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REGULAR MEETING

February 6, 2017

6:15 p.m.

The Perquimans County Board of Commissioners met in a regular meeting on Monday, February 6, 2017, at 6:15 p.m. in the Commissioners Room located on the first floor of the Perquimans County Courthouse Annex.

MEMBERS PRESENT: Kyle Jones, Chairman Fondella Leigh, Vice Chair  
Joseph W. Hoffler Edward R. Muzzulin  
Wallace Nelson

MEMBERS ABSENT: Charles Woodard

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

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

PUBLIC HEARING

Conditional Use Permit No. CUP-16-06, by Beth Trohos (for Alpha Value Solar, LLC)

Chairman Jones opened the Public Hearing stating that we have a quorum with all Commissioners except Charles Woodard present. The purpose of the public hearing is to receive citizens' comments to consider Conditional Use Permit No. CUP-16-06, requested by Beth Trahos (for Alpha Value Solar, LLC) for a Large Scale, ground-mounted Solar Power Energy System Facility in the 700-block of Ocean Hwy South (US Hwy. 17) to include Tax Parcel No. 3-0049-00010A. Mr. Jones further explained that this would be a quasi-judicial hearing and that all witnesses will be sworn in. There were twenty-four people in the public present. Chairman Jones recognized Mark Finkelstein who explained that he had four (4) witnesses to testify and that he had provided the Board members with a copy of an affidavit from each of them to speed up the process and asked that they be admitted into evidence. Mr. Jones stated that he had other steps to do before proceeding with his witnesses. He then recognized Donna Godfrey, County Planner, who, after being sworn in, explained the method of advertisement of these proceedings, gave a brief overview of the conditional use permit, and explained the following proposed changes since the Planning Board's approval on January 10, 2017:

- 1) Page 1: Removal of Alpha Value Solar, LLC's Florida address.
- 2) Page 1: Change of distance stated under Site Location from Hertford's ETJ from 800 to 1,500 feet.
- 3) Page 2, Condition B: add "clean energy solar" to the blank space in 2<sup>nd</sup> sentence.
- 4) Page 4, Condition K, revise first sentence: "Within twelve (12) months after the expiration, surrender or termination of the Site Lease, Alpha Value Solar, LLC, the Applicants, heirs and assigns shall restore..."
- 5) Page 5, Condition N, last sentence: insert the word "timely" as shown.
- 6) Page 6, replace the Chapel Hill address of Min You, signing Member of Alpha Value Solar, LLC, to the Raleigh address (same as 1<sup>st</sup> page).

Chairman Jones asked that all the witnesses come forward and be sworn in. After the witnesses were sworn in, Mark Finkelstein, an attorney with Smith Moore Leatherwood LLP, 434 Fayetteville Street, Suite 2800, Raleigh, NC 27601, presented the case for Alpha Value Solar, LLC. Before calling his first witness, Mr. Finkelstein asked that these four (4) affidavits be entered into the record as evidence. Mr. Jones accepted the documents which were given to Mary Hunnicutt, Clerk to the Board. Chairman Jones asked if there was anyone in the audience that believes that they have standing in this case. There being none, Mr. Jones proceeded with the quasi-judicial hearing. Prior to his examination of his witnesses, Mr. Finkelstein explained that the Planning Board approval was unanimous and this is very unusual. Heath McLaughlin, Manager of BlueGreen Energy, LLC, and is overseeing this proposed Solar Farm. Mr. McLaughlin testified about the Conditional Use Permit application and the site of the proposed solar farm. After his testimony, Chairman Jones asked if the Board had any questions. There being none, Mr. Finkelstein called his next witness, Chris Sandifer, Professional Engineer. After Mr. Sandifer provided general education and professional background, Chairman Jones tendered Mr. Sandifer as an expert witness in the field of electrical engineering and solar farm health and safety. Mr. Sandifer completed his testimony stating that, based upon the facts presented tonight, he did not feel that this solar farm would not endanger the public health or safety, that it complies with required conditions and specifications, that it is a public necessity, and that it will be in harmony with the surrounding area in which it is located and will be in general conformity with the plan of development of the Perquimans County Land Use Plan if located and constructed according to the plan and approve. After his testimony, Chairman Jones asked if the Board had any questions. There being none, Mr. Finkelstein called his next witness, Thomas Hester, owner of Hester & Company, Raleigh, NC. After Mr. Hester provided general education and professional background, Chairman Jones tendered Mr. Hester as an expert witness in the field of real estate appraisals. Mr. Hester completed his testimony stating that, based upon the facts presented tonight, he did not feel that this solar farm would substantially injure the value of adjoining or abutting property and that the proposed solar farm would be in harmony with the surrounding area and the residential and agricultural land use pattern that exists today and that it will be in conformity with the Perquimans County Land Use Plan. After his testimony, Chairman Jones asked if the Board had any questions. There being none, Mr. Finkelstein called his last witness, Chad Sary, Senior Planner for Stewart, Inc., a Land Planning, Design & Engineering Firm in Raleigh, NC. After Mr. Sary provided general education and professional background, Chairman Jones tendered Mr. Sary as an expert witness in the field of land planning and harmony in this area. Mr. Sary completed his testimony stating that the proposed solar farm meets all the required conditions and specification in the Perquimans county Zoning Ordinance and the CAMA provisions adopted by Perquimans, that it will be in harmony with the area in which it is to be located in the general conformity with the Perquimans County Land Use Plan if developed according to the site plan submitted and approved. After his testimony, Chairman Jones asked if the Board had any questions. There being none, Chairman Jones closed the quasi-judicial hearing for the Conditional Use Permit No. 16-06 at 7:00 p.m.

