$425.50
Morton, Catherine E. Credit balance on account. Account No. 429702.	\$150.16
Grandnette, Anthony Credit balance on account. Account No. 429729.	\$251.08
Stone, David William CK3-9753 (2014 Toyota) surrendered on 9/19/16; expires 7/31/17; 10-month refund. Abstract No. 0025359718.	\$107.77

3. Personnel Matters:

Employee Name	Employee Job Title	Action Required	Grade/Step	New Salary	Effective Date
Richard Copeland	Water Supervisor	Retirement			12/31/2016

4. Step/Merit Increases:

Employee Name	Employee Job Title	Grade/Step	New Salary	Effective Date
Zeb Dabecker	Part-Time Telecommunicator	6104	\$33,151/hour	10/1/2016
Richard Thrasher	EMT-I	66/2	33,921	10/1/2016
Ernest Swanner	Code Enforcement Officer	61/2	27,220	10/1/2016
Shawneeka Jordan	Deputy Register of Deeds	58/5	25,657	10/1/2016
LeAnne Hamilton	Secretary	60/6	28,717	10/1/2016

## 5. Board Appointments: The following Board appointments were approved by the Board:

NAME	BOARD	ACTION	TERM	EFFECTIVE DATE
Madre, Delphine	Adult Care Home Advisory Committee	Reappointment	3 yrs.	10/1/2016
Thompson, Belzasy	Animal Control Board (SPCA Representative)	Reappointment	3 yr.	10/1/2016
Mathis, Lynn W.	Board of Adjustments	Reappointment	3 yrs.	10/1/2016
Baker, Julian	Board Trustees for Belvidere/Chappell Hill Fire Dept.	Reappointment	1 yr.	10/1/2016
Winslow, Wade	Board Trustees for Belvidere/Chappell Hill Fire Dept.	Reappointment	1 yr.	10/1/2016
Hobbs, Benjamin	Board Trustees for Bethel Fire Dept.	Reappointment	1 yr.	10/1/2016
Muzzalin, Edward	Board Trustees for Bethel Fire Dept.	Reappointment	1 yr.	10/1/2016
Chappell, William Wray	Board Trustees for Durant's Neck	Reappointment	1 yr.	10/1/2016
Nixon, Mack E.	Board Trustees for Durant's Neck	Reappointment	1 yr.	10/1/2016
Boyce, Jonathan	Board Trustees for Inter-County Fire Dept.	Reappointment	1 yr.	10/1/2016
Swayne, Robert D.	Board Trustees for Inter-County Fire Dept.	Reappointment	1 yr.	10/1/2016
Swain, Linda	Nursing Home Advisory Committee	Appointment	1 yr.	10/1/2016
Darden, Kisha	Nursing Home Advisory Committee	Appointment	1 yr.	10/1/2016

## 6. Budget Amendments:

BUDGET AMENDMENT NO. 2  
GENERAL FUNDS

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
10-348-000	State Grants - Social Services		
10-630-454	Child/Daycare	24,584	
EXPLANATION: To budget actual Daycare Funds to be received in FY 16/17 as approved by the State.		24,584	

BUDGET AMENDMENT NO. 3  
GENERAL FUNDS

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
10-348-033	State Grants - Senior Medicare		
10-615-146	SHIP (Senior Health Insurance Information Program)	3,278	
EXPLANATION: To budget exact amount (\$3,278) to be received in SHIP for FY 16/17.		3,278	

BUDGET AMENDMENT NO. 4  
COUNTY CONSTRUCTION FUNDS

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
50-348-003	Ward Bequest		
50-000-731	Capital Ward School/Library	600,000	
EXPLANATION: To budget bequest of Charles Ward for FY 16/17.		600,000	

## 7. Record Retention Schedules: The State had forwarded copies of the Amendments to the Record Retention Schedules for County Management and the Sheriff's Office. The Amendments were approved as presented.

INTRODUCTION OF EMPLOYEE

- > Eric Tilley: Mr. Tilley, Sheriff, introduced Brian Gregory who was promoted to a Certified Deputy on August 1, 2016. Mr. Gregory began working as a Bailiff on November 25, 2015. He has completed his BLET training and has been promoted to a Certified Deputy on August 1, 2016. Mr. Gregory made a few comments and Chair Cole welcomed him to the County.
- > Richard Copeland: Mr. Copeland, Water Supervisor, introduced Roy Alons, Water Plant Operator. Mr. Alons began work on September 1, 2016 and will be an asset to the County's Water Department. Chair Cole welcomed him to the County.
- > Michele Lawrence: Ms. Lawrence, Librarian, introduced Phencia Horton and Treasura Sanders, Part-Time Librarian Technicians who began working on September 1, 2016. Chair Cole welcomed them to the County.

NATALIE PEEL, NORTH CAROLINA COMMUNITY FOUNDATION

Ms. Peel explained that Donna Jones, Program Director of Perquimans County Mentoring Focus Group, applied for a \$1,000 Grant for her community garden. Ms. Peel presented the \$1,000 to Ms. Hunnicutt, Clerk to the Board. Chair Cole thanked her for the award.

TOM NASH AND CHARLES WARD'S FAMILY PRESENTATION

Chair Cole called on Tom Nash and Charles Ward's family members to come forward. Mr. Nash who represents the estate of Charles Ward, was here tonight representing Mr. Ward, his late wife, Alice Jean, and their families. He explained how Mr. Ward was very active in Perquimans County and was generous to many people. Mr. Nash read the following from Mr. Ward's handwritten will, "I would like to donate \$600,000 to Perquimans County to be used for a football field or a library whichever the Commissioners would prefer." He further stated that it was the family's preference to use the funds for a football field. With that being said, Mr. Nash said that, on behalf of Charles Ward, Alice Jean Ward, and their family, he presented the \$600,000 check to Chair Cole. Chair Cole asked for Mr. Nash and the family to come forward for a picture. After the picture was taken, Chair Cole explained that Charles Ward's daughter, Sharon Bockman, thanked the Board for inviting the family to this presentation but could not attend due to her having to attend a commissions meeting. Chair Cole made some personal remarks about Charles and thanked him for this legacy and all the other legacies that he has left Perquimans County.

COMMISSIONER'S CONCERNS/COMMITTEE REPORTS

Chair Cole asked if there were any Commissioner's Concerns or Committee Reports. The following reports/concerns were discussed:

- > Commissioner Muzzalin: Mr. Muzzalin asked County Manager Heath about the preparations being made for Hurricane Matthew. Mr. Heath explained that he had met with Jonathan Nixon, Emergency Management, and reported that Governor McCrory has declared 66 eastern counties under a State of Emergency. It looks like the potential impacts will be sometime this weekend.
- > Chair Cole: Ms. Cole stated that, with the opposing attorney's having seven witnesses for the Wind Farm Quasi-Judicial Hearings in October, she is very concerned about the time. She does not know if they will be finished by October 18<sup>th</sup>. She recommends that we need to get additional dates set up for these meetings. Since the Board has already scheduled October 22<sup>nd</sup> as a meeting, they could allow the attorneys to complete their testimonies by the end of the 22<sup>nd</sup>. It was the consensus of the Board to proceed with her recommendation.
- > Commissioner Nelson: Mr. Nelson presented an update on the merger of Trillium. He explained that they are trying to set up a time to meet with the Commissioners to update them on the upcoming merger. Trillium is looking into setting up a Kiosk for individuals to do an assessment on-line. They have just placed one in Camden recently.
- > Commissioner Jones: Mr. Jones asked if they are still having problems with people dumping trash in Holiday Island. Mr. Heath said that he has not received an update on this matter.

**UPDATES FROM COUNTY MANAGER**

County Manager Heath presented the following updates:

- > **Library Project:** Mr. Heath explained that work on the foundation at the Library site has begun.
- > **Boat Ramp Project:** Mr. Heath stated that he had talked with Sherry Sherman, Wildlife Engineer, who reported that we are waiting on the Federal Environmental Review to be done which should be completed by this month. Once that happens, she said that the federal funds could be released and we would begin the project then.

**RESOLUTION REQUESTING NO WAKE ZONE FOR YEOPIM CREEK**

County Manager Heath explained that the Public Hearing was held earlier in the meeting and he presented the Resolution that includes the correct coordinates. On motion made by Edward R. Muzzulín, seconded by Matthew Peeler, the Board unanimously approved the following Resolution which will be forwarded to the State for approval:

NORTH CAROLINA  
COUNTY OF PERQUIMANS

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF PERQUIMANS COUNTY**

WHEREAS under authority of North Carolina General Statutes Section 75A-15(a) any subdivision of the State of North Carolina may at any time, after public notice, make formal application to the Wildlife Resources Commission for special rules and regulations with reference to the safe and reasonable operation of vessels on any water within its territorial limits,

WHEREAS the Yeopim Creek in and around the Bethel Township is within the territorial limits of Perquimans County, and

WHEREAS the safety for property owners adjacent to the current no-wake zone has come into question by those citizens and other concerned with wakes created by boats and personal watercraft operating at high speeds, and

WHEREAS the narrow portion of the Yeopim Creek that flows through the area referenced in this resolution makes it dangerous for canoers and kayakers who use the creek in this area, and swimmers, to be in such close contact with power boaters operating their vessels at higher than necessary speeds, and

WHEREAS the Board of Commissioners of Perquimans County has received a signed petition by the residents along the Bethel Creek requesting to establish a no-wake zone, and

WHEREAS the Board of Commissioners of Perquimans County wishes to establish the No-Wake zone per the attached map or as described as follows:

To establish a No-Wake Zone for the part of the body of water known as Yeopim Creek located off Yeopim River (adjacent to Heritage Shores North) in Bethel Township starting at N 36° 6.796' W 76° 25.892' (near the mouth of the Yeopim River) to N 36° 6.718' W 76° 25.892'.

BE IT RESOLVED that in accordance with G.S. 75A-15, the Board of Commissioners of Perquimans County requests the North Carolina Wildlife Resources Commission to promulgate special rules and regulations with reference to safe and reasonable operation of vessels on the waters of the areas listed above and noted on the attached map located in said County, the pertinent substance of which proposed regulations is as follows: a No-Wake Zone for the part of the body of water known as Yeopim Creek located off Yeopim River (adjacent to Heritage Shores North) in Bethel Township starting at N 36° 6.796' W 76° 25.892' (near the mouth of the Yeopim River [adjacent to Heritage Shores North]) to N 36° 6.718' W 76° 25.892' as shown on the attached map which falls within the limits and regulations of the N.C. Wildlife Commission.

BE IT FURTHER RESOLVED that the said Board of Commissioners request that said Commission to promulgate regulations fully implementing the Uniform Waterway Marker System in all of the waters of the said County.

ADOPTED this the 3<sup>rd</sup> day of October, 2016.

By: \_\_\_\_\_  
Janice McKenzie Cole, Chair  
Perquimans County Board of Commissioners

SEAL

**CERTIFICATION**

This is to certify that the above is a true and exact copy of a resolution adopted by the Perquimans County Board of Commissioners at the regular meeting held in the Perquimans County Courthouse Annex on October 3, 2016. The same appears on record in Minute Book 15, Page 3203 of the said Commission and filed in the Perquimans County Registry.

\_\_\_\_\_  
Clerk to the Board of Commissioners of  
Perquimans County

**RESOLUTION SUPPORTING THE RELOCATION OF THE HERTFORD POST OFFICE**

Chair Cole stated that several people have approached her about the possibility of relocating the Hertford Post Office. For various reasons, the Hertford Post Office needs to be relocated. She has talked to the Postmaster and Ms. Cole feels that we need to adopt this Resolution and send it to our representatives of the U.S. Congress, the Hertford Postmaster, and US Postal Service officials responsible for facilities to let them know of our support for this issue. Edward R. Muzzulín made a motion to adopt the Resolution supporting the relocation of the Hertford Post Office. The motion was seconded by Fondella Leigh. Commissioner Peeler asked if the abandoned building that we are proposing it to be moved to was privately owned. Mr. Heath said that the building was not abandoned just vacant and that it is owned by shopping center group. Mr. Peeler further asked if that group was on board with this request. Ms. Cole said that she had not talked with the shopping center group but had discussed it with the Postmaster and she feels that it would be suitable for her needs. The motion to adopt the following Resolution was unanimously approved:

**RESOLUTION TO SUPPORT THE RELOCATION OF THE HERTFORD, NC POST OFFICE**

WHEREAS the Hertford, NC Post Office has been located for many years on Grubb Street in Hertford, North Carolina and is the post office used by the majority of the residents in Perquimans County; and

WHEREAS the Post Office is at a location where customers have to back into oncoming traffic which is a traffic hazard; in addition, there is a deep dip in the parking lot that causes damage to vehicles when they pull out into traffic; and

WHEREAS they currently have three (3) parking spaces and one (1) handicap parking space. They had to close one parking space in order for the mail truck to get to the rear of the building to pick up the mail; and

WHEREAS the mail truck has difficulty maneuvering around the buildings to reach the rear of the post office to pick up the mail. On several occasions, it has damaged the post office building, the CenturyLink building next to the post office, and the walkway in front of the Town of Hertford Administration Building across the street from the post office; and

WHEREAS, whenever the town or county have festivals, parades, or special events within the Town of Hertford, the parking lot in front and the receiving area in the rear of the building have to be blocked off in order for the mail truck to deliver or pick up the mail; and

WHEREAS, during severe rainstorms, the receiving area behind the post office floods making it necessary for the truck to park in front to pick up and deliver mail. This causes a traffic problem along Grubb Street; and

WHEREAS, due to a recent accident, the building has been damaged and requires much renovation making it a good time to move the facility; and



WHEREAS, the office hours are not conducive to the working person's schedule, we would recommend that, after the relocation of the post office, to resume more convenient hours for their customers.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of Perquimans County that it does hereby express its support for the relocation of the Hertford Post Office to the vacant building that used to house the State Employees Credit Union off U.S. Highway 17; and

BE IT FURTHER RESOLVED that the Hertford Post Office begin an operational schedule more convenient to the Perquimans County residents; and

BE IT FURTHER RESOLVED that copies of this resolution are transmitted to our representatives of the U.S. Congress, the Hertford Postmaster and US Post Service officials responsible for facilities to let them know of our support for this issue.

ADOPTED, this 3<sup>rd</sup> day of October, 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

SEAL

**PLANNING BOARD VACANCY**

County Manager Heath explained that Donald Manley has decided not to serve on the Planning Board after his current term expires which will be November 30, 2016. This is for information purposes. Commissioner Jones asked if the Board would need to appoint someone. Mr. Heath explained that the Board could appoint someone to replace Mr. Manley effective December 1, 2016. Kyle Jones made a motion to table the appointment until their November meeting. Wallace E. Nelson seconded the motion to table the appointment. Chair Cole asked if the Board would review the volunteer list to determine a replacement. Commissioner Peeler said that, looking at that list, there are a large number of individuals that want to serve on this Board and it would probably require an application/resume process. Chair Cole reminded them that we have their application on file and requested that Mary Hunnicutt, Clerk to the Board, to forward copies of the applications for individuals that are requesting to serve on the Planning Board. Ms. Hunnicutt said that she would be glad to. It was the consensus of the Board to table the appointment.

**SALE OF SURPLUS VEHICLES**

County Manager Heath reported that we have sold three (3) additional vehicles on GovDeals. The highest bidders were as follows:

BUYER	VEHICLE	START BID	SOLD AMOUNT	GOVDEALS FEE	NET RESULTS
Austin Apperson	1998 Ford F150 XL Pickup	\$500.00	\$885.00	-\$44.25	\$840.75
Linda Wiggins	2004 Ford F150 XL Pickup	\$500.00	\$685.00	-\$34.25	\$650.75
Rock Balool	2005 Ford F150 Pickup	\$500.00	\$1,420.00	-\$71.00	\$1,349.00
TOTALS		\$1,500.00	\$2,990.00	-\$149.50	\$2,840.50

On motion made by Matthew Peeler, seconded by Edward R. Muzzulin, the Board unanimously approved Mr. Heath to proceed with the sale of these surplus vehicles.

**PUBLIC COMMENTS**

There were no public comments.

**ADJOURNMENT**

There being no further comments or business to discuss, the Regular Meeting was adjourned at 7:35 p.m. on motion made by Matthew Peeler, seconded by Edward R. Muzzulin.

Janice McKenzie Cole, Chair

Clerk to the Board

\*\*\*\*\*  
**CONTINUED QUASI-JUDICIAL HEARING**

October 17, 2016

4:00 p.m.

The Perquimans County Board of Commissioners met to continue a Quasi-Judicial Hearing on Monday, October 17, 2016, at 4:00 p.m. in the Upstairs Courtroom of the Perquimans County Courthouse Annex Building.

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

MEMBERS ABSENT: None

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

Chair Cole opened up the meeting and restated the purpose of the Continued Quasi-Judicial Hearing and proceeded with the meeting. There were seventeen (17) people present.

Mr. Essick explained that at the September 21, 2016 meeting, he completed his examination of Mr. Rand and the meeting was adjourned. With the approval of the Applicant's attorney, they will cross examine Mr. Rand tomorrow since he was unable to be here tonight. The following witnesses gave testimony:

- > Mike McCann, Real Estate Appraiser & Consultant
- > Paul Gregory, License Real Estate Broker
- > Rhonda Money, Perquimans County GIS/Planning Assistant/IT Coordinator

After Ms. Money's examination, Chair Cole called for a break until 7:30 p.m. to allow Mr. Essick's witnesses to arrive and to allow Ms. Ross to continue her preparation of her cross-examination of Mr. McCann. After the break, Mr. McCann was cross-examined by Ms. Ross.

Mr. Essick called the following witnesses:

- > Tommy Stokely, 1781 E. Bear Swamp Road, Hertford, NC, Civil Drafting & Surveying
- > Clyde Elliott, 154 Rogerson Road, Hertford, NC

After Mr. Campen cross-examined Mr. Elliott, Chair Cole asked Mr. Essick that, other than the cross examination of Mr. Rand, how many more witnesses did he have. Mr. Essick said that, in addition to Mr. Rand, he had three additional fact witnesses along with two witnesses that could not make it here until Saturday. Mr. Weber addressed the issue of the motion in limine to exclude testimony from out of state lay witnesses. Mr. Essick said that one of those out of state witnesses was a fact witness and one was the lay witness that Mr. Weber referred to. Chair Cole reiterated that the Motion in Limine would be taken up when the witnesses that the applicants objected to were called to testify.

ADJOURNMENT

After the discussion of the remaining witnesses, Chair Cole continued the Quasi-Judicial Hearing until Tuesday, October 18, 2016, at 4:00 p.m. at the same location.

Janice McKenzie Cole, Chair

Clerk to the Board

\*\*\*\*\*

CONTINUED QUASI-JUDICIAL HEARING

October 18, 2016

4:00 p.m.