Parent-to-Child Deed of Gift No. NZV-16-02 – Wanda L. White

Chairman Jones opened the second the purpose of the public hearing is to receive citizens' comments to consider Parent-to-Child Deed of Gift No. NZV-16-02, requested by Wanda L. White for Brenda Johnson, for one-acre lot (portion of Tax Parcel No. 4-0036-0130), located on Opal's Trail, off Swayne's Lane). There were thirty-one in the public present. Chairman Jones recognized Donna Godfrey, County Planner, who presented an overview of the request and stated that the Planning Board approved her request at their January 10, 2017 meeting. Chairman Jones asked if the applicant would like to say anything. Ms. Wanda White gave further information and background for the request. Chairman Jones asked if the Board had any questions. There being none, Chairman Jones closed the second public hearing at 7:05 p.m.

AGENDA

On motion made by Fondella A. Leigh, seconded by Joseph W. Hoffler, the Board unanimously approved the Agenda as amended.

**CONSENT AGENDA**

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

1. **Approval of Minutes:** January 3, 2017 Regular Meeting and January 20, 2017 Special Called Meeting/Work Session.
2. **Tax Release/Refund Approvals:**

**PERQUIMANS COUNTY TAX RELEASES:**

<b>Colson Concrete Works</b> .....	<b>\$173.32</b>
Business assessed at \$29,835 – out of business since 2011. Account No. 429346 (2014)	
<b>Colson Concrete Works</b> .....	<b>\$241.78</b>
Business assessed at \$45,000 – out of business since 2011. Account No. 429346 (2015)	
<b>Colson Concrete Works</b> .....	<b>\$287.79</b>
Business assessed at \$29,835 – out of business since 2011. Account No. 429346 (2016)	

3. **Personnel Matters:**

Employee Name	Employee Job Title	Action Required	Grade/Step	New Salary	Effective Date
James Wheeler	Part-Time/Fill-In EMT-I	Termination			01/07/2017
Chadd Trotman ( <i>Correction</i> )	Full-Time EMT-I	Resignation			02/01/2017
Logan Midgett	Part-Time/Fill-In EMT-I	Resignation			01/23/2017
Louvinia Woodard	Full-Time Telecommunicator	Resignation			02/01/2017
James Farrar	Part-Time Telecommunicator	Resignation			02/07/2017
Donna Godfrey	Planner	Resignation			02/17/2017

4. **Merit Increase:**

Employee Name	Employee Job Title	Grade /Step	New Salary	Effective Date
Kimberly A. Bray	Tax Clerk - Business Personal Property	61/8	31,510	02/01/2017

5. **Enclosure:** The following Board appointments/reappointments/resignations are being presented for Board action:

NAME	BOARD	ACTION	TERM	EFFECTIVE DATE
White, Mary	Tourism Development Authority – Industry Rep	Reappointment	2 yrs.	02/01/2017
Eley, Sid	Tourism Development Authority – Hertford Rep	Appointment	2 yrs.	02/01/2017
Hurdle, Pamela	Board of Adjustments ( <i>complete Al Gesler's term</i> )	Appointment	3 yrs.	02/01/2017
Darden, Kisha	Nursing Home Advisory Committee	Resignation		02/01/2017

6. **Budget Amendments:**

**BUDGET AMENDMENT NO. 7  
GENERAL FUNDS**

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
10-348-012	Emergency Management Grant	2,000	
10-530-338	Hazardous Materials Grant	2,000	
<b>EXPLANATION:</b> To budget 2016 Tier II Grant in FY 16/17 as previously discussed. Funds are to be used for hazardous materials emergency training, planning and related exercises as outlined in the grant memorandum.			

**BUDGET AMENDMENT NO. 8  
GENERAL FUNDS**

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
10-510-060	Sheriff - Group Insurance		3,250
10-510-061	Sheriff - Retiree's Insurance	3,250	
10-510-020	Sheriff - Salary		7,265
10-510-021	Sheriff - Separation Allowance	7,265	
<b>EXPLANATION:</b> To budget for retiree hosp (Eric Tilley) as well as the separation allowance due him per General Statute #143-166.41 for FY 16/17.			

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

➤ **Resolution Designating April as Senior Games Participation Month:** The Albemarle Senior Games will be held from March 27<sup>th</sup> through May 23<sup>rd</sup>. Albemarle Commission Area Agency on Aging is requesting that the Board adopt this resolution declaring April as Senior Games Participation Month. The Board adopted the following Resolution:

**DESIGNATION OF APRIL AS  
SENIOR GAMES PARTICIPATION MONTH**

WHEREAS, mature adults and the entire community look forward to the Albemarle Senior Games, an Olympic style event designed to create year-round health promotion and competition for participants that are 50 years of age and better; and

WHEREAS, the Albemarle Senior Games, held March 27 - May 23 of this year, is sanctioned by North Carolina Senior Games, Inc.; and

WHEREAS, the Albemarle Senior Games takes a holistic approach by involving the body, mind and spirit of its athletes and promoting the importance of aging in a healthy manner; and

WHEREAS, the regional event, engaging the counties of Camden, Chowan, Currituck, Gates, Hyde, Pasquotank, Perquimans, Tyrrell and Washington with the goal to enhance growth, development and connection to opportunity for all participants and, volunteers, was founded 33 years ago, in 1984; and

WHEREAS, participants will compete in a total of 48 athletic events and 34 artistic categories; and

WHEREAS, our well wishes are extended to all of the competitors.

NOW THEREFORE, the Perquimans County Board of Commissioners hereby proclaims that April be recognized as Senior Games Participation Month in the County of Perquimans and promotes participation as well as volunteerism within the Albemarle Senior Games program.

This the 6<sup>th</sup> day of February, 2016.

\_\_\_\_\_  
T. Kyle Jones, Chairman  
Perquimans County Board of Commissioners

ATTEST:

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

**PRESENTATION/INTRODUCTION OF EMPLOYEE**

The following presentation/introduction of employee was made:

- **Introduction of New Employee:** Shelby White, Sheriff, introduced Kevin Lane who was appointed as a Deputy effective January 1, 2017.

- **Presentation of Plaque:** Chairman Jones presented Donald Manley with a plaque in appreciation of his 17 years of service on the Planning Board.
- **Introduction of New Employee:** Frank Heath, County Manager, introduced Nick Lokies who was promoted to Water Supervisor on January 1, 2017 when Richard Copeland retired.

Chairman Jones welcomed them to Perquimans County.

### JERRY SACKRISON, PRESIDENT – VIDANT CHOWAN HOSPITAL

Mr. Sackrison presented a PowerPoint that gave an overview of what Vidant Chowan Hospital has been able to accomplish over the past year or so. Commissioner Nelson made a few comments.

### COMMISSIONER'S CONCERNS/COMMITTEE REPORTS

Chairman Jones explained that, in this district when a judge retires, the Bar provides normally holds fund raisers that provide a portrait made to be hung in the Courtroom of that retiring judge. He stated that one was recently done for Joe Richard Parker. After talking with several people, the Bard is going to try to hold fund raisers to have a portrait of Janice Cole. He is mentioning it tonight to let the Board know and to obtain permission to hand the portrait in the Courthouse. There were no objections from the Board.

### UPDATES FROM COUNTY MANAGER

County Manager Heath presented the following updates:

- **Relocation of the Hertford Post Office:** In October, 2016, the Board adopted a resolution supporting the relocation of the Hertford Post Office which was forwarded to the regional office in Greenville, NC. Our request was basically denied. Mr. He followed up with another letter requesting a meeting at the site of the current post office. About a couple of weeks ago, Janice Cole and himself, acting on behalf of the Board, met with representatives from the postal system. They had not been to Hertford even though they had sent a denial letter. They are going to take action on improving the aesthetics of the post office even if they do not relocate it. Mr. Heath pointed out again that, even though they improve the aesthetics of the building, it does not correct the problems like backing out of the parking lot into the street, the flooding in the back of the post office, the delivery truck hitting the building when they turn in to deliver/pickup mail. We will continue to negotiate for relocation but to not specific site at this time.
- **Perquimans County Marine Industrial Park Boat Ramp Project:** Mr. Heath explained that we have met several deadlines on the project and that it is still moving forward.
- **Library Project:** Mr. Heath explained that the project is moving right along and that the architect will be at the February Work Session to give an update on the project. Commissioner Muzzulin asked when we would be able to occupy the building. Mr. Heath said late August was the original date.
- **Noise Ordinance:** Mr. Heath reported that County Attorney High and he have prepared a draft and it will be available to be reviewed at the February Work Session.
- **Work Session on February 20, 2017:** Mr. Heath reminded the Board that the February 20, 2017 meeting will be a joint work session with the Planning Board to discuss the direction the Commissioners wish for them to proceed on the solar farm facility section of the Zoning Ordinance and their plan of work.
- **Counties in Albemarle Area:** In 2018, the counties within the Albemarle area will be celebrating their 350 anniversary of their formulation. The Museum of the Albemarle and the counties has formed a committee to plan events to celebrate this anniversary. Mr. Heath is just letting the Board know that they may be coming to each county requesting funds for these events. They would discuss this further during the budget process. He will also be working with Tourism Development Authority and any other commissioner that would like to participate.
- **Commissioner Muzzulin's Questions:** Commissioner Muzzulin asked when we would be able to occupy the Library. Mr. Heath said late August was the original date. He also asked what our plans were for the old Library building. Mr. Heath said that no direction has been decided yet.

### COMMISSIONER BOARD/COMMITTEE APPOINTMENTS

At the January 17, 2017, the Commissioners reviewed the list of Commissioner Board/Committee appointments and are recommending the following appointments:

Board/Committee	Term	Appt.	Expire
<b>FRANK HEATH</b>			
RPO Transportation Advisory Committee - Alternate	2 yrs.	12/1/2014	11/30/2016
<b>JOSEPH HOFFLER</b>			
Communications Advisory Board - County	2 yrs.	2/1/2015	1/31/2017
Court Security Committee	unlimited	2/1/2011	unlimited
Housing Committee	unlimited	2/1/2011	unlimited
Perquimans/Chowan/Gates Landfill Committee	indefinite	12/3/2012	indefinite
<b>KYLE JONES</b>			
Court Security Committee	unlimited	1/5/2015	unlimited
Home & Community Care Block Grant	unlimited	12/3/2012	unlimited
Inter-Agency Council - Commissioner	1 yr.	7/1/2016	6/30/2017
Recreation Advisory Committee - Commissioner	3 yrs.	1/5/2015	6/30/2017
Social Services Board ( <i>as long as Commissioner</i> )	3 yrs.	7/1/2016	6/30/2019
Water Committee	unlimited	12/3/2012	unlimited
<b>FONDELLA LEIGH</b>			
Albemarle Commission ( <i>1st term of 2 successive terms</i> )	2 yrs.	1/1/2015	12/31/2016
Economic Development Commission - County	2 yrs.	2/1/2017	1/31/2019
Senior Citizens Advisory Board	2 yrs.	2/1/2015	1/31/2017
Water Committee	unlimited	1/5/2015	unlimited
WIA/JTPA Chief Elected Official	unlimited	1/5/2015	unlimited
Northeastern Workforce Development Consortium	unlimited	2/1/2015	unlimited
<b>EDWARD MUZZULIN</b>			
Albemarle Hospital Board of Trustees	3 yrs.	1/1/2016	12/31/2019
Albemarle Regional Landfill Authority	4 yrs.	1/5/2015	1/31/2017
Board Trustees for Bethel Fire Dept.	1 yr.	10/1/2016	9/30/2017
Economic Development Commission - County	2 yrs.	2/1/2015	1/31/2017
EMS Advisory Board	2 yrs.	1/5/2015	1/31/2017
Historic Hertford, Inc.	3 yrs.	7/1/2014	7/1/2017
Perquimans/Chowan/Gates Landfill Committee	indefinite	1/5/2015	indefinite
RPO Transportation Advisory Committee	2 yrs.	2/1/2015	1/31/2017
Tourism Development Authority (Commissioners)	2 yrs.	2/1/2016	1/31/2018
Water Committee	unlimited	12/3/2012	unlimited
Albemarle District Jail Commission	2 yrs.	2/1/2015	1/31/2017
<b>WALLACE NELSON</b>			
Albemarle Regional Health Services	indefinite	1/5/2015	unlimited
Chowan/Perquimans Multi-County LEPC	1 yr.	1/1/2015	12/31/2015
Economic Development Commission - County	2 yrs.	2/1/2015	1/31/2017

Board/Committee	Term	Appt.	Expire
<b>CHARLES WOODARD</b>			
Agricultural Advisory Board - Commissioner	3 yrs.	2/1/2014	1/31/2017
Chamber of Commerce Board	unlimited	2/7/2011	unlimited
Tourism Development Authority (Commissioners)	2 yrs.	2/1/2015	1/31/2017
Tri-County Shelter Advisory Committee Board	unlimited	2/1/2013	unlimited

On motion made by Wallace A. Nelson, seconded by Edward R. Muzzulin, the Board unanimously approved the above listed board/committee appointments.

**PLANNING BOARD ITEMS**

Chairman Jones stated that it was time to take action on the following Planning Board items:

**Conditional Use Permit No. CUP-16-06 by Beth Trahos (for Alpha Value Solar, LLC):** A Public Hearing was held earlier in the meeting to receive citizens’ comments to consider Conditional Use Permit No. CUP-16-06, requested by Beth Trahos (for Alpha Value Solar, LLC) for a Large Scale, ground-mounted Solar Power Energy System Facility in the 700-block of Ocean Hwy South (US Hwy. 17) to include Tax Parcel No. 3-0049-00010A. Chairman Jones stated that the quasi-judicial hearing had been held, information was provided on this request, and it was time for the Board to approve or deny the request. The first step is to address each of the following findings in Section 903:

- (a) Edward R. Muzzulin made a motion that this use will not materially endanger the public health or safety, if located according to the plan submitted and approved. The motion was seconded by Wallace E. Nelson. Chairman Jones opened the floor up for discussion. Commissioner Nelson stated that the County has had several of these solar farm uses approved through the County and feels that it would not endanger the public health or safety and that has been confirmed with testimony tonight. The motion was unanimously approved.
- (b) Wallace E. Nelson made a motion that this use meets all required conditions and specifications. The motion was seconded by Joseph W. Hoffer. Chairman Jones opened the floor up for discussion. There being no further discussion, the motion was unanimously approved.
- (c) Wallace E. Nelson made a motion that the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity. The motion was seconded by Edward R. Muzzulin. Chairman Jones opened the floor up for discussion. There being no further discussion, the motion was unanimously approved.
- (d) Joseph W. Hoffer made a motion that the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Perquimans County Land Use Plan. The motion was seconded by Edward R. Muzzulin. Chairman Jones opened the floor up for discussion. Commissioner Nelson said that there are several of these solar farms through the county and they are located in places similar to this and he feels that it will be in harmony. There being no further discussion, the motion was unanimously approved.