The Perquimans County Board of Commissioners met to continue a Quasi-Judicial Hearing on Monday, October 17, 2016, at 4:00 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. Muzzulini                   |
|                  | 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. There were four (4) people present.

Mr. Essick wanted to clear up a few things from last night's meeting. At night's meeting, the Chair Cole asked for copies of the articles that were mentioned during the examination of Mr. McCann. He provided paper copies for Mr. Campen, the Board, the Court Reporter and five CD's with all the information for the Board. Ms. Ross again expressed her objection to these articles being presented. Chair Cole stated again that her objection was overruled. Mr. Essick stated that these copies will be marked as Opponent's Exhibit 14A. The next item that Mr. Essick wanted to clear up was that, after last night's meeting when we were discussing the upcoming schedule of meetings, he had received a phone call from the out of state witnesses and they will not be able to attend. He further explained his scheduled witnesses and feels that in light of this information, he requested that they are given the opportunity to review the evidence and present their closing arguments on Saturday, October 22<sup>nd</sup>. Chair Cole said that she would consider his request. Mr. Campen concurred with Mr. Essick that the evidence part of this hearing will be completed tonight. Mr. Campen cross-examined Mr. Robert R. Rand and entered Applicant's Exhibits #300, #301, #302, #303, #305, #306, and #307. Chair Cole admitted them.

Mr. Essick examined the following witness:

- > Leary Winslow, 337 Cedar Stretch Road, Hertford, NC - Turf Farmer

Mr. Essick requested that Opponent's Exhibits #18, #19, and #10 be entered into the record. Mr. Weber questioned Opponent's Exhibit #20 with regard to several statements that had no collaboration for what people said. Mr. Essick then called the following witnesses:

- > Tommy Harrell, 278 N. Bear Swamp Road, Hertford, NC - farmer
- > Kristie Copeland, 1189 W. Bear Swamp Road, Hertford, NC
- > Dennis Hunter, 1714 Center Hill Road, Hertford, NC 27944 - works at Harvey Point Base & Woodards
- > Dabney Scaff - 284 Cedar Stretch Road, Hertford, NC 27944 - pharmacist

Mr. Johnson asked to enter Opponent's Exhibit #12 into record. Mr. Campen objected to this request since it does not relate to any testimony given tonight. Mr. Johnson explained why he feels that it could be entered into evidence. If Opponent's Exhibit #12 is allowed, Mr. Campen would like to enter into evidence a dismissal of action against Mr. Bastasch. Because it was not signed nor stamped as recorded, Chair Cole said that it would not be entered into the record. Mr. Johnson said that he would have a signed copy available on Saturday. Mr. Essick requested that Opponent's Exhibit #27 be entered into the record. Chair Cole asked if he still wanted to include it after Tommy Stokely's testimony that he was not a client in this proceeding. Mr. Essick stated that he would like to have Mr. Stokely's name removed from this list. Mr. Essick requested that Opponent's Exhibit #19, Affidavit of Douglas Hanna dated October 14, 2016, be entered into the record. Mr. Campen had no objection. Mr. Essick asked that he would like to have Opponent's Exhibit #28, URL Codes for Two Shadow Flicker Videos Shown, into the record. Mr. Campen asked that the ruling be delayed until his staff could confirm the URL Codes. Chair Cole agreed. Mr. Essick said that there were several motions that were submitted along with their Exhibits and he wanted to make sure that those motions and Exhibits were part of the record. Mr. Campen had no objection. The last item Mr. Essick asked to confirm that the Exhibits Mr. Johnson presented Exhibits #11, #5, and #12 were entered into record. Mr. Weber said that the transcript would indicate that the exhibits were attempted to be entered into the record or excluded from the record. Chair Cole agreed. Mr. Campen

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. Olson. Mr. Johnson stated that Dr. Olson 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 14<sup>th</sup> 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.

<b>MEMBERS PRESENT:</b>	Janice McKenzie Cole, Chair	Kyle Jones, Vice Chairman
	Fondella Leigh	Edward R. Muzzulin
	Wallace Nelson	Matthew Peeler ( <i>recused</i> )
<b>MEMBERS ABSENT:</b>	None	
<b>OTHERS PRESENT:</b>	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

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 Peeter 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 14<sup>th</sup> and hope to make their decision on November 21<sup>st</sup>.

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

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

\*\*\*\*\*



107 N. Front Street  
Post Office Box 7  
Hertford, NC 27944

Phone: (252) 426-7010  
(252) 426-5564  
Fax: (252) 426-3624

## PERQUIMANS COUNTY TAX DEPARTMENT

November 1, 2016

### Perquimans County Releases:

**Elbert Revell Est** **\$147.63**  
% Virginia Revell  
2009 Doublewide was valued at \$80,900 in error during revaluation.  
The value should have been \$55,000.  
Acct # 527201

**Mediacom Communications Corp.** **\$786.30**  
Mediacom's listing information had their property listed in incorrect  
locations. New accounts were created to list the properties in the  
correct locations.  
Acct # 356016

**Charles & Barbara Bong** **\$624.72**  
Assessment correction. House had been assessed at more square  
footage than it actually had.  
Acct # 259725

### Refunds:

**Dennis & Lisa Cox** **\$197.12**  
Wells Fargo made a payment on the wrong parcel. The parcel they  
should have paid on is located in Gates County.  
Acct # 116914

**Joe Privott** **\$122.13**  
Credit balance on account; to be credited towards delinquent taxes.  
Acct # 258

Perquimans County's Vision:  
*To be a community of opportunity in which to live, learn, work, prosper, and play.*

**Mary Hunnicutt**

---

**From:** Jonathan <jnixon@perquimanscountync.gov>  
**Sent:** Saturday, October 01, 2016 8:16 AM  
**To:** Mary Hunnicutt; Frank Heath  
**Cc:** Dale Hunter 1601; Jim Grosjean 1602; Ida Harris  
**Subject:** Fwd: Expired Employee North Carolina EMS Certification Expiration Reminder

I saw Debbie Lyman last night at the ballpark and she confirmed that after 20+ years as an EMT in Perquimans she has decided to let her certification expire. She will be dropping off her equipment sometime next week.

Jonathan A. Nixon, Director (ES-1)  
Perquimans County Emergency Services  
911 Communications - EMS - Emergency Management  
159 Creek Dr. - PO Box 563  
Hertford, NC 27944  
252-426-5646 or 252-426-7029 Office  
252-331-9817 Cell  
252-426-1875 Fax

Begin forwarded message:

**From:** [noreply\\_cis@emspic.org](mailto:noreply_cis@emspic.org)  
**Date:** October 1, 2016 at 1:31:05 AM EDT  
**To:** [jnixonemt@gmail.com](mailto:jnixonemt@gmail.com)  
**Subject:** Expired Employee North Carolina EMS Certification Expiration Reminder

Jonathan Nixon

This is official notification that the EMT-Intermediate EMS credential held by Deborah O Lyman has expired. This person is currently employed at Perquimans County EMS & Rescue.

This individual must cease functioning in any approved practice setting utilizing their EMS credential, until the credential is properly renewed through the North Carolina Office of Emergency Medical Services. Should you have any questions regarding this email, please contact the Educational Liaison in the appropriate Regional Office.

**From:** Jonathan [mailto:jnixon@perquimanscountync.gov]  
**Sent:** Tuesday, October 25, 2016 12:28 PM  
**To:** Mary Hunnicutt  
**Subject:** Re: Follow UP

I have had no response from Heather Bray and she did not submit any availability to work. At this point I say we remove her from our roles.

James Wheeler has responded and is on the schedule for October.

Thanks,

**Jonathan A. Nixon, Director**  
Perquimans County Emergency Services  
911 Communications, EMS, Emergency Management  
159 Creek Drive  
PO Box 563  
Hertford, NC 27944  
252-426-5646 or 252-426-7029 Office  
252-331-9817 Cell  
252-426-3306 Fax

**From:** Mary Hunnicutt <mhunnicut@perquimanscountync.gov>  
**To:** Jonathan Nixon <jnixon@perquimanscountync.gov>  
**Sent:** 10/25/2016 11:13 AM  
**Subject:** Follow UP

Jonathan,

I am just following up on the following items:

- On August 19, 2016 and September 16, 2016, you sent an e-mail to Heather Bray regarding her not working for Perquimans County EMS since March, 2016. In your September e-mail, you asked her to submit a resignation e-mail or you would remove her from the roster. Have you received anything from Ms. Bray?
- On August 19, 2016, you sent an e-mail to James Wheeler asking him the same question as you did Ms. Bray. Have you heard anything from Mr. Wheeler?

I was thinking that, if you were going to remove them from the roster, I could place that on our November Agenda under Consent Agenda. Just let me know.

Thanks.

Mary P. Hunnicutt  
Clerk to the Board  
Perquimans County  
P.O. Box 45  
Hertford, NC 27944  
Phone: (252) 426-8484  
Fax: (252) 426-4034  
E-Mail: [mhunnicut@perquimanscountync.gov](mailto:mhunnicut@perquimanscountync.gov)

Perquimans County's Vision:  
To be a community of opportunity in which to live, learn, work, prosper and play.

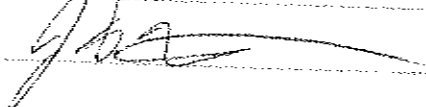
Date: October 20, 2016

To: Johnathan Nixon, EMS Director

From: Jacqueline V. Downing, 911 Telecommunicator

RE: Resignation of 911 Telecommunicator  
As of 10/20/16 I, Jacqueline V. Downing  
will be resigning from the position of 911 Telecommunicator  
and it has been a wonderful experience,  
I will certainly be at hand.

Thank You,  
Jacqueline V. Downing

Received 8/20/16 



Wilma Jordan  
215 Louis Spivey Road  
Belvidere, NC 27919

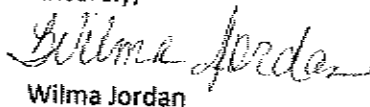
Jonathan Nixon  
Director of Emergency Services  
159 Creek Drive  
Hertford, NC 27944

Dear Mr. Nixon I am writing to inform you I am resigning from my position as 911 Telecommunicator effective November 14, 2016.

Thank you for the opportunity that I received at Perquimans Emergency Services during the past 8 months. I have enjoyed working for Perquimans 911 and appreciate the professional development I received.

I would be glad to help with the transition. Please do not hesitate to ask.

Sincerely,

A handwritten signature in cursive script that reads "Wilma Jordan".

Wilma Jordan

cc: Anthony Johnson  
Kyrstal Agosto

EMPLOYMENT ACTION FORM

DATE SUBMITTED: October 21, 2016

COUNTY OF PERQUIMANS

STATUS: NEW EMPLOYEE/PROBATIONARY PERIOD/MERIT RAISE

NAME: Keely S. Cartwright

SOC. SEC. NO.: \_\_\_\_\_

POSITION: Telecommunicator

DEPT.: 911 Communications

NEW EMPLOYEE EFFECTIVE DATE: November 1, 2016

GRADE: 60 STEP: 2 SALARY: \$26,048

ENDING DATE OF PROBATIONARY PERIOD: July 1, 2017

CURRENT: GRADE: \_\_\_\_\_ STEP: \_\_\_\_\_ SALARY: \_\_\_\_\_

JOB PERFORMANCE EVALUATION

YEAR      1      2      3      4      (CIRCLE)

\_\_\_\_\_ DATE OF SUCCESSFUL COMPLETION OF PROBATIONARY PERIOD AND RECOMMENDATION BY DEPARTMENT FOR PERMANENT STATUS. GRADE: \_\_\_\_\_ STEP: \_\_\_\_\_ SALARY: \_\_\_\_\_

\_\_\_\_\_ DATE OF ANNUAL EVALUATION AND RECOMMENDATION FOR STEP RAISE. (YEAR      2      3      4) GRADE: \_\_\_\_\_ STEP: \_\_\_\_\_ SALARY: \_\_\_\_\_

\_\_\_\_\_ DATE OF EMPLOYEE TERMINATION DUE TO UNSUCCESSFUL PROBATIONARY PERIOD.

\_\_\_\_\_ RECOMMENDATION AND EFFECTIVE DATE FOR EMPLOYEE MERIT RAISE. Date GRADE: \_\_\_\_\_ STEP: \_\_\_\_\_ SALARY: \_\_\_\_\_

THE ABOVE NAMED COUNTY EMPLOYEE IS BEING RECOMMENDED FOR THE INCREASE IN SALARY LISTED ABOVE BASED ON HIS/HER WORK PERFORMANCE EVALUATION COMPLETED: \_\_\_\_\_ PER THE COUNTY PERSONNEL POLICY.

\*\*\*\*\*

DEPARTMENT RECOMMENDATION

[Signature]  
DATE: 10-21-16

COUNTY MANAGER APPROVAL

[Signature]  
DATE: 10-31-16

FINANCE OFFICER

\_\_\_\_\_  
DATE: \_\_\_\_\_

EMPLOYMENT ACTION FORM

DATE SUBMITTED: October 26, 2016

COUNTY OF PERQUIMANS

STATUS: NEW EMPLOYEE/PROBATIONARY PERIOD/MERIT RAISE

NAME: Laretta Powell

SOC. SEC. NO.

POSITION: IMC II

DEPT.: Social Services

EMPLOYEE EFFECTIVE DATE:

GRADE:

STEP:

SALARY: \$

ENDING DATE OF PROBATIONARY PERIOD:

CURRENT: GRADE:

STEP:

SALARY:

JOB PERFORMANCE EVALUATION

YEAR 1 2 3 4 (CIRCLE)

Date

DATE OF SUCCESSFUL COMPLETION OF PROBATIONARY PERIOD AND

GRADE: STEP: SALARY: \$

Date

DATE OF ANNUAL EVALUATION AND RECOMMENDATION FOR STEP RAISE. (YEAR 2 3 4)

GRADE: STEP: SALARY: \$

Date

DATE OF EMPLOYEE TERMINATION DUE TO UNSUCCESSFUL PROBATIONARY PERIOD.

RECOMMENDATION AND EFFECTIVE DATE FOR EMPLOYEE: Employee has completed work against status per Office of State Human Resources.

Date: 11-1-2016

GRADE: 63

STEP: 1

SALARY: \$ 28,999.00

THE ABOVE NAMED COUNTY EMPLOYEE IS BEING RECOMMENDED FOR THE INCREASE IN SALARY LISTED ABOVE BASED ON HIS/HER WORK PERFORMANCE EVALUATION COMPLETED: \_\_\_\_\_ PER THE COUNTY PERSONNEL POLICY.

\*\*\*\*\*

DEPARTMENT RECOMMENDATION

Suzan M Chaney

DATE: 10/26/16

COUNTY MANAGER APPROVAL

Frank Heath

DATE: 10/26/16

FINANCE OFFICER

\_\_\_\_\_  
DATE: \_\_\_\_\_

EMPLOYMENT ACTION FORM

DATE SUBMITTED: October 26, 2016

COUNTY OF PERQUIMANS

STATUS: NEW EMPLOYEE/PROBATIONARY PERIOD/MERIT RAISE

NAME: Janice Thornton

SOC. SEC. NO.

POSITION: IMC II

DEPT.: Social Services

EMPLOYEE EFFECTIVE DATE:

GRADE:                      STEP:                      SALARY: \$

ENDING DATE OF PROBATIONARY PERIOD:

CURRENT: GRADE:                      STEP:                      SALARY:

JOB PERFORMANCE EVALUATION

YEAR      1      2      3      4      (CIRCLE)

     Date      DATE OF SUCCESSFUL COMPLETION OF PROBATIONARY PERIOD AND

GRADE:      STEP:      SALARY: \$

     Date      DATE OF ANNUAL EVALUATION AND RECOMMENDATION FOR STEP  
RAISE. (YEAR      2      3      4)

GRADE:      STEP:      SALARY: \$

     Date      DATE OF EMPLOYEE TERMINATION DUE TO UNSUCCESSFUL PROBATIONARY PERIOD.

RECOMMENDATION AND EFFECTIVE DATE FOR EMPLOYEE: Employee has completed work against status per Office of State Human Resources.

Date: 11-1-2016      GRADE: 63      STEP: 1      SALARY: \$ 28,999.00

THE ABOVE NAMED COUNTY EMPLOYEE IS BEING RECOMMENDED FOR THE INCREASE IN SALARY LISTED ABOVE BASED ON HIS/HER WORK PERFORMANCE EVALUATION COMPLETED: \_\_\_\_\_ PER THE COUNTY PERSONNEL POLICY.

\*\*\*\*\*

DEPARTMENT RECOMMENDATION

COUNTY MANAGER APPROVAL

Susan M Chaney

Frank Heath

DATE: 10/26/16

DATE: 10/26/16

FINANCE OFFICER

\_\_\_\_\_

DATE: \_\_\_\_\_

EMPLOYMENT ACTION FORM

DATE SUBMITTED: 10/31/16

COUNTY OF PERQUIMANS

STATUS: NEW EMPLOYEE/PROBATIONARY PERIOD/MERIT RAISE

NAME: Brenda Jackson

SOC. SEC. NO.: \_\_\_\_\_

POSITION: Recreation Buildings & Grounds

DEPT.: Recreation

NEW EMPLOYEE EFFECTIVE DATE: \_\_\_\_\_

GRADE: \_\_\_\_\_ STEP: \_\_\_\_\_ SALARY: \_\_\_\_\_

ENDING DATE OF PROBATIONARY PERIOD: \_\_\_\_\_

CURRENT: GRADE: \_\_\_\_\_ STEP: \_\_\_\_\_ SALARY: \_\_\_\_\_

JOB PERFORMANCE EVALUATION

YEAR 1 2 3 4 (CIRCLE)

\_\_\_\_\_ DATE OF SUCCESSFUL COMPLETION OF PROBATIONARY PERIOD AND RECOMMENDATION BY DEPARTMENT FOR PERMANENT STATUS. GRADE: \_\_\_\_\_ STEP: \_\_\_\_\_ SALARY: \_\_\_\_\_

\_\_\_\_\_ DATE OF ANNUAL EVALUATION AND RECOMMENDATION FOR STEP RAISE. (YEAR 2 3 4) GRADE: \_\_\_\_\_ STEP: \_\_\_\_\_ SALARY: \_\_\_\_\_

\_\_\_\_\_ DATE OF EMPLOYEE TERMINATION DUE TO UNSUCCESSFUL PROBATIONARY PERIOD.

10/31/16 RECOMMENDATION AND EFFECTIVE DATE FOR EMPLOYEE MERIT RAISE. GRADE: 54 STEP: 6 SALARY: \$10.60

THE ABOVE NAMED COUNTY EMPLOYEE IS BEING RECOMMENDED FOR THE INCREASE IN SALARY LISTED ABOVE BASED ON HIS/HER WORK PERFORMANCE EVALUATION COMPLETED: \_\_\_\_\_ PER THE COUNTY PERSONNEL POLICY.