Now that the Section 903 Findings have been acted upon, Chairman Jones asked for a motion to approve or deny the Conditional Use Permit No. 16-06. County Attorney High noted that, if their motion was in the affirmative, the Board would need to note the Section 903 Findings were approved. County Manager Heath said that, since the Board is taking action on the Conditional Use Permit, the conditions are listed in that permit and should any of the commissioners have any questions about these conditions, now would be the time to ask. Mary Hunnicutt, Clerk to the Board, also noted that the motion needed to include the additional changes that Ms. Godfrey had presented at tonight’s meeting. Commissioner Nelson said that the only question he had now was why the buffering stopped at the corridor and that was what the Board approved. Mr. McLaughlin said that he planted those trees by himself and is trying to work with Duke Energy to enforce everything that has been approved. He further stated that he would do anything and everything to get this taken care of here. Mr. Nelson just wanted to make sure that this project does not follow this same path. Fondella Leigh made a motion to approve Conditional Use Permit No. CUP-16-06 to establish a 5 Megawatt Large Scale, ground-mounted Solar Energy System on a portion of Tax Parcel No. 3-0049-00010A, occupying about 55 acres within the +/-109.54-acre subject property, located to the west of 764 and 768 Ocean Highway South (US Hwy. 17 South), conditioned upon the conditions included in the draft Conditional Use Permit and listed below, adopting the above Section 903 Findings to support the motion:

- 1) Page 1: Removal of Alpha Value Solar, LLC’s Florida address.
- 2) Page 1: Change of distance stated under Site Location from Hertford’s ETJ from 800 to 1,500 feet.
- 3) Page 2, Condition B: add “clean energy solar” to the blank space in 2<sup>nd</sup> sentence.
- 4) Page 4, Condition K, revise first sentence: “Within twelve (12) months after the expiration, surrender or termination of the Site Lease, Alpha Value Solar, LLC, the Applicants, heirs and assigns shall restore...”
- 5) Page 5, Condition N, last sentence: insert the word “timely” as shown.
- 6) Page 7: replace the Chapel Hill address of Min You, signing Member of Alpha Value Solar, LLC, to the Raleigh address (same as 1<sup>st</sup> page).
- 7) Page numbers of this document changed by DG on 2-16-17 to include a two-paged Site Plan, which also changed page 7 to page 8. Changed back by Rhonda 2-21-2017 to one page with white background. Heath McLaughlin said he was only intending the one page with the white background to be in it.

The motion was seconded by Edward R. Muzzulin. The following Conditional Use Permit No. CUP-16-06 was unanimously approved:

**CONDITIONAL USE PERMIT No. CUP-16-06**  
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On the date(s) listed below, the Board of Commissioners for Perquimans County met and held a public hearing to consider the following application:

- Developer:** Alpha Value Solar, LLC  
176 Mine Lake Court, Suite 100  
Raleigh NC 27615
- Authorized Applicant:** Beth Trahos, Smith Moore Leatherwood, LLP  
434 Fayetteville Street, Suite 2800  
Raleigh, NC 27601
- Property Owners:** The Riddick Family Partnership c/o Rufus M Riddick IV  
103 Village Gate Drive  
Chapel Hill, NC 27514
- Site Location:** Portions of 109.54-acre parcel located behind 768 Ocean Hwy South, approx. 1,500 feet south of the Town of Hertford’s ETJ.
- Tax Parcel Nos:** 3-0049-00010A
- Zoning District:** RA, Rural Agriculture and CH, Highway Commercial
- Proposed Use of Property:** As indicated by the Applicant’s December 19, 2016 letter to the Board of Commissioners, Alpha Value Solar proposes to construct and operate a Large-Scale, ground-mounted Solar Power Energy System (“Solar Farm”) on Tax Parcel No. 3-0049-00010A in the 700 block of Ocean Hwy South (US Hwy 17 South), Hertford, Perquimans County, North Carolina, owned by the Riddick Family Partnership. *“The Solar Farm will contain rows of Photovoltaic (PV) cells mounted on posts. These rows of cells are referred to as “solar arrays.” The power generated from the Solar Farm will be connected to the local power grid.”*

**CONDITIONAL USE PERMIT No. CUP-16-06**  
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**Meeting & Hearing Dates:** Planning Board on 1-10-17; & Board of Commissioners on 2-6-17.

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 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 Plan may require adjustments in the exact locations of Solar Panels and related equipment, and the Access Roads within the leased Project Boundaries, pending the outcome of final survey, wetlands delineation, storm water permits, Army Corp of Engineers requirements, and maximization of solar energy production, as applicable. If deemed necessary by the Planning & Zoning Administrator, any discernable adjustment in the leased Project Boundaries will require review and approval by the Planning Board in a public meeting to determine the need or desire for additional or revised setbacks, screening, lighting, etc., which must comply at a minimum with Section 907.28 of the Perquimans County Zoning Ordinance. Discernable changes in the layout of Solar Panels or other Site Improvements proposed closer towards an adjacent property owner, without signed and notarized consent of said adjacent property owner, shall require Board review and approval. For purposes of enforcing this section, the leased "Project Boundaries" are defined as "*The Access Road and the series of lines labeled as "6' Chain Link Fence" which encompasses other Site Improvements and which are currently depicted on the conceptual Site Plan and which will be formalized and finalized in a Legal Description containing a metes and bounds description prior to the County Staff's issuance of Zoning and Building Permits and prior to construction.*"
- B) The approved Site Plan includes a total 5 Mega-watts (AC) of solar power production throughout the subject property. The facility will generate clean energy solar power which will be sold directly to the Power Company servicing the facility. The Solar Farm will consist of a single phase of construction.
- C) The main point of ingress and egress for the facility will be directly off of US Highway 17 South with an assigned E-911 address of 746 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 and the County's Planning & Zoning Office. The remainder of the access or service roads will be constructed of 6"

**CONDITIONAL USE PERMIT No. CUP-16-06**

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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.

- D) 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).
- E) 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.
- F) 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.
- G) 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.
- H) 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 that shown on the Applicant's Site Plan 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.
- I) 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.

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- J) 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.
- K) 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 February 6, 2017, 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 Site Lease, 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 February 6, 2017, specifically to a farmable condition.
- L) The Conditional Use Permit is approved and recorded with the Applicants' letter and conceptual Site Plan, 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.
- M) 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 February 6, 2018, 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.

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- N) 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 surveyed lengths and bearings of the leased Project Boundaries and 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 timely 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.

- O) 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.
- P) 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.
- Q) 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.
- R) 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.
- S) 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 required by local, State or Federal law.
- T) 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.
- U) 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 which is zoned CH and RA as per the approved CUP Site Plan in support of the proposed Solar Power Energy System located behind 768 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.

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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: Min You, Its Member, 176 Mine Lake Court, Suite 100 Raleigh, NC 27615

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)

**Parent-to-Child Deed of Gift No. NZV-16-02 – Wanda L. White:** A Public Hearing was held earlier in the meeting to receive citizens’ comments to consider Parent-to-Child Deed of Gift No. NZV-16-02, requested by Wanda L. White for Brenda Johnson, for one-acre lot (portion of Tax Parcel No. 4-0036-0130), located on Opal’s Trail, off Swayne’s Lane). Edward R. Muzzulin made a motion, considering the following Section 206 Findings and Section 701E exemption criteria, to approve Case No. NZV-16-02, a Parent-to-Child Subdivision requested by Wanda V. White, Executor of the Opal V. White Estate, on behalf of the Estate and Charles T. White, to Gift Deed a one-acre parcel to fulfill the intent of Opal White's Last Will and Testament, located approximately 800 feet off Swayne's Lane (SR 1330), on the southeast side of Opal's Trail, a Private 45' R/W and known as a portion of Tax Map No. 4-0036-0130 with any conditions required by the Zoning Department:

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

The motion was seconded by Fondella A. Leigh and unanimously approved by the Board.