DEPARTMENT RECOMMENDATION

Hans Wilk

DATE: 10/31/16

COUNTY MANAGER APPROVAL

Maul Heath

DATE: 10-31-16

FINANCE OFFICER

\_\_\_\_\_

DATE: \_\_\_\_\_

**Mary Hunnicutt**

---

**From:** Deborah Reed <deborahreed74@gmail.com>  
**Sent:** Friday, October 28, 2016 9:17 PM  
**To:** Mary Hunnicutt  
**Subject:** Re: Board of Adjustment - Alternate

Yes I will serve on this board.  
Debbie Reed

Sent from my iPhone

On Oct 28, 2016, at 1:19 PM, Mary Hunnicutt <[mhunnicutt@perquimanscountync.gov](mailto:mhunnicutt@perquimanscountync.gov)> wrote:

Debbie, your term as an Alternate on the Board of Adjustment is due to expire on October 31, 2016. Are you willing to be reappointed for a 3-yr term effective November 1<sup>st</sup>? Please let me know something by Tuesday, November 1, 2016, at 9:00 a.m.

Thanks.  
Mary

---

**From:** Mary Hunnicutt [<mailto:mhunnicutt@perquimanscountync.gov>]  
**Sent:** Friday, October 21, 2016 11:54 AM  
**To:** Donna Godfrey; Rhonda Money ([rhondamoney@perquimanscountync.gov](mailto:rhondamoney@perquimanscountync.gov)); Frank Heath  
**Subject:** Board of Adjustment - Alternate

According to our records, on February 2, 2016, Debbie Reed was appointed to completed Dianne Layden's term as an Alternate on the Board of Adjustment. Ms. Layden's term is due to expire on October 31, 2016. Please let me know if she is still eligible to serve and if she is still willing to continue to serve? If you would like for me to contact Ms. Reed to see if she is still willing to serve, I would be happy to do so. Please forward me an e-mail requesting that she be reappointed to a 3-yr term by 9:00 a.m. on November 1<sup>st</sup>.

Thanks.

Mary P. Hunnicutt  
Clerk to the Board  
Perquimans County  
P.O. Box 45  
Hertford, NC 27944  
Phone: (252) 426-8484  
Fax: (252) 426-4034  
E-Mail: [mhunnicutt@perquimanscountync.gov](mailto:mhunnicutt@perquimanscountync.gov)

Perquimans County's Vision:  
To be a community of opportunity in which to live, learn, work, prosper and play.

## Mary Hunnicutt

---

**Subject:** FW: Planning Board Appointment

**From:** Lewis Smith [<mailto:lwsmith@ncsu.edu>]  
**Sent:** Monday, October 31, 2016 10:34 PM  
**To:** Mary Hunnicutt  
**Subject:** Re: Planning Board Appointment

Mary  
You had not sent this to me before. You're correct that I was finishing Wallace's term. I don't mind serving. But I guess that will be up to the BCC.  
Lewis

On Monday, October 31, 2016, Mary Hunnicutt <[mhunnicutt@perquimanscountync.gov](mailto:mhunnicutt@perquimanscountync.gov)> wrote:

Lewis, your term on the Planning Board is due to expire on October 31, 2016. Since you were appointed to complete Wallace Nelson's term, I believe that you are eligible to continue to serve if you wish to. I could not remember if I have sent this to you before but, if you are still interested to serve, please let me know something by tomorrow morning at 9:00 a.m.

Thank you for serving on this Board.

Mary P. Hunnicutt  
Clerk to the Board  
Perquimans County  
P.O. Box 45  
Hertford, NC 27944  
Phone: (252) 426-8484  
Fax: (252) 426-4034  
E-Mail: [mhunnicutt@perquimanscountync.gov](mailto:mhunnicutt@perquimanscountync.gov)

Perquimans County's Vision:  
To be a community of opportunity in which to live, learn, work, prosper and play.

## Mary Hunnicutt

---

**From:** Camille Craft <ccraft@accog.org>  
**Sent:** Friday, October 21, 2016 2:42 PM  
**To:** Mary Hunnicutt  
**Cc:** Kisha Darden  
**Subject:** HCCBG Committee

Mary,  
Kisha Darden has been accepted as a volunteer on the Home and Community Care Block Grant Committee. I don't need any information from her because I already have her application from serving on the CAC.  
Thank you,

**Camille Craft**  
Contract Specialist, Aging Programs,  
& Ombudsman Program Assistant  
Albemarle Commission  
512 S. Church Street  
Hertford, NC 27944  
252-426-5753 ext 222  
[www.albemarlecommission.org](http://www.albemarlecommission.org)





**BUDGET AMENDMENT**  
**PERQUIMANS COUNTY BOARD OF COMMISSIONERS**  
**GENERAL FUNDS**  
**NO. 5**

THE PERQUIMANS COUNTY BOARD OF COMMISSIONERS AT A MEETING ON THE 7th DAY OF NOVEMBER, 2016, PASSED THE FOLLOWING AMENDMENTS TO THE FY 2016 - 2017 BUDGET.

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
10-348-018	Mentoring Focus - Local	1,000	
10-672-570	Mentoring Focus Funds	1,000	
<b>EXPLANATION:</b> Increase local funds for FY 16/17 due to grant funds received from NC Community Foundation.			

WE, THE BOARD OF COUNTY COMMISSIONERS OF PERQUIMANS COUNTY, HEREBY ADOPT AND APPROVE, BY RESOLUTION, THE CHANGES IN THE COUNTY BUDGET AS INDICATED ABOVE, AND HAVE MADE ENTRY OF THESE CHANGES IN THE MINUTES OF SAID BOARD, THIS 7th DAY OF NOVEMBER, 2016.

PASSED BY MAJORITY VOTE OF THE BOARD OF COUNTY COMMISSIONERS OF PERQUIMANS COUNTY ON 7th DAY OF NOVEMBER, 2016.

\_\_\_\_\_  
 Chairman, Board of Commissioners

\_\_\_\_\_  
 Finance Officer



MARY P. HUNNICUTT  
CLERK TO BOARD  
W. FRANK HEATH, III  
COUNTY MANAGER

**PERQUIMANS COUNTY  
BOARD OF COMMISSIONERS**

P.O. BOX 45  
HERTFORD, NORTH CAROLINA 27944  
TELEPHONE: 1-252-426-7550

JANICE MCKENZIE COLE  
CHAIR  
T. KYLE JONES  
VICE CHAIRMAN  
FONDELLA A. LEIGH  
EDWARD R. MUZZULIN  
WALLACE E. NELSON  
MATTHEW PEELER  
W. HACKNEY HIGH, JR.  
COUNTY ATTORNEY

**RESOLUTION AUTHORIZING SALE  
OF CERTAIN SURPLUS COUNTY PROPERTY**

WHEREAS, the Perquimans County Board of Commissioners desires to dispose of certain surplus property of the County:

NOW, THEREFORE, BE IT RESOLVED by the Perquimans County Board of Commissioners that:

1. The following described vehicles are hereby declared to be surplus to the needs of the County:

YEAR MODEL	VEHICLE # MAKE	YEAR MODEL	VEHICLE # MAKE	YEAR MODEL	VEHICLE # MAKE
2008 Ford	8676 Explorer	2010 Ford	1070 Fusion	2010 Ford	3927 F150

2. The County Manager is hereby authorized and directed to proceed on behalf of the Perquimans County Board of Commissioners to sale these surplus items on GovDeals.

3. The County reserves the right to reject any or all bids and decide not to sell the property at any time during this process.

4. The County Manager, in accordance with State law, shall cause a summary of this resolution to be published once in a newspaper having general circulation in the County and place it on the County's website. After not less than ten (10) days from the date of publication, the County Manager is authorized to sell the above-described property to the highest bidder.

Adopted this the 7<sup>th</sup> day of November, 2016.

ATTEST:

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

\_\_\_\_\_  
Mary P. Hunnicutt, Clerk to the Board



**PERQUIMANS COUNTY  
BOARD OF COMMISSIONERS**

MARY P. HUNNICUTT  
CLERK TO BOARD  
W. FRANK HEATH, III  
COUNTY MANAGER

P.O. BOX 45  
HERTFORD, NORTH CAROLINA 27944  
TELEPHONE: 1-252-426-7550

JANICE MCKENZIE COLE  
CHAIR  
T. KYLE JONES  
VICE CHAIRMAN  
FONDELLA A. LEIGH  
EDWARD R. MUZZULIN  
WALLACE E. NELSON  
MATTHEW PEELER  
W. HACKNEY HIGH, JR.  
COUNTY ATTORNEY

**RESOLUTION BY THE PERQUIMANS COUNTY BOARD OF  
COMMISSIONERS SUPPORTING THE UPGRADING OF U.S.  
HIGHWAY 17 IN NORTHEAST NORTH CAROLINA TO  
INTERSTATE STANDARDS**

WHEREAS, US Highway 17, the Ocean Highway, was once the primary north-south transportation route in the coastal plain of eastern North Carolina; and,

WHEREAS, US Highway 17 continues to be the primary corridor of trade for northeastern North Carolina; and,

WHEREAS, there is a substantial amount of poverty, unemployment, underemployment, and economic distress in northeastern North Carolina due to the lack of economic opportunity that adequate highways can help to provide; and,

WHEREAS, US Highway 17 as part of the proposed I-87 Interstate Route will enable northeastern North Carolina to recruit and retain industrial jobs whose companies require access to interstate-quality highways to link products and services to eastern US markets; and,

WHEREAS, the Ports of Virginia are cooperating in the joint Virginia-North Carolina effort to expand Foreign Trade Zone #20 from southeastern Virginia into northeastern North Carolina including Currituck, Camden, Pasquotank, Perquimans, Chowan, Bertie, Gates, and Hertford Counties; and,

WHEREAS, waterborne foreign imports accessing the United States through Ports of Virginia and Ports of North Carolina via the emerging Piedmont Atlantic Megaregion will be transported along U.S. Highway 17 as identified within the North Carolina Maritime Strategy; and,

WHEREAS, the completion of the I-87 Interstate Route from the Ports of Virginia to Raleigh will require funding and work over many years; and,

WHEREAS, the upgrading of US Highway 17 to interstate standards can coincide with the expansion of Foreign Trade Zone #20 into the area, creating a synergy to ignite economic development in northeastern North Carolina.

NOW, THEREFORE, BE IT RESOLVED THAT THE PERQUIMANS COUNTY BOARD OF COMMISSIONERS DOES HEREBY REQUEST THE UPGRADING OF US HIGHWAY 17 IN NORTHEASTERN NORTH CAROLINA TO INTERSTATE STANDARDS BE FUNDED IMMEDIATELY AND THE PLANNING AND COMPLETION OF THIS PORTION OF INTERSTATE I-87 BE UNDERTAKEN AS QUICKLY AS POSSIBLE.

This the 7<sup>th</sup> day of November, 2016.

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

\_\_\_\_\_  
Chair



107 N. Front Street  
Post Office Box 7  
Hertford, NC 27944

Phone: (252) 426-7010  
(252) 426-5564  
Fax: (252) 426-3624

**PERQUIMANS COUNTY  
TAX DEPARTMENT**

November 1, 2016

To: Perquimans County Commissioners

From: Bill Jennings  
Perquimans County Tax Administrator

The hearing for the Mr. Steve Hoffman, the gentleman who appealed his assessment to the Board of Equalization and Review has withdrawn his appeal to the Property Tax Commission.

Hackney, Fred Pearson, Dawn Winslow, and I had prepared to be in Raleigh and represent Perquimans County. However, I am glad that the case has been dismissed.

Perquimans County's Vision:  
*To be a community of opportunity in which to live, learn, work, prosper, and play.*



107 N. Front Street  
Post Office Box 7  
Hertford, NC 27944

Phone: (252) 426-7010  
(252) 426-5564  
Fax: (252) 426-3624

**PERQUIMANS COUNTY  
TAX DEPARTMENT**

**OCTOBER 2016-ENFORCED COLLECTIONS**

**GARNISHMENTS: \$3,314.81**

**PAYMENT PLANS: \$8,552.63**

**DEBT SETOFFS: \$0.00**

**Mary Hunnicutt**

---

**From:** Jonathan <jnixon@perquimanscountync.gov>  
**Sent:** Thursday, October 27, 2016 2:00 PM  
**To:** 'Frank Heath'; Mary Hunnicutt; Tracy Mathews  
**Subject:** EMS Billing Contract

Can we put the signing of an EMS Billing Contract on the agenda for the November 7<sup>th</sup> meeting? We will hear from the 2<sup>nd</sup> Firm on Monday morning and hope that we can make a recommendation by mid-week next week?

We need board approval in November in order to plan the transition for January 1, 2018.

**Jonathan A. Nixon**, Director (ES-1)  
**Perquimans County Emergency Services**  
911 Communications – EMS – Emergency Management  
159 Creek Drive - PO Box 563  
Hertford, NC 27944  
252-426-5646 or 252-426-7029 Office  
252-331-9817 Cell  
252-426-1875 Fax

## WW II Coastwise Merchant Mariners

J. Don Horton, President  
jdonhorton@embarqmail.com

252 336 5553

104 Riverview Ave, Camden, NC 27921  
[www.usmmv.blogspot.com](http://www.usmmv.blogspot.com)



Dear Board of Commissioners and residents of the County of Perquimans, NC

08 Nov. 2016

I write to tell you of our success regarding a 10 year journey in an attempt to have some WW II Merchant Marine women and school children recognized as veterans for their services. About 8 years ago I reached out to **Perquimans County** requesting your support and you stood up. You have stood up with me throughout the entire effort. That support was there even when attempting to gain support from one of our Senators who had been acting on misinformation and opposing this movement.

I have reached out to all 100 counties for their support. At one time that support reached to 57 counties and then they started to taper off over the years. Not **Perquimans County**. You stayed the course. At the end, I had the support of 26 Counties from the 1<sup>st</sup> and 3<sup>rd</sup> Districts. That support provided me the courage to continue the fight. So many individuals across the nation stepped up at first to offer their support, but the vast majority could not stay the course. This is sad that our nation has so little love for our veterans who gave us the very freedom we have today.

Our effort began with bills in both sides of congress, HR 1288/S 1775, "WW II Merchant Mariners Service Act". This past year, staff from the Senate Veterans Affairs Committee reduced the bills into wording that was suitable to create a self-standing Section that could be placed within any legitimate bill. This opportunity came about recently via the Concurrent Resolution for the Military Construction Bill. Our wording was included as Section (248) of that bill and it passed both Houses with the President signing it and it is now Law. PL 114-223, Sec 248, I trust this information will be shared with the County residents as they were there offering their support as well.

Without the strong support of **Perquimans County** and a few others, I feel this may not have been possible. It is truly difficult to fly in the face of opposition continuously for a subject that should be supported by all. Our nation's veteran is called upon time and again and always they stand up. This should be the case of all. Not so, for sure. But there is one thing I am sure of and that is **Perquimans County can be counted on to support our veterans. It was clearly shown with your steadfast support for me in my endeavors.** I will always be grateful for that and I say, **Thank you, thank you thank you.**

My very best regards,

*J. Don Horton*

J. Don Horton, President

LIST OF VOLUNTEER APPLICATIONS

10/31/2016

DATE OF APPLICATION	NAME	ADDRESS	CITY	STATE	ZIP	PHONE	COMMITTEES	EXPIRATION DATE
11/21/14	Richardson, Sara	161 White Oak Avenue	Hertford	NC	27944	(252) 426-7810 (252) 333-4398	1. Adult Care Home Advisory Committee 2. 3. 4.	11/21/16
12/18/14	Smith, Jr., Lewis W.	127 Smith Cove Road lewis_smith@ncsu.edu	Hertford	NC	27944	(252) 426-7347 (252) 426-7164 (252) 331-3362	1. Planning Board 2. Agricultural Advisory Board 3. 4.	12/18/16
12/18/14	Jackson, Robert L.	186 Ainsley Road	Hertford	NC	27944	(757) 618-7569	1. Planning Board 2. 3. 4.	12/18/16
1/29/15	Finch, Jr., Johnnie	192 Cedarwood Blvd. johnnie.finchjr@gmail.com	Hertford	NC	27944	(252) 619-4037	1. Northeast Regional Workforce 2. 3. 4.	1/29/17
2/2/15	Reed, Deborah S.	1488 Center Hill Hwy deborahreed74@gmail.com	Hertford	NC	27944	(252) 331-5426	1. Board of Adjustment 2. Recreation Advisory Board 3. 4.	2/2/17
2/2/15	Hobbs, Benjamin C.	948 Pender Road hobbs@hobbsfurniture.com	Hertford	NC	27944	(252) 312-9609	1. Board of Adjustment 2. 3. 4.	2/2/17
4/10/15	Ingram, Kathleen	163 Bagley Swamp Road kathlingram@copper.net	Hertford	NC	27944	(252) 339-3754	1. Health Services 2. 3. 4.	4/10/17
4/13/15	McMullan, Philip	111 W. Camp Perry Road psmir@hughes.net	Hertford	NC	27944	(252) 264-2021	1. Eco Tourism 2. 3. 4.	4/13/17
5/8/15	Thomas, Matthew S.	357 Camp Cale Road matt@campcale.com	Hertford	NC	27944	(252) 334-7622 (252) 264-2513 (252) 334-7622	1. Special Steering Committee 2. 3. 4.	5/8/17



LIST OF VOLUNTEER APPLICATIONS

10/31/2016

DATE OF APPLICATION	NAME	ADDRESS	CITY	STATE	ZIP	PHONE	COMMITTEES	EXPIRATION DATE
6/10/15	Layden, C. Douglas	105 Bay Branch Road peri.layden@gmail.com	Belvidere	NC	27919	(252) 297-2158 (252) 297-2875	1. Chamber of Commerce 2. Library 3. Historians 4. Regional Landfill Authority	6/10/17
7/28/15	Felton, Joyce Ann	115 Sharp's Lane jgfelton68@yahoo.com	Hertford	NC	27944	(252) 426-5375 (252) 333-5508	1. Smart Start Board 2. Social Services Board 3. 4.	7/28/17
8/18/15	Rowland, Reta B.	231 Deep Creek Road rrowland@woodforest.com retaathome@yahoo.com	Hertford	NC	27944	(252) 335-0074 (252) 312-9239	1. East Carolina Behavioral Health 2. Senior Citizens Advisory Board 3. Nursing Home Advisory Committee 4. Smart Start Board	8/18/17
9/22/15 Updated	Mansfield, Evelyn L.	2275 Center Hill Highway no e-mail address	Hertford	NC	27944	(252) 426-4664	1. Adult Care Home Advisory Committee 2.	9/22/17
9/22/15 Updated	McNeal, Cathleen C.	104 New River Drive catmcneal@gmail.com	Hertford	NC	27944	(252) 426-1425 (252) 435-4743	1. Chowan Hospital Board 2. Albemarle Hospital Board 3. Historic Hertford 4. Others as needed	9/22/17
9/23/15 Updated	Layden, Dianne M.	177 Perrys Bridge Road diannelayden@hughes.net	Belvidere	NC	27919	(252) 297-2596	1. Board of Elections 2. Social Services Board 3. Board of Adjustment (Resigned 11/3/14) 4.	9/23/17
11/5/15 Updated	Schultz, Brooke Lee	1251 Center Hill Highway bschultz@woodforest.com	Hertford	NC	27944	(252) 335-0074 (252) 548-4783	1. Animal Control Board 2. Economic Improvement Council 3. PAWS & AWARE 4. Smart Start Board	11/5/17
11/16/15 Updated	Mathis, Lynn W.	178 Sue Lane mathisbell@gmail.com lynn.mathis@ncdenr.gov	Hertford	NC	27944	(252) 264-3901 (252) 333-6619	1. Planning Board 2. RC&D 3. Albemarle Commission 4.	11/16/17
1/14/16 Updated	Hester, Elaine Phyllis	653 Woodville Road colelawoffices@embarqmail.com elahehester@embarqmail.com	Hertford	NC	27944	(252) 264-3584 (252) 426-1300 (252) 232-8844	1. Nursing Home/Adult Care Home Committee 2. 3. 4.	1/14/18

LIST OF VOLUNTEER APPLICATIONS

10/31/2016

DATE OF APPLICATION	NAME	ADDRESS	CITY	STATE	ZIP	PHONE	COMMITTEES	EXPIRATION DATE
4/29/16 <i>Updated</i>	McNaught, Ruth	162 Roanoke Drive Rmcnaught162@gmail.com	Hertford	NC	27944	(252) 426-5271 (252) 435-7605	1. Local Library Board 2. 3. 4.	4/29/18
5/10/16	Lennon, Alan	2349 Center Hill Highway awlennon76@gmail.com	Hertford	NC	27944	(252) 332-4951 (252) 569-3349	1. Economic Development Commission 2. Planning Board 3. Rural Planning Org. Steering Committee 4. Local Library Board	5/10/18
5/9/16	Damron, Charlotte	1425 Harvey Point chdamron@live.com	Hertford	NC	27944	(252) 426-4653 (252) 331-3440	1. Tourism Development Board 2. 3. 4.	5/9/18
5/2/16	Aples, Archie	1126 W. Grubb Street archieaples@yahoo.com	Hertford	NC	27944	(252) 482-1033 (575) 218-0606	1. Historic Hertford, Inc. 2. Local Library Board	5/2/18
7/30/14 <i>Updated</i>	Burket, Stephen G.	111 Shady Circle sburket@ix.netcom.com	Hertford	NC	27944	(252) 426-3817 (252) 337-4303	1. Senior Citizen Advisory Board 2. 3. 4.	7/30/18
7/30/14 <i>Updated</i>	Hurdle, Pamela W.	297 Hurdleown Road townadmin@townofhertfordnc.com	Hertford	NC	27944	(252) 426-9263 (252) 426-7805 (252) 312-3774	1. Board of Adjustments 2. Economic Development Commission 3. Planning Board 4. Rural Planning Org. Steering Committee	7/30/18
7/12/16 <i>Updated</i>	Gordon, Nettie W.	1777 Harvey Point Road no e-mail address	Hertford	NC	27944	(252) 426-7807 (252) 426-8309	1. Adult Care Home Advisory Committee 2. 3. 4.	7/23/18
7/18/16 <i>Updated</i>	Simpson, Ernestine E.	398 Chapanoke Road ernestine_simpson@yahoo.com	Hertford	NC	27944	(252) 264-3284 (252) 435-7769	1. Adult Care Home Advisory Committee 2. Planning Board 3. Citizen Advisory Board 4. Senior Citizen Advisory Board	7/26/18
9/6/16	Swain, Linda E.	134 Laurel Street madeline@mediacombb.net	Hertford	NC	27944	(252) 333-0324	1. Nusing Home Advisory Committee 2. Chowan Hospital Foundation 3. Aging Advisory Council 4. Albemarle District Jail	9/6/18

LIST OF VOLUNTEER APPLICATIONS

10/31/2016

DATE OF APPLICATION	NAME	ADDRESS	CITY	STATE	ZIP	PHONE	COMMITTEES	EXPIRATION DATE
9/4/16 <i>Updated</i>	Roberts, III, A.O.	1632 New Hope Road eureseedfarms@yahoo.com	Hertford	NC	27944	(252) 464-2037 (252) 264-3326 (252) 333-9575	1. Planning Board 2. Voluntary Ag District Committee 3. Water Management Committee 4.	9/14/18
9/5/16 <i>Updated</i>	Lassiter, Brenda	725 Sandy Cross Road blassiter@paschools.org	Belvidere	NC	27919	(252) 297-2740	1. Planning Board 2. Board of Commissioners 3. 4.	9/5/18
9/15/16 <i>Updated</i>	Lacefield, Charles	234 Beech Point Blvd. cwlacefield@earthlink.net	Hertford	NC	27944	(252) 426-4851 (252) 619-4256	1. COA - Board of Trustees 2. Chowan Hospital Board 3. Board of Commissioners' Facilitator 4.	9/15/18
9/24/16 <i>Updated</i>	Overman, Pete	P.O. Box 106 saltpeterpete@hotmail.com	Hertford	NC	2744	(252) 426-7814 (252) 426-7117 (252) 331-9001	1. Planning Board 2. Any other as needed 3. 4.	9/24/18
8/30/12 <i>Updated</i>	Winslow, III, Lynwood C.	1209 Belvidere Road lcwiii@inteliport.com	Belvidere	NC	27919	(252) 297-6532	1. Planning Board 2. Board of Adjustments 3. 4.	8/30/18
9/15/16 <i>Updated</i>	Blanchard, Terissa J.	228 Bethany Church Road tblanchard@pcs.k12.nc.us	Belvidere	NC	27919	(252) 297-2561 (252) 426-7355 (252) 339-5973	1. Social Services Board 2. Albemarle Hospital Board of Trustees 3. COA - Board of Trustees 4. Smart Start Board	9/15/18
9/16/16	Darden, Kisha	313 Dobbs Street larae011@hotmail.com Ethicaltrainersconsulting@gmail.com	Hertford	NC	27944	(252) 312-8868 (252) 320-4074	1. Nursing Home Advisory Committee 2. Social Services Board 3. Home & Community Care Block Grant 4. Social Services Board	9/19/18
9/24/16 <i>Updated</i>	Page, Frank	147 Explorer Arch page3@embarqmail.com	Hertford	NC	27944	(252) 426-1149 (757) 376-2001	1. Minzies Creek Utility District 2. 3. 4.	9/24/18
8/26/14 <i>Updated</i>	Knight, Marshall	751 Body Road marshallknight751@centurylink.net	Hertford	NC	27944	(252) 264-3201	1. Board of Adjustments 2. Planning Board 3. 4.	8/26/18

LIST OF VOLUNTEER APPLICATIONS

10/31/2016

DATE OF APPLICATION	NAME	ADDRESS	CITY	STATE	ZIP	PHONE	COMMITTEES	EXPIRATION DATE
10/12/16 <i>Updated</i>	Kahi, Paul	402 Woodland Church Rd. escu50viking@yahoo.com	Hertford	NC	27944	(252) 338-1144 (252) 457-5400	1. Planning Board 2. Albemarle District Jail Commission 3. 4.	10/12/18
10/12/16	Antoine J. Moore	116 Sydni Street ajavonmoore@gmail.com	Hertford	NC	27944	(252) 335-0582 (252) 339-1505	1. Planning Board 2. 3. 4.	10/12/18

**From:** Frank Heath [mailto:frankheath@perquimanscountync.gov]  
**Sent:** Friday, October 28, 2016 9:55 AM  
**To:** Mary Hunnicutt  
**Subject:** Fwd: Albemarle-Tideland Retiree update

Mary-

We'll need to add this to the November agenda. The second document is a resolution that needs to be changed from Dare to Perquimans. Let me know if questions. Thanks,

Frank Heath, Perquimans County Manager  
 P.O. Box 45  
 Hertford, NC 27944 (252)426-8484

Perquimans County's Vision: To be a community of opportunity in which to live, learn, work, prosper and play.

**From:** Robert Outten <outten@darenc.com>  
**To:** Cindy Ange <cange@martincountyncgov.com>  
**Cc:** "Willie Carawan, Jr" <wcarawan@washcnc.org>, David Clegg <dclegg@tyrrellcounty.net>, Bill Rich <brich@hydecountrync.gov>, Rodney Bunch <bunchr@co.pasquotank.nc.us>, Dan Scanlon <Dan.Scanlon@currituckcountync.gov>, "Howard, Kevin B" <kevin.howard@chowhan.nc.gov>, Frank Heath <frankheath@perquimanscountync.gov>, Joy Futrell <jfutrell@ccbhlmc.org>, david bone <dbone@martincountyncgov.com>, Michael Brillhart <mbrillhart@camdencountync.gov>, Dave Clawson <davecc@darenc.com>  
**Sent:** 9/16/2016 10:04 AM  
**Subject:** Re: Albemarle-Tideland Retiree update

Following our conversations concerning depositing the AMH/Tideland health funds held by Martin County with the state, attached are the following:

1. Trust agreement between the counties
2. Proposed Resolution
3. Initial MOU between counties

The old MOU is attached for reference. Please have your attorney review the proposed trust agreement and resolution and let me know if you have questions, changes, corrections, etc. Please note that the resolution has certain info highlighted in yellow. You should change the info highlighted in yellow to the info for our county. you should also fill in the blanks as appropriate for your county.

If these documents are acceptable, please get them approved and executed by your Boards. After approval and execution by all of the counties, Martin County as the Administrator will be able to deposit the funds held by Martin County with the State to begin earning interest to extend the life of the fund. Once approved and executed, please forward copies to all.

If you have questions, please feel free to call me at the number below or call our Finance Director, Dave Clawson, at 252 475-5731 .

**Bobby Outten, Dare County Manager/Attorney**

PO Box 1000  
 954 Marshall Collins Drive  
 Manteo, NC 27954 Phone: 252-475-5811 / Fax: 252-473-1817 / [outten@darenc.com](mailto:outten@darenc.com) / [www.darenc.com](http://www.darenc.com)

"Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties."

On Wed, Aug 17, 2016 at 11:31 AM, Robert Outten <outten@darenc.com> wrote:

Following our meeting, Dave Clawson, our finance director, has been in touch with the State Treasurer's office and they agree that if the counties set up a trust (similar to the OPEB trusts that some of us already have) , place the funds in the trust, the trust can place the funds with the State Treasurer's office.

Since it seemed to be the consensus of all to proceed in this manner if we could, we are preparing trust documents and board resolutions and will forward them to all for review upon completion. I would suggest that we make each of the County Managers a trustee of the trust and that's the way the initial documents will read. If anyone wants something different, we can easily make that change.

Please let me know if you have questions or concerns.

**Bobby Outten**

*Dare County Manager/Attorney*  
 PO Box 1000  
 954 Marshall Collins Drive  
 Manteo, NC 27954 Phone: [252-475-5811](tel:252-475-5811) / Fax: [252-473-1817](tel:252-473-1817) / [www.darenc.com](http://www.darenc.com)

"Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties."

On Wed, Feb 10, 2016 at 4:12 PM, Cindy Ange <cange@martincountyncgov.com> wrote:

Cindy L. Ange, Finance Officer  
 Martin County  
[252-789-4330](tel:252-789-4330)  
[252-789-4339](tel:252-789-4339)  
 PO Box 668  
 Williamston, NC 27892



MARY P. HUNNICUTT  
CLERK TO BOARD

W. FRANK HEATH, III  
COUNTY MANAGER

## PERQUIMANS COUNTY BOARD OF COMMISSIONERS

P.O. BOX 45  
HERTFORD, NORTH CAROLINA 27944  
TELEPHONE: 1-252-426-7550

JANICE MCKENZIE COLE  
CHAIR

T. KYLE JONES  
VICE CHAIRMAN

FONDELLA A. LEIGH

EDWARD R. MUZZULIN

WALLACE E. NELSON

MATTHEW PEELER

W. HACKNEY HIGH, JR.  
COUNTY ATTORNEY

### EXTRACTS FROM MINUTES OF THE BOARD OF COMMISSIONERS

A regular meeting of the Board of Commissioners of the County of Perquimans, North Carolina, was duly held on November 7, 2016, at 7:00 p.m. in the County Board of Commissioners' Meeting Room, 110 N. Church Street, Hertford, North Carolina, Chair Janice McKenzie Cole presiding.

The following members were present: Kyle Jones, Vice Chairman, Fondella A. Leigh, Edward R. Muzzulin, Wallace E. Nelson, and Matthew Peeler.

The following members were absent: None

Commissioner \_\_\_\_\_ moved that the following resolution, copies of which having been made available to the Board of Commissioners, be adopted:

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF PERQUIMANS, NORTH CAROLINA, AUTHORIZING AN OTHER POST-EMPLOYMENT BENEFITS (OPEB) TRUST FUND AND RELATED TRUST AGREEMENT; APPOINTMENT OF TRUSTEE FOR AND A CONTRIBUTION TO OPEB TRUST FUND.**

*WHEREAS*, the County of Perquimans, North Carolina (the "*County*") is a party to a Memorandum of Agreement for the Provision of Health Insurance for Qualified Retirees of Albemarle Mental Health and Tideland Mental Health, dated July 1, 2007, to provide certain benefits for eligible retirees of those former organizations that constitute what are known as other post-employment benefits (the "*OPEB obligation*");

*WHEREAS*, the counties which are parties to the above Memorandum of Agreement are Camden, Chowan, Currituck, Dare, Hyde, Martin, Pasquotank, Perquimans, Tyrrell and Washington (the "*Counties*");

*WHEREAS*, in furtherance of the Counties funding of the OPEB obligation, the Counties wish to participate in an investment trust fund set up by the North Carolina State Treasurer's office, the NC Long Term Non-Pension Program (the "*NC NPP Trust Fund*") in which the Counties will deposit funds currently held by Martin County for the OPEB obligation;

*WHEREAS*, the Counties desire to create a trust fund (the "*OPEB Trust Fund*") into which Martin County will transfer the money that has been on deposit at Martin County;

*WHEREAS*, such deposits into the OPEB Trust Fund will be irrevocable, not subject to the claims of creditors and may only be withdrawn by the administering County to provide other post-employment benefits to individuals who are former employees or beneficiaries of former employees covered by the Memorandum of Agreement and who are entitled to other post-employment benefits payable by the former Albemarle Mental Health and Tideland Mental Health;

*WHEREAS*, Martin County will continue to serve as the administrating county; and

*NOW THEREFORE, THE BOARD OF COMMISSIONERS OF THE COUNTY OF PERQUIMANS, NORTH CAROLINA DOES RESOLVE AS FOLLOWS:*

Section 1. ***Creation of OPEB Trust Fund; Execution of Trust Agreement.*** The County Manager and the Finance Director of the County are each hereby authorized and directed to take such action as may be necessary to create an Other Post-Employment Benefits Trust Fund into which the money on deposit at Martin County will be transferred. The County Manager and the Finance Director of the County are each hereby authorized, empowered, and directed to execute and deliver a Trust Agreement substantially in the form attached hereto, but with such changes, modifications, additions or deletions as to them seem necessary, desirable or appropriate, the execution thereof to constitute conclusive evidence of his or her approval of any and all such changes, modifications, additions or deletions therein. The County Manager and the Finance Director of the County are each also hereby authorized to take any other actions deemed necessary or appropriate to consummate the transactions provided for in the Trust Agreement and to take all such other actions as they may deem necessary or appropriate to give effect to the Trust Agreement.

Section 2. ***Transfer from Martin County to NC NPP Trust Fund.*** The County Manager and the Finance Director of the County are each hereby authorized and directed to cause the money on deposit at Martin County to fund the Counties OPEB obligation to be transferred to the NC NPP Trust Fund.

Section 3. ***Appointment of Trustees.*** The Board of Commissioners hereby appoints the County Manager to serve as Perquimans County's trustee of the OPEB Trust Fund and grants the authority necessary to perform all duties and obligations thereof.

Section 4. ***Other Actions.*** That all actions heretofore taken by the County Manager and the Finance Director of the County acting on behalf of the County with respect to the creation of the OPEB Trust Fund are hereby ratified, adopted, approved and confirmed in all respects. The County Manager and the Finance Director of the County are authorized to execute and deliver for and on behalf of the County any and all documents or other papers and perform all other acts as they may deem necessary or appropriate to implement and carry out the intent and purposes of this Resolution.

Section 5. ***Effective Date.*** This Resolution is effective on the date of its adoption.

On motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, the foregoing resolution titled "A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF PERQUIMANS, NORTH CAROLINA, AUTHORIZING AN OTHER POST-EMPLOYMENT BENEFITS (OPEB) TRUST FUND AND RELATED TRUST AGREEMENT; APPOINTMENT OF TRUSTEE FOR AND A CONTRIBUTION TO OPEB TRUST FUND" was duly adopted by the following vote:

AYES:

NAYS:

*PASSED, ADOPTED AND APPROVED* this 7<sup>th</sup> day of November, 2016.

STATE OF NORTH CAROLINA            )  
  )  
COUNTY OF PERQUIMANS            )        SS:

I, Mary P. Hunnicutt, Clerk to the Board of Commissioners of the County of Perquimans, North Carolina, *DO HEREBY CERTIFY*, as follows:

1.       A regular meeting of the Board of Commissioners of the County of Perquimans, a political subdivision of the State of North Carolina, was duly held on November 7, 2016, proper notice of such meeting having been given as required by North Carolina statute, and minutes of said meeting have been duly recorded in the Minute Book kept by me in accordance with law for the purpose of recording the minutes of said Board of Commissioners.

2.       I have compared the attached extract with said minutes so recorded and said extract is a true copy of said minutes and of the whole thereof insofar as said minutes relate to matters referred to in said extract.

3.       Said minutes correctly state the time when said meeting was convened and the place where such meeting was held and the members of said Board who attended said meeting.

*IN WITNESS WHEREOF*, I have hereunto set my hand and have hereunto affixed the corporate seal of said County, this 7<sup>th</sup> day of November, 2016.