**FY 2016-17 AUDIT CONTRACT**

County Manager Heath stated that last year when the audit contract was approved, the Board asked if we should go out for bids for the audit contract this year. He and Finance Officer, Tracy Mathews, wanted to find out what direction they wanted them to go with regard to getting an audit contract. Commissioner Muzzulin asked how long Douglas Hollowell has been doing our audits. Mr. Heath said that it has been about nine years. After some discussion, Edward R. Muzzulin made a motion to continue with Donna Winborne to do the FY 2016-17 Audit. The motion was seconded by Joseph W. Hoffler and unanimously approved by the Board. Mr. Heath said that he would bring the contract to the March meeting for action.

**RECOGNITION OF DONNA GODFREY, COUNTY PLANNER**

County Manager Heath took a few moments to thank Donna Godfrey for her service as County Planner. She will be retiring on February 17<sup>th</sup> and he just wanted to take a moment to thank her.

**PUBLIC COMMENTS**

The following comment was made:

**Emerson Cullins:** Mr. Cullins spoke in support of renewable energy but he had an experience with Mr. McLaughlin with the installation of the solar farm on Snug Harbor Road. When the panels were delivered, trash was left alongside Snug Harbor Road blocking ditches and leaving a mess. After not getting any success with the people on site, he found Mr. McLaughlin’s card and called him. Mr. McLaughlin said that he would be down in the area that weekend and he would take care of it and he did. Mr. Cullins further stated that Mr. McLaughlin is a man of his word and thinks that he is an attribute to any project in the area and this County needs to continue to support him.

There were further public comments or unscheduled appointments.

**CLOSED SESSION: ECONOMIC DEVELOPMENT MATTER, PERSONNEL MATTER, AND CLOSED SESSION MINUTES**

Pursuant to NC General Statute 143-318.11(4)(6), Edward R. Muzzulin made a motion to go into Closed Session to discuss a personnel matter. The motion was seconded by Fondella A. Leigh and unanimously approved by the Board.

The Closed Session was adjourned and the Regular Meeting reconvened on motion made by Edward R. Muzzulin, seconded by Fondella A. Leigh. There was no action needed after the Closed Session.

**ADJOURNMENT**

There being no further comments or business to discuss, the Regular Meeting was adjourned at 9:00 p.m. on motion made by Edward R. Muzzulin, seconded by Joseph W. Hoffler.

\_\_\_\_\_  
T. Kyle Jones, Chairman

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Clerk to the Board



solar farm is anything over two acres. Ms. Lassiter asked do we have the manpower to enforce the changes that they would make for this section of the ordinance. Commissioner Nelson responded to her question. Commissioner Ward asked if they were mainly concerned about the enforcement of the ordinance and explained about a situation he had been through with the Town Planning Board. Mr. Heath said that it would come down to the Planning Staff to enforce it. Ms. Lassiter's concern is that there are not enough hours in the day for the Planning Staff to handle their normal duties and enforce it too. Mr. Heath said that it may come down to having a buffering bond which would be some measure to enforce it. Mr. Woodard also said that his biggest concern is not losing the identity of the County. Ms. Lassiter agreed because a good bit of our farm land is disappearing. It was the consensus that the section on large scale solar farms needed to be strengthened. Ms. Lassiter was concerned how it would affect pending applications. Mr. Heath said that there was one application that may be turned in this week. The talk of a moratorium on large solar farms until the Planning Board has had a chance to look over it and recommend changes. Commissioner Nelson expressed concerns about not having jobs for the people who live here now and for future children. During discussion, the following issues on large scale solar farms need to be revisited by the Planning Board:

- Buffering requirements including a buffering bond requirement
- Other highway corridors (i.e. Highway 37, New Hope Road, etc.) – should we have any other highway corridor protection similar to Highway 17 Corridor.
- Belvidere Historic District and Albemarle Plantation – need to see permitted uses that are or are not allowed there.
- Tweak the definition of large scale – what does it consist of.

Mr. Smith asked about a time frame to get this done. The Board said to bring their recommendation to the May meeting. They also discussed the possibility of a moratorium. Mr. Heath and Mr. High will be looking into this.

ADJOURNMENT

There being no further comments or business to discuss, the Work Session was adjourned at 8:25 p.m.

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T. Kyle Jones, Chairman

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Clerk to the Board

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