(SEAL)

\_\_\_\_\_  
Mary P. Hunnicutt  
Clerk to the Board of Commissioners  
County of Perquimans, North Carolina



**COUNTIES OF CAMDEN, CHOWAN, CURRITUCK, DARE, HYDE, MARTIN,  
PASQUOTANK, PERQUIMANS, TYRRELL and WASHINGTON OTHER POST-  
EMPLOYMENT BENEFITS TRUST AGREEMENT**

This Trust Agreement is entered into as of the \_\_\_ day of \_\_\_\_\_, 2016 (the "Effective Date"), by and between the counties of Camden, Chowan, Currituck, Dare, Hyde, Martin, Pasquotank, Perquimans, Tyrrell, and Washington North Carolina (the "Counties") and the sitting County Manager of each county (the "Trustee");

**RECITALS:**

**WHEREAS**, the former Albemarle Mental Health and the former Tideland Mental Health maintained certain post-employment benefits other than pensions for the benefit of their eligible retired employees (the "Former Employers");

**WHEREAS**, the Counties wish to establish a trust pursuant to Section 159-30.1(b) of the North Carolina General Statutes, to be known as the "counties of Camden, Chowan, Currituck, Dare, Hyde, Martin, Pasquotank, Perquimans, Tyrrell, and Washington Other-Post Employment Benefits Trust Agreement" (hereinafter the "Trust"), for the purpose of holding existing funds to provide post-employment benefits other than pension benefits of the former Albemarle Mental Health and Tideland Mental Health;

**WHEREAS**, this Trust is established by the Counties with the intention that the Trust qualify as an irrevocable tax-exempt trust performing an essential governmental function within the meaning of Section 115 of the Code and the regulations issued thereunder and as a tax-exempt trust under the provisions of the applicable laws of the State of North Carolina; and

**WHEREAS**, the Counties have appointed each of their County Managers as Trustees of the Trust, and the Trustees have accepted such appointment pursuant to the terms and conditions set forth in this Trust Agreement; and

**NOW THEREFORE**, for good and valuable consideration, the parties hereto agree as follows:

**ARTICLE I  
DEFINITIONS**

- 1.1 "Administrator" shall mean Martin County, North Carolina per the terms and conditions of a Memorandum of Agreement dated July 1, 2007 and attached as Exhibit A.
- 1.2 "Assets" shall mean all contributions and transfers of assets received into the Trust on behalf of the Counties, together with the income and earnings from such contributions and transfers and any increments accruing to them, net of any investment losses, benefits, expenses or other costs.
- 1.3 "Code" shall mean the Internal Revenue Code of 1986, as amended from time to time.
- 1.4 "Eligible Participants" shall mean collectively eligible retired employees of the former Albemarle Mental Health and Tideland Mental Health and their dependents and beneficiaries.

- 1.5 “**Counties**” shall mean the Counties of Camden, Chowan, Currituck, Dare, Hyde, Martin, Pasquotank, Perquimans, Tyrrell, and Washington North Carolina.
- 1.6 “**Former Employers**” shall mean the former Albemarle Mental Health and the former Tideland Mental Health organizations.
- 1.7 “**OPEB**” shall mean “other post-employment benefits,” such as medical, dental, vision, life insurance, long-term care and other similar benefits, provided to Eligible Employees, other than pension benefits.
- 1.8 “**OPEB Obligation**” shall mean, to the extent required by law, the Counties obligation to provide post-employment health care and welfare benefits to Eligible Participants to the extent of existing assets and future earnings from those assets, as specified in the Plan.
- 1.9 “**Plan**” shall mean the Former Employers OPEB obligations and the Counties satisfaction thereof to the extent of existing assets and future earnings from those assets.
- 1.10 “**Qualified Investments**” shall mean all investments authorized under Section 159-30.1(b) of the North Carolina General Statutes, including the following:
- (1) Obligations of the United States or obligations fully guaranteed both as to principal and interest by the United States.
  - (2) Obligations of the Federal Financing Bank, the Federal Farm Credit Bank, the Bank for Cooperatives, the Federal Intermediate Credit Bank, the Federal Land Banks, the Federal Home Loan Banks, the Federal Home Loan Mortgage Corporation, Fannie Mae, the Government National Mortgage Association, the Federal Housing Administration, the Farmers Home Administration, the United States Postal Service.
  - (3) Obligations of the State of North Carolina.
  - (4) Bonds and notes of any North Carolina local government or public authority, to the extent permitted in Section 159.30(c)(4) of the North Carolina General Statutes.
  - (5) Savings certificates issued by any savings and loan association organized under the laws of the State of North Carolina or by any federal savings and loan association having its principal office in North Carolina; provided, that any principal amount of such certificate in excess of the amount insured by the federal government or any agency thereof, or by a mutual deposit guaranty association authorized by the Commissioner of Banks of the Department of Commerce of the State of North Carolina, be fully collateralized.
  - (6) Prime quality commercial paper bearing the highest rating of at least one nationally recognized rating service and not bearing a rating below the highest by any nationally recognized rating service which rates of particular obligation.
  - (7) Bills of exchange or time drafts drawn on and accepted by a commercial bank and eligible for use as collateral by member banks in borrowing from a federal reserve bank, provided that the accepting bank or its holding company is either

- (i) incorporated in the State of North Carolina or (ii) has outstanding publicly held obligations bearing the highest rating of at least one nationally recognized rating service and not bearing a rating below the highest by any nationally recognized rating service which rates the particular obligations.
- (8) Participating shares in a mutual fund for local government investment; provided, that the investments of the fund are limited to Qualified Investments hereunder, and the fund is certified by the Local Government Commission. The Local Government Commission shall have the authority to issue rules and regulations concerning the establishment and qualifications of any mutual fund for local government investment.
- (9) A commingled investment pool established and administered by the State Treasurer pursuant to Sections 147-69.2 and 147-69.3 of the North Carolina General Statutes.
- (10) A commingled investment pool established by interlocal agreement by two or more units of local government pursuant to Sections 160A-460 through 160A-464 of the General Statutes of North Carolina, if the investments of the pool are limited to those qualifying for investment under Section 159.30(c)(4) of the North Carolina General Statutes.
- (11) Evidences of ownership of, or fractional undivided interests in, future interest and principal payments on either direct obligations of the United States government or obligations the principal of and the interest on which are guaranteed by the United States, which obligations are held by a bank or trust company organized and existing under the laws of the United States or any state in the capacity of custodian.
- (12) Repurchase agreements with respect to either direct obligations of the United States or obligations the principal of and the interest on which are guaranteed by the United States if entered into with a broker or dealer, as defined by the Securities Exchange Act of 1934, which is a dealer recognized as a primary dealer by a Federal Reserve Bank, or any commercial bank, trust company or national banking association, the deposits of which are insured by the Federal Deposit Insurance Corporation or any successor thereof if:
- (a) Such obligations that are subject to such repurchase agreement are delivered (in physical or in book entry form) to the local government or public authority, or any financial institution serving either as trustee for the local government or public authority or as fiscal agent for the local government or public authority or are supported by a safekeeping receipt issued by a depository satisfactory to the local government or public authority, provided that such repurchase agreement must provide that the value of the underlying obligations shall be maintained at a current market value, calculated at least daily, of not less than one hundred percent (100%) of the repurchase price, and, provided further, that the financial institution serving either as trustee or as fiscal agent for the local government or public authority holding the obligations subject to the repurchase agreement hereunder or the depository issuing the

- safekeeping receipt shall not be the provider of the repurchase agreement;
- (b) A valid and perfected first security interest in the obligations which are the subject of such repurchase agreement has been granted to the local government or public authority or its assignee or book entry procedures, conforming, to the extent practicable, with federal regulations and satisfactory to the local government or public authority have been established for the benefit of the local government or public authority or its assignee;
  - (c) Such securities are free and clear of any adverse third party claims; and
  - (d) Such repurchase agreement is in a form satisfactory to the local government or public authority.
- (13) In connection with funds subject to the arbitrage and rebate provisions of the Code, participating shares in tax-exempt mutual funds, to the extent such participation, in whole or in part, is not subject to such rebate provisions, and taxable mutual funds, to the extent such fund provides services in connection with the calculation of arbitrage rebate requirements under federal income tax law; provided, the investments of any such fund are limited to those bearing one of the two highest ratings of at least one nationally recognized rating service and not bearing a rating below one of the two highest ratings by any nationally recognized rating service which rates the particular fund.
  - (14) Investments of the State Treasurer authorized pursuant to Section 147-69.2(b4) of the North Carolina General Statutes.
- 1.11 "Trustee" shall mean collectively the County Manager of each of the Counties.

## ARTICLE II THE TRUST

### 2.1 Purpose

The purpose of the Trust is to hold assets from which to satisfy the commitment, if any, of the Former Employers to provide OPEB, as offered by the Former Employers to Eligible Participants in accordance with the Plan.

### 2.2 Trustee Accounting

The Trustee shall be responsible only for maintaining records and maintaining accounts for the Assets of the Trust. The Administrator, per a Memorandum of Agreement dated July 1, 2007, shall be responsible for Plan-level administration and accounting for OPEB benefit payments and related activity.

### 2.3 No Diversion of Assets

The Assets in the Trust shall be held in trust for the exclusive purpose of providing OPEB to Eligible Participants of the Former Employers and defraying the reasonable administrative and actuarial expenses of the Trust. The Assets in the Trust shall not be used for or diverted to any other purpose, except as expressly provided herein.

#### **2.4 Type and Nature of Trust**

Neither the full faith and credit nor the taxing power of the Counties is pledged to the distribution of benefits hereunder. Except for contributions and other amounts hereunder, no other amounts are pledged to the distribution of benefits hereunder. Distributions of benefits are neither general nor special obligations of the Counties, but are payable solely from the Assets of the Trust, as more fully described herein. No employee of the Former Employers may compel the exercise of the taxing power by the Counties.

Distributions of Assets under the Trust are not debts of the Counties within the meaning of any constitutional or statutory limitation or restriction. Such distributions are not legal or equitable pledges, charges, liens or encumbrances upon any of the Counties property, or upon any of their income, receipts, or revenues, except amounts in the accounts which are, under the terms of the Plan and Trust set aside for distributions. Neither the members of the governing body of the Counties nor their officers, employees, agents or volunteers are liable hereunder. In no event shall the liability of the Counties and the Trustee exceed the amounts contained in the Trust.

### **ARTICLE III ADMINISTRATIVE MATTERS**

#### **3.1 Certification to Trustee**

The governing body of each of the Counties, or other duly authorized official, shall certify in writing to the Trustee the names and specimen signatures of the individuals authorized to act on behalf of the Counties, whose names and specimen signatures shall be kept accurate by the Counties acting through its governing body or a duly authorized official. The Trustee shall have no liability if it acts upon the direction of an individual who has been duly authorized hereunder, even if that individual is no longer authorized to act, unless the Employer has informed the Trustee of such change in writing.

#### **3.2 Removal of Trustee**

Each individual Trustee shall serve during his tenure in the applicable office of each of the Counties and shall immediately cease to serve, without the necessity for formal resignation, upon termination from such office for any reason. The successor to such office, including any interim successor, shall become a successor Trustee immediately upon the assumption of such office without the need for formal appointment. A successor Trustee shall not have any liability for any action or omission by the Trustee prior to the date of his assumption of such office.

#### **3.3 Trustee Procedures**

All official meeting of the Trustee, whether held in person or by electronic means, shall be open to the public and conducted in accordance with Article 33C of Chapter 143 of the North Carolina General Statutes. The Trustee shall keep a record of all official meetings,

including those official meetings held in closed session under Section 143-318.11 of the North Carolina General Statutes, and shall forward all necessary communications to the Counties. Such official meeting records shall be public records within the meaning of Chapter 132 of the North Carolina General Statutes. The Trustee may adopt such by-laws and regulations as it deems desirable for the conduct of its affairs. All decisions by the Trustee shall be made by the vote of the majority of the Trustee members. The Trustee may authorize one or more of such members to act for the Trustee with respect to specified Trustee duties under this Trust Agreement. A dissenting Trustee member who, within a reasonable period of time after he has knowledge of any action or failure to act by the majority, delivers his written dissent to the other Trustee members and the Counties shall not be responsible for such action or failure to act.

### **3.4 Payments from the Trust**

The Administrator shall from time to time, unless otherwise directed by the Trustee and only to the extent of Assets contained in the Trust, authorize payments out of the Assets of the Trust. Such payments may include, but are not limited to, benefit payments, insurance or stop-loss premiums, and the expenses of administering the Plan and Trust, as may be specified in the Trustee's direction.

## **ARTICLE IV THE TRUSTEE**

### **4.1 Powers and Duties of the Trustee**

Except as otherwise provided in Article V, and subject to the provisions of Article VI, the Trustee shall have full power and authority with respect to property held in the Trust to perform all acts, take all proceedings, and exercise all rights and privileges, whether specifically referred to or not in this document, as could be done, taken or exercised by the absolute owner, including, without limitation, the following:

- (a) To invest and reinvest the Assets or any part thereof in Qualified Investments pursuant to this Trust and applicable state law.
- (b) To place uninvested cash and cash awaiting distribution in any type of interest-bearing account including, without limitation, time certificates of deposit or interest-bearing accounts issued by a commercial bank or savings and loan association organized under the laws of the State of North Carolina or having its principal office in North Carolina;
- (c) To take all of the following actions: to vote proxies of any stocks, bonds or other securities; to give general or special proxies or powers of attorney with or without power of substitution; to exercise any conversion privileges, subscription rights or other options, and to make any payments incidental thereto; to consent to or otherwise participate in corporate reorganizations or other changes affecting corporate securities and to delegate discretionary powers and to pay any assessments or charges in connection therewith; and generally to exercise any of the powers of an owner with respect to stocks, bonds, securities or other property held in the Trust;

(d) To make, execute, acknowledge and deliver any and all documents of transfer and conveyance and any and all other instruments that may be necessary or appropriate to carry out the powers herein granted;

(e) To exercise all the further rights, powers, options and privileges granted, provided for, or vested in trustees generally under applicable federal or state laws as amended from time to time, it being intended that, except as herein otherwise provided, the powers conferred upon the Trustee herein shall not be construed as being in limitation of any authority conferred by law, but shall be construed as consistent or in addition thereto.

#### 4.2 Additional Trustee Powers

In addition to the other powers enumerated above, the Trustee in any and all events is authorized and empowered:

(a) To invest funds pending required directions in a designated account as directed by the Counties or if there is no designated account, any type of interest-bearing account including without limitation, time certificates of deposit or interest-bearing accounts issued by a commercial bank or savings and loan association organized under the laws of the State of North Carolina or having its principal office in North Carolina Trustee or any affiliate thereof;

(b) To cause all or any part of the Trust to be held in the name of the Trustee (which in such instance need not disclose its fiduciary capacity) or, as permitted by law, in the name of any nominee, and to acquire for the Trust any investment in bearer form, but the books and records of the Trust shall at all times show that all such investments are a part of the Trust and the Trustee shall hold evidences of title to all such investments;

(c) To appoint a custodian with respect to the Trust Assets;

(d) To employ such agents and counsel as may be reasonably necessary in managing and protecting the Assets and to pay them reasonable compensation from the Trust; to employ any broker-dealer, including a broker-dealer affiliated with the Trustee, and pay to such broker-dealer at the expense of the Trust, its standard commissions; to settle, compromise or abandon all claims and demands in favor of or against the Trust; and to charge any premium on bonds purchased at par value to the principal of the Trust without amortization from the Trust, regardless of any law relating thereto;

(e) To abandon, compromise, contest, arbitrate or settle claims or demands; to prosecute, compromise and defend lawsuits, but without obligation to do so, all at the risk and expense of the Trust;

(f) To exercise and perform any and all of the other powers and duties specified in this Trust Agreement or the Plan;

(g) To permit such inspections of documents at the principal office of the Trustee as are required by law, subpoena or demand by a United States agency;

(h) To comply with all requirements imposed by applicable provisions of law;

- (i) To seek written instructions from the Counties on any matter and await its written instructions without incurring any liability; provided, that if at any time the Counties should fail to give directions to the Trustee, the Trustee may act in the manner that in its discretion seems advisable under the circumstances for carrying out the purposes of the Trust;
- (j) To compensate such executive, consultant, actuarial, accounting, investment, appraisal, administrative, clerical, secretarial, medical, custodial, depository and legal firms, personnel and other employees or assistants as are engaged by the Employer in connection with the administration of the Plan and to pay from the Trust the necessary expenses of such firms, personnel and assistants, to the extent not paid by the Counties;
- (k) To act upon proper written directions of the Counties;
- (l) To pay from the Trust the expenses reasonably incurred in the administration thereof, as provided in the Plan;
- (m) To hold uninvested reasonable amounts of cash whenever it is deemed advisable to do so to facilitate disbursements or for other operational reasons;
- (n) To seek and obtain a judicial settlement of the Trustee's accounts and a judicial determination of any question in connection with the Trustee's duties and obligations under this Trust Agreement; and
- (o) To have and to exercise such other additional powers as may be advisable for the effective and economical administration of the Trust.

## ARTICLE V INVESTMENTS

### 5.1 Trust Investments

The Trustee shall have the responsibility to select Qualified Investments for the Trust Assets and may appoint a registered investment advisor, as defined by regulations issued by the Securities and Exchange Commission, by executing a written consulting or management agreement with said registered investment advisor.

### 5.2 Trustee Fees

Any Trustee who is an employee of any of the Counties shall receive no fee for service as a Trustee hereunder.

### 5.3 Contributions to the Trust

The Counties may, but shall not be required, from time to time remit cash contributions and other payments under the Plan to the Trustee, which may include contributions by Eligible Participants. All contributions shall be paid to the Trustee for investment and reinvestment pursuant to the terms of this Trust Agreement. The Trustee shall not have any duty to determine or inquire whether any contributions to the Trust are in compliance with the Counties policies and/or the Plan, nor shall the Trustee have any duty or authority to compute any amount to be paid to the Trustee by the Counties, nor shall the



Trustee be responsible for the collection or adequacy of the contributions to meet the Former Employer's OPEB Obligation. The contributions received by the Trustee from the Counties, including any contributions by Eligible Participants, shall be held and administered pursuant to the terms hereof without distinction between income and principal.

#### **5.4 Records**

(a) The Trustee shall keep records of meetings and the Administrator shall maintain accurate records and detailed accounts of all investments, receipts, disbursements and other transactions hereunder. Such records shall be available at all reasonable times for inspection by the Counties.

(b) The Assets of the Trust shall be valued at their fair market value on the date of valuation, as determined by the Trustee based upon such sources of information as it may deem reliable; provided, that the Counties shall instruct the Trustee as to valuation of assets for which the value is not readily determinable on an established market. The Trustee may rely conclusively on such valuations provided by the Counties and shall be indemnified and held harmless by the Counties with respect to such reliance. If the Counties fails to provide such value, the Trustee may take whatever action it deems reasonable, including employment of attorneys, appraisers or other professionals, the expense of which will be an expense of administration of the Trust. Transactions in the account involving such hard to value assets may be postponed until appropriate valuations have been received and Trustee shall have no liability therefore.

#### **5.5 Statements and Reports**

(a) Periodically as requested by the Counties and within sixty (60) days after each June 30, the Trustee and the Administrator shall render to the Counties a written account showing in reasonable summary the investments, receipts, disbursements and other transactions engaged in by the Trustee during the preceding fiscal year or period with respect to the Trust. Such account shall set forth the assets and liabilities of the Trust valued as of the end of the accounting period.

(b) The Counties may approve such statements either by written notice or by failure to express objections to such statement by written notice delivered to the Trustee within ninety (90) days from the date the statement is delivered to the Counties. Upon approval, the Trustee shall be released and discharged as to all matters and items set forth in such statement as if such account had been settled and allowed by a decree from a court of competent jurisdiction.

(c) The Trustee and the Administrator shall hire a consultant to perform an actuarial valuation of the Albemarle-Tideland Retiree Liability for Healthcare benefits as of December 31, 2017 and every two years thereafter. The cost of the actuarial valuation is an eligible expense per section 3.4 of this document.

#### **5.6 Exclusive Benefit**

The Assets of the Trust shall be held in trust for the exclusive purpose of providing OPEB to the Eligible Participants pursuant to the Plan and defraying the reasonable

expenses associated with providing such benefits and shall not be used for or diverted to any other purpose.

## ARTICLE VI FIDUCIARY RESPONSIBILITIES

### 6.1 More Than One Fiduciary Capacity

Any one or more of the fiduciaries with respect to the Trust Agreement or the Trust may, to the extent required thereby or as directed by the Counties and the Administrator pursuant to this Trust Agreement, serve in more than one fiduciary capacity with respect to the Trust Agreement and the Trust.

### 6.2 Fiduciary Discharge of Duties

Except as otherwise provided by applicable law, each fiduciary shall discharge such fiduciary's duties with respect to the Trust Agreement and the Trust:

(a) Solely in the interest of the Eligible Participants and for the exclusive purpose of providing OPEB to Eligible Participants and defraying reasonable administrative and actuarial expenses associated with providing such benefits; and

(b) With the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent man acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of like character and with like aims.

### 6.3 Limitations on Fiduciary Responsibility

To the extent allowed by the law of the State of North Carolina:

(a) No fiduciary shall be liable with respect to a breach of fiduciary duty by any other fiduciary if such breach was committed before such party became a fiduciary or after such party ceased to be a fiduciary.

(b) No fiduciary shall be liable for a breach by another fiduciary except as provided by law.

(c) No fiduciary shall be liable for carrying out a proper direction from another fiduciary, including refraining from taking an action in the absence of a proper direction from the other fiduciary possessing the authority and responsibility to make such a direction, which direction the fiduciary in good faith believes to be authorized and appropriate.

### 6.4 Indemnification

The Trustee shall not be liable for, and the Counties shall indemnify, defend and hold the Trustee harmless from and against, any claims, demands, loss, costs, expense or liability in connection with this Trust Agreement, including reasonable attorneys' fees and costs incurred by the Trustee, arising as a result of Counties active or passive negligent act or omission or willful misconduct in the execution or performance of the Counties duties under this Trust Agreement.

In addition, the Trustee shall not be liable for, and Counties shall indemnify and hold the Trustee harmless from and against, any claims, demands, loss, costs, expense or liability arising out of or in connection with this Trust Agreement, including reasonable attorneys' fees and costs incurred by the Trustee, in the event that the Trust loses or fails to qualify for tax exempt status under Section 115 of the Code and the regulations issued thereunder or as a tax-exempt trust under the provisions of North Carolina law, unless such results directly or indirectly from the active or passive negligent act or omission of the Trustee or an employee or agent thereof.

This section shall survive the termination of this Trust Agreement.

## ARTICLE VII AMENDMENT, TERMINATION AND MERGER

### 7.1 No Obligation to Continue Trust

Continuance of the Trust is not assumed as a contractual obligation of the Counties.

### 7.2 Amendments

(a) The Counties and the Trustee reserve the right to amend this Trust Agreement at any time by a written instrument executed by the Counties and the Trustee. The Trust Agreement may be amended or terminated only as provided herein.

(b) No amendment shall:

(1) Cause the Assets of the Trust to be used for or diverted to purposes other than for the exclusive benefit of Eligible Participants or for the purpose of defraying the reasonable expenses of administering the Trust; or

(2) Have any retroactive effect so as to reduce the benefits of any Eligible Participants as of the date the amendment is adopted, except that such changes may be made as may be required to permit this Trust Agreement to meet the requirements of applicable law.

### 7.3 Termination of the Plan

Upon any termination of the Former Employer's obligation, if any, to provide OPEB pursuant to the Plan, the Assets of the Trust shall be distributed by the Trustee as directed by the Counties. From and after the date of such termination and until final distribution of the Assets, the Trustee shall continue to have all the powers provided herein as are necessary or expedient for the orderly liquidation and distribution of such assets, and the Trust shall continue until the Assets have been completely distributed in accordance with the Plan.

### 7.4 Right to Terminate

The Counties and the Trustee may terminate this Trust by a written instrument executed by the Counties and the Trustee. Upon termination of this Trust, the Trustee shall pay all obligations of the Trust and shall apply the remaining Assets to purchase or continue OPEB for Eligible Participants to the extent possible. Notwithstanding the foregoing

provisions, the Trustee may, upon termination of the Trust and with the Counties consent, transfer any remaining Assets to the Counties or to any trust or trusts established for purposes substantially similar to those set forth herein. In no event will any remaining Assets be transferred to any entity that is not a state, political subdivision of a state, or entity the income of which is excluded from gross income under Section 115 of the Code.

#### **7.5 Fund Recovery Based on Mistake of Fact**

Except as provided above, the Assets of the Trust shall never inure to the benefit of the Counties. The Assets shall be held for the exclusive purposes of providing OPEB to Eligible Participants and defraying reasonable expenses of administering the Trust. However, in the case of a contribution which is made by the Counties because of a mistake of fact, that portion of the contribution relating to the mistake of fact (exclusive of any earnings or losses attributable thereto) may be returned to the Counties, provided such return occurs within two (2) years after discovery by the Counties of the mistake. If any repayment is payable to the Counties, then, as a condition precedent to such repayment, the Counties shall execute, acknowledge and deliver to the Trustee its written undertaking, in a form satisfactory to the Trustee, to indemnify, defend and hold the Trustee harmless from all claims, actions, demands or liabilities arising in connection with such repayment.

### **ARTICLE VIII MISCELLANEOUS PROVISIONS**

#### **8.1 Nonalienation**

Eligible Participants do not have an interest in the Trust. Accordingly, the Trust shall not in any way be liable to attachment, garnishment, assignment or other process, or be seized, taken, appropriated or applied by any legal or equitable process, to pay any debt or liability of an Eligible Participants or any other party. Trust Assets shall not be subject to the claims of the Counties or the claims of its creditors.

#### **8.2 Saving Clause**

In the event any provision of this Trust Agreement is held illegal or invalid for any reason, said illegality or invalidity shall not affect the remaining parts of the Trust Agreement, and this instrument shall be construed and enforced as if said provision had never been included.

#### **8.3 Applicable Law**

This Trust Agreement shall be construed, administered and governed under the Code and the laws of the State of North Carolina. To the extent any of the provisions of this Trust Agreement are inconsistent with the Code or applicable state law, the provisions of the Code or state law shall control. In the event, however, that any provision is susceptible to more than one interpretation, such interpretation shall be given thereto as is consistent with the Trust Agreement being a tax-exempt trust within the meaning of the Code.

**8.4 Employment of Counsel**

The Trustee may consult with legal counsel (who may be counsel for the Trustee or the Counties and charge the Trust) or other consultants. The Trustee shall be fully protected in relying on advice of such counsel.

**8.5 Gender and Number**

Words used in the masculine, feminine or neuter gender shall each be deemed to refer to the other whenever the context so requires; and words used in the singular or plural number shall each be deemed to refer to the other whenever the context so requires.

**8.6 Headings**

Headings used in this Trust Agreement are inserted for convenience of reference only and any conflict between such headings and the text shall be resolved in favor of the text.

**8.7 Counterparts**

This Trust Agreement may be executed in an original and any number of counterparts by the Counties and Trustee, each of which shall be deemed to be an original of the one and the same instrument.

**AGREED TO AND ACCEPTED** this \_\_\_\_ day of \_\_\_\_\_, 2016.

**TRUSTEES**

- \_\_\_\_\_ County Manager Camden County
- \_\_\_\_\_ County Manager Chowan County
- \_\_\_\_\_ County Manager Currituck County
- \_\_\_\_\_ County Manager Dare County
- \_\_\_\_\_ County Manager Hyde County
- \_\_\_\_\_ County Manager Martin County
- \_\_\_\_\_ County Manager Pasquotank County
- \_\_\_\_\_ County Manager Perquimans County
- \_\_\_\_\_ County Manager Tyrrell County
- \_\_\_\_\_ County Manager Washington County

**COUNTIES**

- \_\_\_\_\_ Chairman Camden County
- \_\_\_\_\_ Chairman Chowan County
- \_\_\_\_\_ Chairman Currituck County
- \_\_\_\_\_ Chairman Dare County
- \_\_\_\_\_ Chairman Hyde County
- \_\_\_\_\_ Chairman Martin County
- \_\_\_\_\_ Chairman Pasquotank County
- \_\_\_\_\_ Chairman Perquimans County
- \_\_\_\_\_ Chairman Tyrrell County
- \_\_\_\_\_ Chairman Washington County

EXHIBIT A

**MEMORANDUM OF AGREEMENT  
PROVISION OF HEALTH INSURANCE BENEFITS  
for QUALIFIED RETIREES OF ALBEMARLE MENTAL HEALTH  
and TIDELAND MENTAL HEALTH**

WHEREAS, July 1, 2007 four counties from Tideland Mental Health (Tideland) merged with the six counties comprising Albemarle Mental Health (Albemarle); and

WHEREAS, certain qualified employees retired from Albemarle and Tideland and therefore were and are entitled to post retirement health insurance benefits as set forth in policies approved by the Boards of each of those agencies; and

WHEREAS, neither Albemarle or Tideland is an ongoing entity; and

WHEREAS, the ten counties that were the remaining member counties of Albemarle Mental Health upon its dissolution are Camden, Chowan, Currituck, Dare, Hyde, Martin, Pasquotank, Perquimans, Tyrrell and Washington; and

WHEREAS, funds were provided by Tideland at the time of merger for the purpose of funding the post retirement health insurance benefits for qualified Tideland employees and funds were provided by the State of North Carolina at the time of dissolution to assist with the funding of these benefits for both Albemarle and Tideland retirees; and

WHEREAS, Martin County has agreed to handle the administration of providing the retiree health insurance and therefore Martin County has possession of the funds available for same and Martin county is willing to do so for no compensation but also has no individual liability to provide these benefits in the event the funds set aside for this purpose are exhausted; and

WHEREAS, Martin County will provide a financial report to each of the county managers no later than July 31<sup>st</sup> each year which will include at a minimum the beginning balance of the fund, charges to the fund and the ending balance of the fund; and

WHEREAS, in the event the funds are exhausted prior to the retirees no longer being eligible for coverage the counties will determine what action to take and if it is to make up the shortfall it shall be done on a per capita basis for each county; and

WHEREAS, the county managers of each county are collectively given the authority to make any necessary administrative decisions regarding these funds with the exception of decisions regarding funds being exhausted.

NOW, THEREFORE BE IT RESOLVED that each of the counties named below evidenced by the signature of the Chairman of the Board of Commissioners hereby agrees to the recitals above regarding the provision of post retirement health insurance benefits to those eligible former employees of Albemarle Mental Health and Tideland Mental Health.



CAMDEN COUNTY

DATE \_\_\_\_\_

CHAIRMAN \_\_\_\_\_

CLERK TO THE BOARD \_\_\_\_\_

CHOWAN COUNTY

DATE \_\_\_\_\_

CHAIRMAN \_\_\_\_\_

CLERK TO THE BOARD \_\_\_\_\_

CURRITUCK COUNTY

DATE \_\_\_\_\_

CHAIRMAN \_\_\_\_\_

CLERK TO THE BOARD \_\_\_\_\_

DARE COUNTY

DATE \_\_\_\_\_

CHAIRMAN \_\_\_\_\_

CLERK TO THE BOARD \_\_\_\_\_

HYDE COUNTY

DATE \_\_\_\_\_

CHAIRMAN \_\_\_\_\_

CLERK TO THE BOARD \_\_\_\_\_

MARTIN COUNTY

DATE 6-28-11

*Elmo "Butch" Lelley*  
CHAIRMAN

*Maurice B. Thompson*  
CLERK TO THE BOARD

PASQUOTANK COUNTY

DATE \_\_\_\_\_

CHAIRMAN \_\_\_\_\_

CLERK TO THE BOARD \_\_\_\_\_

PERQUIMANS COUNTY

DATE \_\_\_\_\_

\_\_\_\_\_  
CHAIRMAN

\_\_\_\_\_  
CLERK TO THE BOARD

TYRRELL COUNTY

DATE \_\_\_\_\_

\_\_\_\_\_  
CHAIRMAN

\_\_\_\_\_  
CLERK TO THE BOARD

WASHINGTON COUNTY

DATE \_\_\_\_\_

\_\_\_\_\_  
CHAIRMAN

\_\_\_\_\_  
CLERK TO THE BOARD

**From:** "W. Hackney High, Jr" <[whigh@highandcrowe.com](mailto:whigh@highandcrowe.com)>  
**To:** 'Frank Heath' <[frankheath@perquimanscountync.gov](mailto:frankheath@perquimanscountync.gov)>  
**Sent:** 11/2/2016 8:35 AM  
**Subject:** FW: Minzies Creek Sanitary District

See below. Should we just place this on the agenda for next Monday?

W. Hackney High, Jr.  
High & Crowe, LLP  
Attorneys at Law  
102 East Queen St.  
Post Office Box 92  
Edenton, North Carolina 27932  
(252) 482-4422  
(252) 482-4423 fax  
[whigh@highandcrowe.com](mailto:whigh@highandcrowe.com)

CONFIDENTIALITY STATEMENT: This electronic message contains privileged and confidential information from the law firm of High & Crowe, LLP. The information contained herein is intended solely for the use of recipient named above. If you are not the recipient named above, be advised that any disclosure, copying, distribution or use of the contents of this electronic message is strictly prohibited. If you have received this electronic message in error, please notify us immediately by e-mail or by telephone at 252-482-4422 or (252) 482-4423 fax

---

**From:** L. Clifton Smith, III [<mailto:lcs3@pb-attorneys.com>]  
**Sent:** Tuesday, November 01, 2016 1:50 PM  
**To:** [whigh@highandcrowe.com](mailto:whigh@highandcrowe.com)  
**Subject:** Minzies Creek Sanitary District

Hack,

Hope you are well, I mentioned this to you a while ago and was supposed to send this email then, honestly I just forgot. The Board of Minzies Creek needs to appoint a new member. The statute gives that power to the Board of Commissioners. We have recommended Linwood Hines. I cannot imagine the Board cares who we want to put in place, but I think we just need a vote on it. The authority for this is N.C.G.S. 130A-54.

Let me know whatever I can do to help.

Thanks,

Clif Smith  
Attorney At Law  
Pritchett & Burch, PLLC  
101 Lawyers Lane  
Post Office Drawer 100  
Windsor, North Carolina 27983  
Tel. 252.794.3161 ext 234  
Fax 252.794.2392  
[www.windsorlaw.com](http://www.windsorlaw.com)

FOR  
INFORMATION  
ONLY  
ITEMS

Logout



# NACo Prescription Drug Discount Card Program

Go Back

## Perquimans County, NC

		% OF PLAN TOTAL PRICE		% OF PLAN RETAIL PRICE		AVERAGE MEMBER COST		RETAIL PRICE	AVERAGE RETAIL PRICE		AVERAGE PRICE SAVINGS		% OF PRICE SAVINGS	TOTAL UTILIZERS
		PRICE	SAVINGS	PRICE	SAVINGS				PRICE	PRICE	PRICE	PRICE		
<b>2016</b>														
SEPTEMBER	2	0	0.00%	2100.00%	\$ 49.55	\$ 24.78	\$ 49.55	\$ 24.78	\$ 0.00	\$ 0.00	0.00%			1
AUGUST	1	0	0.00%	1100.00%	\$ 7.33	\$ 7.33	\$ 13.69	\$ 13.69	\$ 6.36	\$ 6.36	46.46%			2
JULY	3	2	66.67%	1 33.33%	\$ 53.24	\$ 17.75	\$ 91.05	\$ 30.35	\$ 37.81	\$ 12.60	41.53%			1
JUNE	2	0	0.00%	2100.00%	\$ 49.55	\$ 24.78	\$ 49.55	\$ 24.78	\$ 0.00	\$ 0.00	0.00%			1
MAY	1	0	0.00%	1100.00%	\$ 4.00	\$ 4.00	\$ 4.00	\$ 4.00	\$ 0.00	\$ 0.00	0.00%			1
APRIL	1	1	100.00%	0	0.00%	\$ 30.00	\$ 30.00	\$ 41.09	\$ 41.09	\$ 11.09	26.99%			1
FEBRUARY	3	1	33.33%	2 66.67%	\$ 84.56	\$ 28.19	\$ 86.25	\$ 28.75	\$ 1.69	\$ 0.56	1.96%			2
<b>2015</b>														
OCTOBER	4	1	25.00%	3 75.00%	\$ 90.42	\$ 22.61	\$ 127.54	\$ 31.89	\$ 37.12	\$ 9.28	29.10%			2
SEPTEMBER	2	0	0.00%	2100.00%	\$ 47.93	\$ 23.97	\$ 47.93	\$ 23.97	\$ 0.00	\$ 0.00	0.00%			1
JUNE	5	1	20.00%	4 80.00%	\$ 78.06	\$ 15.61	\$ 101.18	\$ 20.24	\$ 23.12	\$ 4.62	22.85%			1
MAY	1	1	100.00%	0	0.00%	\$ 9.60	\$ 9.60	\$ 13.93	\$ 13.93	\$ 4.33	31.08%			1
APRIL	1	1	100.00%	0	0.00%	\$ 28.71	\$ 28.71	\$ 34.09	\$ 34.09	\$ 5.38	15.78%			1
MARCH	4	1	25.00%	3 75.00%	\$ 74.37	\$ 18.59	\$ 85.13	\$ 21.28	\$ 10.76	\$ 2.69	12.64%			1
JANUARY	5	4	80.00%	1 20.00%	\$ 104.75	\$ 20.95	\$ 201.94	\$ 40.39	\$ 97.19	\$ 19.44	48.13%			3
<b>2014</b>														
DECEMBER	9	7	77.78%	2 22.22%	\$ 172.04	\$ 19.12	\$ 267.10	\$ 29.68	\$ 95.06	\$ 10.56	35.59%			3
NOVEMBER	12	10	83.33%	2 16.67%	\$ 392.68	\$ 32.72	\$ 815.33	\$ 67.94	\$ 422.65	\$ 35.22	51.84%			5
OCTOBER	7	6	85.71%	1 14.29%	\$ 200.55	\$ 28.65	\$ 419.24	\$ 59.89	\$ 218.69	\$ 31.24	52.16%			4
SEPTEMBER	4	4	100.00%	0	0.00%	\$ 75.50	\$ 18.88	\$ 159.07	\$ 39.77	\$ 83.57	20.89	52.54%		3
AUGUST	12	8	66.67%	4 33.33%	\$ 436.48	\$ 36.37	\$ 789.55	\$ 65.80	\$ 353.07	\$ 29.42	44.72%			5
JULY	8	4	50.00%	4 50.00%	\$ 141.44	\$ 17.68	\$ 315.63	\$ 39.45	\$ 174.19	\$ 21.77	55.19%			5
JUNE	11	5	45.45%	6 54.55%	\$ 154.19	\$ 14.02	\$ 200.87	\$ 18.26	\$ 46.68	\$ 4.24	23.24%			5
MAY	10	6	60.00%	4 40.00%	\$ 388.80	\$ 38.88	\$ 692.10	\$ 69.21	\$ 303.30	\$ 30.33	43.82%			6
APRIL	11	6	54.55%	5 45.45%	\$ 260.41	\$ 23.67	\$ 437.49	\$ 39.77	\$ 177.08	\$ 16.10	40.48%			6
MARCH	13	8	61.54%	5 38.46%	\$ 454.73	\$ 34.98	\$ 621.46	\$ 47.80	\$ 166.73	\$ 12.83	26.83%			7
FEBRUARY	7	4	57.14%	3 42.86%	\$ 269.48	\$ 38.50	\$ 540.19	\$ 77.17	\$ 270.71	\$ 38.67	50.11%			4
JANUARY	12	8	66.67%	4 33.33%	\$ 249.29	\$ 20.77	\$ 410.01	\$ 34.17	\$ 160.72	\$ 13.39	39.20%			6
<b>2013</b>														
DECEMBER	13	10	76.92%	3 23.08%	\$ 285.55	\$ 21.97	\$ 640.79	\$ 49.29	\$ 355.24	\$ 27.33	55.44%			5
NOVEMBER	9	5	55.56%	4 44.44%	\$ 254.72	\$ 28.30	\$ 579.18	\$ 64.35	\$ 324.46	\$ 36.05	56.02%			3
OCTOBER	11	6	54.55%	5 45.45%	\$ 294.94	\$ 26.81	\$ 444.01	\$ 40.36	\$ 149.07	\$ 13.55	33.57%			7
SEPTEMBER	8	5	62.50%	3 37.50%	\$ 259.86	\$ 32.48	\$ 424.60	\$ 53.08	\$ 164.74	\$ 20.59	38.80%			4
AUGUST	12	7	58.33%	5 41.67%	\$ 355.30	\$ 29.61	\$ 780.04	\$ 65.00	\$ 424.74	\$ 35.40	54.45%			6
JULY	11	8	72.73%	3 27.27%	\$ 240.23	\$ 21.84	\$ 407.28	\$ 37.03	\$ 167.05	\$ 15.19	41.02%			6
JUNE	7	1	14.29%	6 85.71%	\$ 44.33	\$ 6.33	\$ 89.23	\$ 12.75	\$ 44.90	\$ 6.41	50.32%			3
MAY	14	10	71.43%	4 28.57%	\$ 453.90	\$ 32.42	\$ 796.58	\$ 56.90	\$ 342.68	\$ 24.48	43.02%			6
APRIL	14	5	35.71%	9 64.29%	\$ 229.20	\$ 16.37	\$ 316.32	\$ 22.59	\$ 87.12	\$ 6.22	27.54%			6
MARCH	5	2	40.00%	3 60.00%	\$ 51.84	\$ 10.37	\$ 89.03	\$ 17.81	\$ 37.19	\$ 7.44	41.77%			3
FEBRUARY	5	3	60.00%	2 40.00%	\$ 58.31	\$ 11.66	\$ 100.07	\$ 20.01	\$ 41.76	\$ 8.35	41.73%			4
JANUARY	7	4	57.14%	3 42.86%	\$ 147.57	\$ 21.08	\$ 273.13	\$ 39.02	\$ 125.56	\$ 17.94	45.97%			3
<b>2012</b>														
DECEMBER	5	2	40.00%	3 60.00%	\$ 63.00	\$ 12.60	\$ 131.13	\$ 26.23	\$ 68.13	\$ 13.63	51.96%			3
NOVEMBER	5	3	60.00%	2 40.00%	\$ 105.77	\$ 21.15	\$ 233.12	\$ 46.62	\$ 127.35	\$ 25.47	54.63%			4
OCTOBER	11	7	63.64%	4 36.36%	\$ 245.45	\$ 22.31	\$ 434.45	\$ 39.50	\$ 189.00	\$ 17.18	43.50%			6
SEPTEMBER	12	6	50.00%	6 50.00%	\$ 172.31	\$ 14.36	\$ 260.06	\$ 21.67	\$ 87.75	\$ 7.31	33.74%			6
AUGUST	11	6	54.55%	5 45.45%	\$ 196.81	\$ 17.89	\$ 334.76	\$ 30.43	\$ 137.95	\$ 12.54	41.21%			5
JULY	21	8	38.10%	13 61.90%	\$ 432.01	\$ 20.57	\$ 602.24	\$ 28.68	\$ 170.23	\$ 8.11	28.27%			5
JUNE	18	7	38.89%	11 61.11%	\$ 274.32	\$ 15.24	\$ 526.71	\$ 29.26	\$ 252.39	\$ 14.02	47.92%			8
MAY	16	6	37.50%	10 62.50%	\$ 203.93	\$ 12.75	\$ 278.78	\$ 17.42	\$ 74.85	\$ 4.68	26.85%			6
APRIL	15	6	40.00%	9 60.00%	\$ 196.88	\$ 13.13	\$ 297.28	\$ 19.82	\$ 100.40	\$ 6.69	33.77%			5
MARCH	17	11	64.71%	6 35.29%	\$ 324.49	\$ 19.09	\$ 681.36	\$ 40.08	\$ 356.87	\$ 20.99	52.38%			8
FEBRUARY	17	10	58.82%	7 41.18%	\$ 653.21	\$ 38.42	\$ 1,271.77	\$ 74.81	\$ 618.56	\$ 36.39	48.64%			5
JANUARY	15	7	46.67%	8 53.33%	\$ 296.17	\$ 19.74	\$ 388.23	\$ 25.88	\$ 92.06	\$ 6.14	23.71%			5

2011													
DECEMBER	24	15	62.50%	9	37.50%	\$ 444.97	\$ 18.54	\$ 677.97	\$ 28.25	\$ 233.00	\$ 9.71	34.37%	7
NOVEMBER	26	15	57.69%	11	42.31%	\$ 650.19	\$ 25.01	\$ 1,059.27	\$ 40.74	\$ 409.08	\$ 15.73	38.62%	7
OCTOBER	22	10	45.45%	12	54.55%	\$ 360.54	\$ 16.39	\$ 548.26	\$ 24.92	\$ 187.72	\$ 8.53	34.24%	6
SEPTEMBER	14	10	71.43%	4	28.57%	\$ 533.07	\$ 38.08	\$ 833.62	\$ 59.54	\$ 300.55	\$ 21.47	36.05%	8
AUGUST	10	7	70.00%	3	30.00%	\$ 179.61	\$ 17.96	\$ 328.27	\$ 32.83	\$ 148.66	\$ 14.87	45.29%	5
JULY	12	9	75.00%	3	25.00%	\$ 357.78	\$ 29.82	\$ 588.34	\$ 49.03	\$ 230.56	\$ 19.21	39.19%	7
JUNE	16	7	43.75%	9	56.25%	\$ 444.85	\$ 27.80	\$ 598.37	\$ 37.40	\$ 153.52	\$ 9.60	25.66%	9
MAY	23	13	56.52%	10	43.48%	\$ 302.25	\$ 13.14	\$ 546.03	\$ 23.74	\$ 243.78	\$ 10.60	44.65%	10
APRIL	34	20	58.82%	14	41.18%	\$	\$ 39.75	\$ 1,653.09	\$ 48.62	\$ 301.55	\$ 8.87	18.24%	7
MARCH	24	16	66.67%	8	33.33%	\$ 863.78	\$ 35.99	\$ 1,269.41	\$ 52.89	\$ 405.63	\$ 16.90	31.95%	9
FEBRUARY	15	11	73.33%	4	26.67%	\$ 468.52	\$ 31.23	\$ 653.27	\$ 43.55	\$ 184.75	\$ 12.32	28.28%	8
JANUARY	23	18	78.26%	5	21.74%	\$ 971.94	\$ 42.26	\$ 1,440.98	\$ 62.65	\$ 469.04	\$ 20.39	32.55%	11
2010													
DECEMBER	25	16	64.00%	9	36.00%	\$ 918.07	\$ 36.72	\$ 1,252.64	\$ 50.11	\$ 334.57	\$ 13.38	26.71%	12
NOVEMBER	25	19	76.00%	6	24.00%	\$	\$ 49.68	\$ 1,707.72	\$ 68.31	\$ 465.83	\$ 18.63	27.28%	14
OCTOBER	23	17	73.91%	6	26.09%	\$	\$ 43.72	\$ 1,272.23	\$ 55.31	\$ 266.73	\$ 11.60	20.97%	11
SEPTEMBER	36	19	52.78%	17	47.22%	\$	\$ 28.47	\$ 1,346.45	\$ 37.40	\$ 321.60	\$ 8.93	23.89%	14
AUGUST	32	22	68.75%	10	31.25%	\$	\$ 34.81	\$ 1,462.53	\$ 45.70	\$ 348.56	\$ 10.89	23.83%	12
JULY	31	20	64.52%	11	35.48%	\$	\$ 35.30	\$ 1,481.76	\$ 47.80	\$ 387.31	\$ 12.49	26.14%	15
JUNE	32	22	68.75%	10	31.25%	\$ 885.45	\$ 27.67	\$ 1,257.48	\$ 39.30	\$ 372.03	\$ 11.63	29.59%	15
MAY	25	18	72.00%	7	28.00%	\$	\$ 41.74	\$ 1,442.16	\$ 57.69	\$ 398.76	\$ 15.95	27.65%	14
APRIL	29	17	58.62%	12	41.38%	\$ 695.70	\$ 23.99	\$ 983.67	\$ 33.92	\$ 287.97	\$ 9.93	29.28%	12
MARCH	23	19	82.61%	4	17.39%	\$ 832.14	\$ 36.18	\$ 1,189.55	\$ 51.72	\$ 357.41	\$ 15.54	30.05%	9
FEBRUARY	15	13	86.67%	2	13.33%	\$ 429.41	\$ 28.63	\$ 594.23	\$ 39.62	\$ 164.82	\$ 10.99	27.74%	8
JANUARY	23	16	69.57%	7	30.43%	\$ 701.41	\$ 30.50	\$ 906.21	\$ 39.40	\$ 204.80	\$ 8.90	22.60%	13
2009													
DECEMBER	44	27	61.36%	17	38.64%	\$	\$ 29.46	\$ 1,588.69	\$ 36.11	\$ 292.51	\$ 6.65	18.41%	13
NOVEMBER	34	25	73.53%	9	26.47%	\$	\$ 42.69	\$ 1,789.48	\$ 52.63	\$ 337.97	\$ 9.94	18.89%	13
OCTOBER	41	27	65.85%	14	34.15%	\$	\$ 26.29	\$ 1,329.32	\$ 32.42	\$ 251.44	\$ 6.13	18.91%	14
SEPTEMBER	43	29	67.44%	14	32.56%	\$	\$ 27.94	\$ 1,581.39	\$ 36.78	\$ 380.06	\$ 8.84	24.03%	9
AUGUST	22	10	45.45%	12	54.55%	\$	\$ 50.09	\$ 1,449.33	\$ 65.88	\$ 347.36	\$ 15.79	23.97%	12
JULY	40	25	62.50%	15	37.50%	\$	\$ 30.51	\$ 1,525.98	\$ 38.15	\$ 305.50	\$ 7.64	20.02%	15
JUNE	43	25	58.14%	18	41.86%	\$	\$ 39.24	\$ 2,005.31	\$ 46.64	\$ 318.00	\$ 7.40	15.86%	12
MAY	27	18	66.67%	9	33.33%	\$ 505.00	\$ 18.70	\$ 676.07	\$ 25.04	\$ 171.07	\$ 6.34	25.30%	12
APRIL	21	12	57.14%	9	42.86%	\$ 818.43	\$ 38.97	\$ 1,001.85	\$ 47.71	\$ 183.42	\$ 8.73	18.31%	10
MARCH	19	16	84.21%	3	15.79%	\$ 489.88	\$ 25.78	\$ 677.12	\$ 35.64	\$ 187.24	\$ 9.85	27.65%	10
FEBRUARY	24	20	83.33%	4	16.67%	\$	\$ 46.14	\$ 1,433.51	\$ 59.73	\$ 326.23	\$ 13.59	22.76%	12
JANUARY	25	20	80.00%	5	20.00%	\$ 756.68	\$ 30.27	\$ 990.03	\$ 39.60	\$ 233.35	\$ 9.33	23.57%	9
2008													
DECEMBER	18	13	72.22%	5	27.78%	\$ 406.29	\$ 22.57	\$ 565.36	\$ 31.41	\$ 159.07	\$ 8.84	28.14%	8
NOVEMBER	14	11	78.57%	3	21.43%	\$ 282.75	\$ 20.20	\$ 388.32	\$ 27.74	\$ 105.57	\$ 7.54	27.19%	8
OCTOBER	1		1100.00%	0	0.00%	\$ 37.45	\$ 37.45	\$ 52.25	\$ 52.25	\$ 14.80	\$ 14.80	28.33%	1

Perquimans County	PLAN TOTAL	PLAN PRICED	PLAN RETAIL PRICED	RETAIL PRICED	% RETAIL PRICED	AVERAGE MEMBER COST	AVERAGE MEMBER SUBMITTED COST	RETAIL PRICE	AVERAGE RETAIL PRICE	AVERAGE PRICE SAVINGS	AVERAGE % SAVINGS	TOTAL UTILIZERS	
<b>TOTALS:</b>	1,408	882	62.64%	526	37.36%	\$ 41,103.46	\$ 29.19	\$ 59,142.63	\$ 42.00	\$ 18,039.17	\$ 12.81	30.50%	603.00

Column Headers from left to right:

1. Total Rx's: This is the total number of Rx's that were adjudicated or attempted to adjudicate through the use of the card (the explanation of the next couple of headers will help explain the necessity of this column).
2. Plan Priced Rx's: Caremark tracks all attempts to use the cards including when the pharmacy offers a lower price than the card can give. This is usually when the pharmacy sells a drug at cost or below cost to create foot traffic for the pharmacy or under a special purchase arrangement. This is the amount of Rx's that the card gave the best price vs. the pharmacy.
3. % Plan Priced Rx's: What percentage of the total attempted Rx's adjudicated via best price with the card.

4. Retail Priced Rx's: How many prescriptions where the pharmacy had a lower price.
5. % Retail Priced Rx's: Percentage of Rx's where the pharmacy had a lower price.
6. Total Drug Cost: All prescriptions totaled together at their card discount prices.
7. Average Drug Cost: Average Drug Cost per Rx at the card discounted price.
8. Retail Submitted Price: What the price would have been if the prescriptions weren't filled with the card.
9. Average Retail Submitted Price: Average Per Prescription price if the card wasn't presented at a discount.
10. Price Savings: Total dollar savings for all Rx's filled with the card.
11. Average Price Savings: Average price savings per prescription.
12. % Price Savings: Percentage price savings per prescription.
13. Total Utilizers: This is the total amount of people who represent the total amount of prescriptions *i.e.* some people fill multiple prescriptions. This gives you an indication of how many residents you are helping.

As always, if you have questions, don't hesitate to contact me. Thank you for being a member county, borough or parish and participating in this member program.

Andrew Goldschmidt

Director, Membership/Marketing

NACo--National Association of Counties

# DEPARTMENT HEAD REPORTS



PLAT REVIEW LOG - PERQUIMANS COUNTY

October 2016

SURVEYOR'S NAME PLAT TITLE	SURVEYOR'S PHONE # ADDRESS	DATE IN DATE OUT	APPROVAL YES/NO	COMMENTS
J.H. Miller	✓	10/4/16	✓	Recombination/Division of Parcels 4.0053.0016 and 4.0052.0005 = 5 Parcels
Jordan Plum	✓	10/6/16	✓	Existing Parcel # 5.0033.0080 1.011 Acre on Two Mile Dunct Road
J.H. Miller	✓	10/27/16	✓	Set out. limestone 1.29 AC @ 1883 New Hope Road Parcel # 4.0054 - 0061
Della Biddick				
Josiah Webb				
Doris Carpenter				

Blissell PO Box 1068 Kitty Hawk, NC 27949 (252) 261-3266	S. L. Cardwell Surveying 1206 Francis Street Elizabeth City, NC 27909 338-6328	Pat McDowell PO Box 391 Elizabeth City, NC 27909 338-4161	Mark Pruden 146 Oak Grove Road Edenton, NC 27932 482-7804	Saunders Surveying 510 Avena Road Black Mountain, NC 28711 (828) 669-2777
Bowman Consulting Paul J Toti 131 Main Street Gatesville, NC 27938 357-1581	E.T. Hyman Surveying 133 US Hwy 158 West Ste E Camden, NC 27921 335-2913	McKim & Creed 504 E Elizabeth St Ste 1 Elizabeth City, NC 27909 338-2929	Gloria Rogers 215 B Street Camden, NC 27921 338-1415/333-8781	Scott Temple PO Box 422 Elizabeth City, NC 27907 330-4016
Charles E Brown, III 2005 Johnson Road Elizabeth City, NC 27909 335-0928	Eugene Jordan 402 Sign Pine Road Tyner, NC 27980 221-4795	J H Miller Jr. 166 Cottonwood Drive Hertford, NC 27944 339-6932	Robey 150 US Hwy 158 W East Camden, NC 27921 335-1888	Tony Webb PO Box 381 Edenton, NC 27932 482-3066


PERQUIMANS COUNTY  
OFFICIAL REPORT

Board of Commissioners  
Finance Officer:

Date: November 1, 2016

I wish to report that during October 2016 I received the following funds which were duly deposited in the County's depository on the dates and in the amounts as shown:

DATE	BUILDING PERMITS #	ELECTRICAL PERMITS #	PLUMBING PERMITS #	INSULATION PERMITS #	MECHANICAL PERMITS #	MOBILE HOME #	STATE TAX	MISC	TOTAL DEPOSITED						
10/1/2016									\$0						
10/2/2016									\$0						
10/3/2016									\$0						
10/4/2016	\$302	2	\$550	4	\$105	1	\$50	1	\$35	\$1,042					
10/5/2016									\$0						
10/6/2016									\$0						
10/7/2016			\$40	1					\$0						
10/8/2016							\$175	2	\$75	\$290					
10/9/2016									\$0						
10/10/2016									\$0						
10/11/2016									\$0						
10/12/2016	\$100	2			\$95	2			\$110	\$306					
10/13/2016	\$992	2	\$60	2			\$50	1		\$1,102					
10/14/2016									\$0						
10/15/2016									\$0						
10/16/2016									\$0						
10/17/2016	\$1,012	2			\$20	1	\$50	1	\$35	\$1,132					
10/18/2016									\$115	\$0					
10/19/2016	\$50	1	\$60	1	\$70	2			\$110	\$365					
10/20/2016									\$75	\$0					
10/21/2016									\$0						
10/22/2016									\$0						
10/23/2016									\$0						
10/24/2016			\$418	3	\$35	1			\$55	\$508					
10/25/2016	\$1,272	2	\$254	5			\$50	1	\$55	\$1,641					
10/26/2016								\$10		\$0					
10/27/2016									\$0						
10/28/2016			\$90	2					\$110	\$200					
10/29/2016										\$0					
10/30/2016										\$0					
10/31/2016										\$0					
<b>TOTAL</b>	<b>\$3,728</b>	<b>11</b>	<b>\$1,472</b>	<b>18</b>	<b>\$325</b>	<b>7</b>	<b>\$200</b>	<b>4</b>	<b>\$685</b>	<b>11</b>	<b>\$115</b>	<b>1</b>	<b>\$10</b>	<b>\$150</b>	<b>\$6,685</b>

Signed:  Building Inspector

3 NEW Single-Family Dwellings  
2 SWMA

## expanded cea Report

SUBJ-ADDRESS 132 Albemarle Rd.  
 ORDINANCE VIOLATED  
 NOTES no response / salvagable structure / resend all letters  
 building value dropped from 27k to 300  
 unable to find owner-still looking  
 still seeking owner 4/28/16  
 Ms. Blount came in to check progress and brought a new tax card,  
 identifying owner / new look and pics  
 Harvey Point Rd. to 3rd Ave. to Albemarle.  
 Alledges = old trailer overgrown & fire Hazzard.  
 Doublewide in tall vegetation- see 2 pics  
 DISPOSITION researching deeds- send letter to last known  
 DISPOSITION DATE 10/20/2016

SUBJ-ADDRESS 749 Chapanoke Rd.  
 ORDINANCE VIOLATED junk yard / solid waste  
 NOTES Ms. Schalek email received with extensive rhetoric / will check for any  
 factual violations  
 Schalck complaint is beyond visual accuity 8/15/16  
 Ms. Schalck called again to express her dissatisfaction 6-9-16 / 6-15-16  
 visual noted- non offensive from rd. / recheck ords r/e "out of sight"  
 DISPOSITION continue watch & photo records  
 DISPOSITION DATE 10/28/2016

SUBJ-ADDRESS 958 New Hope Rd.  
 ORDINANCE VIOLATED  
 NOTES schedule update pics and progress  
 storage under construction with permit/ demo to follow  
 DISPOSITION family cleaning up progressing  
 DISPOSITION DATE 10/20/2016

SUBJ-ADDRESS 917 Ocean Highway 17S  
 ORDINANCE VIOLATED undetermined  
 NOTES time for pic review (farm land)  
 received notarized letter response from heir / estate settlement  
 underway  
 research / 21 acre farm / letter sent 2/12/16  
 DISPOSITION farm  
 DISPOSITION DATE 10/12/2016

SUBJ-ADDRESS 124 Joshua Circle  
 ORDINANCE VIOLATED  
 NOTES send letter to son and owner r/e titles and weeds  
 9/12/16 vin collected / weeds being cut  
 8/29/16 contact with owners / willing to release and 2 vehicles tagged  
 for removal  
 8/23/16 cleanup under way  
 receipt claimed (no date)  
 registered return receipt sent  
 negative improvements(7-22-16)  
 1st class lettwer sent 4/7/16  
 to/do follow up pics(4/29/16)  
 pics taken / unsightly belongings in yard / check for ord viol.  
 DISPOSITION send update letter  
 DISPOSITION DATE 10/20/2016

SUBJ-ADDRESS 121 Pine Street  
 ORDINANCE VIOLATED n/a  
 NOTES received response emails / need to locate principal  
 DISPOSITION some improvement - need more contact  
 DISPOSITION DATE 10/12/2016

SUBJ-ADDRESS 108 Rivershore Dr.  
 ORDINANCE VIOLATED waste and cars  
 NOTES refered by Virgil for investigation  
 DISPOSITION investigate & make file  
 DISPOSITION DATE 10/3/2016

SUBJ-ADDRESS 117 Sueola Beach Rd.  
 ORDINANCE VIOLATED  
 NOTES deteriorated with roof cave in.  
 DISPOSITION condemn ??? Check for man. Home  
 DISPOSITION DATE 10/3/2016

SUBJ-ADDRESS 180 Hunters Fork Rd.  
 ORDINANCE VIOLATED  
 NOTES EMC call / service danger / power removed  
 DISPOSITION power removed  
 DISPOSITION DATE 10/3/2016

SUBJ-ADDRESS 1262 Harvey Point Rd.  
 ORDINANCE VIOLATED  
 NOTES wooded area, concealed vehicles etc. , campers, (day time quite)  
 DISPOSITION research  
 DISPOSITION DATE 10/3/2016

SUBJ-ADDRESS 118 Trailblazer Arch Lot-169  
 ORDINANCE VIOLATED  
 NOTES Abandoned MH, occupied camper & collection metallic scrap  
 DISPOSITION research  
 DISPOSITION DATE 10/5/2016

SUBJ-ADDRESS Trailblazer Arch Lot-168 Hol.Isl.  
 ORDINANCE VIOLATED  
 NOTES Shed moved from Country Club Trail Area & collection of metallic scrap  
 DISPOSITION research  
 DISPOSITION DATE 10/5/2016

SUBJ-ADDRESS Trailblazer Arch Lot-167 Hol.Isl.  
 ORDINANCE VIOLATED  
 NOTES Large collection of metallic scrap  
 DISPOSITION research  
 DISPOSITION DATE 10/5/2016

SUBJ-ADDRESS 174 Sunset Circle

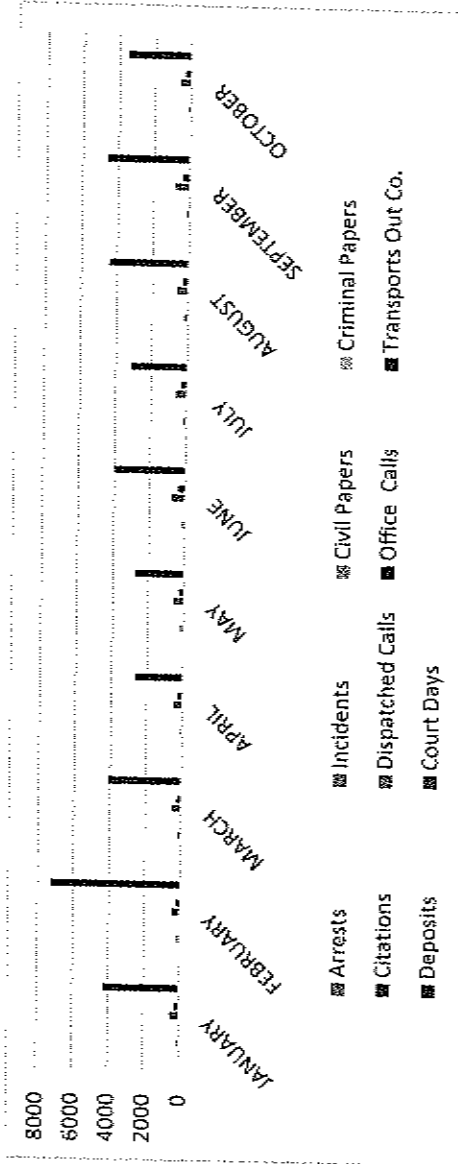
ORDINANCE VIOLATED

NOTES alleges 2 veh untagged  
pics next trip

DISPOSITION

DISPOSITION DATE 10/20/2016

Perquimans County Sheriff's Office -- October 2016 Activity Report																
	Arrests		Civil		Criminal		Dispatched		Office		Transports		Deposits		Court	
	Incidents	Papers	Papers	Citations	Calls	Calls	Out Co.	Calls	Out Co.	Deposits	Court	Days				
JANUARY	21	20	135	32	12	509	255	5	\$4,243.06	9						
FEBRUARY	37	18	184	38	6	460	230	5	\$7,262.00	7						
MARCH	24	18	199	28	5	510	255	3	\$4,060.00	7						
APRIL	21	17	108	18	15	482	241	2	\$2,675.00	10						
MAY	34	26	173	20	12	569	285	3	\$2,697.50	8						
JUNE	20	36	159	19	18	772	386	5	\$3,981.50	7						
JULY	21	25	176	20	11	605	303	6	\$3,125.31	10						
AUGUST	22	23	215	22	12	641	321	3	\$4,434.31	9						
SEPTEMBER	19	24	170	33	5	787	394	4	\$4,609.83	9						
OCTOBER	30	27	117	12	9	615	308	6	\$3,490.31	5						



# COMMITTEE REPORTS





October 10, 2016

Dear County Clerks:

Enclosed you will find the Annual Reports (2015-2016) from the Adult Care and Nursing Home, Community Advisory Committee members for your county.

These reports are for your records. If you have any questions please contact me at, 252-426-5753 ext. 225.

Sincerely,

Brandi Jordan, MSW  
Regional LTC Ombudsman

- CAMDEN
- CHOWAN
- CURRITUCK
- DARE
- GATES
- HYDE
- PASQUOTANK
- PERQUIMANS
- TYRRELL
- WASHINGTON
- COLUMBIA
- CRESWELL
- DUCK
- EDENTON
- ELIZABETH CITY
- GATESVILLE
- HERTFORD
- KILL DEVIL HILLS
- KITTY HAWK
- MANTEO
- NAGS HEAD
- PLYMOUTH
- ROPER
- SOUTHERN SHORES
- WINEFALL

**ANNUAL REPORT**  
 FOR  
 ADULT CARE AND NURSING HOME COMMUNITY ADVISORY COMMITTEES  
 REGION R

**COUNTY:** Perquimans

**REPORTING YEAR:** 2016

**COMMITTEE:** Perquimans County Nursing Home Community Advisory Committee

**CHAIRPERSON:** Mettha Davenport

**Other Members:** Elaine Hester

1. **Was the Brian Center in the county served by the committee? If not, why? Yes.**  
 Two Official Quarterly visits and several friendly visits were made throughout the year.
2. **Describe education efforts by the committee**  
 Training sessions attended by the committee members and knowledge share with residents.  
 CAC members attended a day's training in July. Among other subjects discussed were: the Role of Regulatory Agencies, Ombudsman and CAC, Residents' Bill of Rights, the Aging Process, Alzheimer's.
3. **Describe community involvement by committee.**  
 Committee members encourage churches and civic groups to visit the residents : conduct bible study, choir singing and church services, occasional treats for residents on special occasions.
4. **Describe problems encountered by committee.**  
 No quorum to conduct and attend unannounced visits are a challenge as of September 1, 2016 : three members resigned during the course of the year (due to illness, caregiving responsibilities and scheduling conflicts).
5. **Was the committee involved in grievance resolution during the year? Yes.**  
 Concerns of strong odors lingering in hallways past the morning hours.
6. **Summarize the strengths and weaknesses of the facilities in the county.**  
**Strength:** Improvements have been made to the appearance of the building - inside and outside.  
**Weakness:** - Staffing shortages and staffing turnovers.  
 - Sometimes waiting periods outside the building: waiting for staff to unlock outside doors.

7. **Other comments.** None.

**THE REGIONAL OMBUDSMAN WILL DISTRIBUTE THIS REPORT TO COUNTY COMMISSIONERS, THE COUNTY DEPARTMENT OF SOCIAL SERVICES, AND THE DIVISION OF AGING.**

**Prepared by: Mettha Davenport** \_\_\_\_\_

**Date Prepared: September 23, 2016** \_\_\_\_\_

**Annual Report**  
 For  
 Adult Care and Nursing Home Community Advisory Committee  
 Region R

COUNTY Perryman REPORTING YEAR 2016

COMMITTEE Perryman Adult Home Care Advisory Committee

CHAIRPERSON Evelyn Mansfield

Other members: Marj Bennett, Delphine Bar Madie, Nettie Gordon, Ernestine Simpson

1. Were all the homes in the county served by the committee?

If not, why? Yes. Visits were conducted on an annual basis with Hertford Manor visited quarterly

2. Describe educational efforts by the committee?

Committee members met regularly to study various issues & ways to provide better care. We also participated in "Elder Abuse Walk"

3. Describe community involvement by the committee?

Committee members encouraged & participated in church visits, special events for Christmas & Thanksgiving. We also participated in Elder Abuse information & walk.

4. Describe problems encountered by the committee?

None - Committee works well together. No official visits were cancelled without a quorum.

5. Was the Committee involved in grievance resolution during the year? No

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Summarize the strengths and weaknesses of the facilities in the counties. \_\_\_\_\_

All Perquimans County Home Care Facilities  
are doing well

Weakness is budget ~~low~~ limits restrict  
staff to provide extra level of care

7. Other comments:

none  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

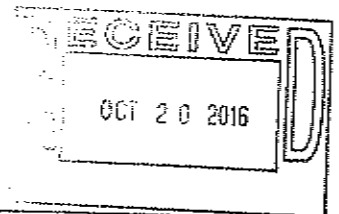
THE REGIONAL OMBUDSMAN WILL DISTRIBUTE THIS REPORT TO THE COUNTY COMMISSIONERS, THE COUNTY DEPARTMENT OF SOCIAL SERVICES, AND THE DIVISION OF AGING.

Prepared by: Evelyn Mansfield

Date Prepared: 9-14-16

**Community Advisory Committee - Page 6**  
**Quarterly/Annual Visitation Report**

County <i>Perquimans</i>	Facility Type - <input type="checkbox"/> Family Care Home <input checked="" type="checkbox"/> Adult Care Home <input type="checkbox"/> Nursing Home <input type="checkbox"/> Combination Home	Facility Name <i>Hertford Manor</i>
Visit Date <i>7/21/16</i>	Time Spent in Facility hr <i>30</i> min	Arrival Time <i>10:05</i> <input checked="" type="checkbox"/> am <input type="checkbox"/> pm
Name of Person Exit Interview was held with <i>Michelle Wiggins</i>		Interview was held <input checked="" type="checkbox"/> In-Person <input type="checkbox"/> Phone <small>(Name &amp; Title)</small>
Committee Members Present: <i>Delphine Madley, Bert Gordon, Evelyn Mansfield</i>		Report Completed by: <i>Evelyn Mansfield</i>
Number of Residents who received personal visits from committee members: <i>12</i>		
Resident Rights Information is clearly visible. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Ombudsman contact information is correct and clearly posted. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
The most recent survey was readily accessible. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <small>(Required for Nursing Homes Only)</small>		Staffing information is posted. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Resident Profile</b>		
<ol style="list-style-type: none"> <li>1. Do the residents appear neat, clean and odor free? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</li> <li>2. Did residents say they receive assistance with personal care activities, Ex. brushing their teeth, combing their hair, inserting dentures or cleaning their eyeglasses? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</li> <li>3. Did you see or hear residents being encouraged to participate in their care by staff members? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</li> <li>4. Were residents interacting w/ staff, other residents &amp; visitors? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</li> <li>5. Did staff respond to or interact with residents who had difficulty communicating or making their needs known verbally? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</li> <li>6. Did you observe restraints in use? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</li> <li>7. If so, did you ask staff about the facility's restraint policies? <input type="checkbox"/> Yes <input type="checkbox"/> No</li> </ol>	<b>Comments &amp; Other Observations</b>	
<b>Resident Living Accommodations</b>		
<ol style="list-style-type: none"> <li>8. Did residents describe their living environment as homelike? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</li> <li>9. Did you notice unpleasant odors in commonly used areas? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</li> <li>10. Did you see items that could cause harm or be hazardous? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</li> <li>11. Did residents feel their living areas were too noisy? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</li> <li>12. Does the facility accommodate smokers? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</li> <li>12a. Where? <input checked="" type="checkbox"/> Outside only <input type="checkbox"/> Inside only <input type="checkbox"/> Both inside &amp; Outside.</li> <li>13. Were residents able to reach their call bells with ease? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</li> <li>14. Did staff answer call bells in a timely &amp; courteous manner? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</li> <li>14a. If no, did you share this with the administrative staff? <input type="checkbox"/> Yes <input type="checkbox"/> No</li> </ol>	<b>Comments &amp; Other Observations</b>	
<b>Resident Services</b>		
<ol style="list-style-type: none"> <li>15. Were residents asked their preferences or opinions about the activities planned for them at the facility? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</li> <li>16. Do residents have the opportunity to purchase personal items of their choice using their monthly needs funds? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</li> <li>16a. Can residents access their monthly needs funds at their convenience? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</li> <li>17. Are residents asked their preferences about meal &amp; snack choices? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</li> <li>17a. Are they given a choice about where they prefer to dine? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</li> <li>18. Do residents have privacy in making and receiving phone calls? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</li> <li>19. Is there evidence of community involvement from other civic, volunteer or religious groups? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</li> <li>20. Does the facility have a Resident's Council? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Family Council? <input type="checkbox"/> Yes <input type="checkbox"/> No</li> </ol>	<b>Comments &amp; Other Observations</b>	
<b>Areas of Concern</b>		
Are there resident issues or topics that need follow-up or review at a later time or during the next visit?	<b>Exit Summary</b>	
	Discuss items from "Areas of Concern" Section as well as any changes observed during the visit.	



This Document is a PUBLIC RECORD. Do not identify any Resident(s) by name or inference on this form.  
 Top Copy is for the Regional Ombudsman's Record. Bottom Copy is for the CAC's Records.