

**PASQUOTANK COUNTY, NORTH CAROLINA
MAY 19, 2014**

The Pasquotank County Board of Commissioners met today in a regular meeting on Monday, May 19, 2014 in Courtroom C in the Pasquotank County Courthouse.

MEMBERS PRESENT:

Jeff Dixon, Chairman
Joseph S. Winslow, Jr., Vice-Chairman
Lloyd E. Griffin, III
Cecil Perry
Dr. William R. Sterritt
Gary G. White (*left at 9:05 PM*)
Frankie Meads

MEMBERS ABSENT:

None

OTHERS PRESENT:

Rodney Bunch, County Manager
R. Michael Cox, County Attorney
Karen Jennings, Clerk to the Board

The meeting was called to order at 7:00 PM by Chairman Jeff Dixon. Commissioner Lloyd Griffin gave the invocation and Vice-Chairman Joe Winslow led in the Pledge of Allegiance to the American Flag. Chairman Dixon welcomed everyone present.

1. PRESENTATION OF PROCLAMATION IN HONOR AND MEMORY OF FRANKLIN D. MILLER, ARMY MEDAL OF HONOR RECIPIENT:

Chairman Dixon called on Commander Greg Stafford, Senior Vice-Commander Joe Franzese, Junior Vice-Commander Dennis Myer, and Member J.C. Harris from VFW Post 6060 to receive a proclamation in honor and memory of Franklin D. Miller, Army Medal of Honor Recipient, who was a native of Pasquotank County. He read and then presented the following framed proclamation to Commander Stafford:

**PROCLAMATION HONORING
THE SERVICE AND MEMORY OF FRANKLIN D. MILLER
ARMY MEDAL OF HONOR RECIPIENT**

WHEREAS, Franklin D. Miller was born in Pasquotank County, North Carolina on January 27, 1945; and

WHEREAS, he joined the United States Army in 1966, and in March of that year deployed with the 1st Cavalry Division to An Khe, Vietnam where he undertook two years of airborne infantry reconnaissance work before joining the special forces; and

WHEREAS, as a member of the 5th Special Forces Group, he was leading a joint American-Vietnamese long-range reconnaissance patrol operating deep within enemy controlled territory in Ontum Province, Republic of Vietnam, when his team was ambushed by an enemy force that far outnumbered his team; and

WHEREAS, he single-handedly held off an enemy assault, arranged for a helicopter extraction of his surviving comrades, and fought off the enemy until relief arrived; and

WHEREAS, for his heroic actions during the battle, in which he was seriously wounded, Staff Sergeant Miller was awarded the United States Army's highest decoration, the Army Medal of Honor; and

WHEREAS, Staff Sergeant Miller's Medal of Honor citation stated that his "gallantry, intrepidity in action, and selfless devotion to the welfare of his comrades are in keeping with the highest traditions of the military service and reflect great credit on him, his unit, and the U.S. Army"; and

WHEREAS, Staff Sergeant Miller retired from the Army in 1992 and died in 2000 at the age of 55; and

WHEREAS, Staff Sergeant Miller personified leadership, excellence in character, devotion to duty, and served as an example for all those who would follow him; and

NOW THEREFORE, the Pasquotank County Board of Commissioners hereby pays special tribute to Army Medal of Honor Recipient Franklin D. Miller and bestows recognition that is long overdue.

PRESENTED this the 19th day of May, 2014.

Commander Stafford stated that the war killed Staff Sergeant Miller long after the war ended because he passed away due to the effects of Agent Orange. He said if anyone who was in Vietnam during that area experienced Agent Orange, the VFW will be glad to assist them in filling out their paperwork. He thanked the Board for the proclamation which will be displayed at VFW Post 6060.

2. CONTINUATION OF BOARD OF EQUALIZATION AND REVIEW:

Chairman Dixon reconvened the Board of Equalization and Review which was recessed at the last meeting.

He recognized Alice Redding who appeared before the Board on May 5 appealing for a reduction in the value of her home at 914 Riverside Avenue. He stated that the Board of Equalization and Review had requested that Ms. Redding provide pictures and additional information to back up her appeal. He reminded Ms. Redding that she is still under oath.

Ms. Redding presented plats showing her lot as it was prior to 2003 with a large house and a smaller house and then after the property was subdivided in 2003. She said in 2004 the large house was valued at \$389,100 and the smaller house at \$166,500 after renovations were done due to flooding. She stated in 2007 the tax value of the large house was drastically increased to \$973,600 and the smaller house was increased to \$477,800, a 161% increase. She provided several photos showing the current structural problems with the large house including ceiling damage due to roof leaks, plaster damage due to settling, termite damage due to moisture leaks, and brick deterioration due to settling. She said many portions of the house have the original slate roof and it needs to be replaced, however the cost to replace it will be exorbitant and she has not replaced it which has resulted in the ceiling damage. She explained that because of settling from the flooding, the plaster walls have almost collapsed on themselves in some areas. She said the house and the concrete patios are on pilings and due to settling all of the concrete patios have cracked and the brick exterior of the house has settled. Ms. Redding presented a video showing flooding in and around the house from the Pasquotank River as a result of Hurricane Floyd in 1999. She stated that the elevation certificate confirms that the lower levels of the house are below the flood plain.

Ms. Redding said the low flood elevation cannot be remedied as the cost to raise the house is prohibitive and impractical. She stated that the cost to raise the elevation of the house, if it were even possible, would be \$200,000. She explained that multiple high cost maintenance issues are not practically affordable. The cost necessary to repair the settlement issues would be about \$125,000, to repair the roof would be about \$50,000, and to repair the termite damage would be about \$25,000. Ms. Redding stated that the flood insurance costs are increasing dramatically, reducing the resale value. She said the changes in the FEMA flood insurance law will eliminate subsidies, and flood insurance for her house will increase from \$300 to \$1,600 per month over the next 15 years. She requested that the Board make a just decision based on the information she has presented.

Commissioner Gary White asked Ms. Redding if any of the repairs were paid for by her insurance company following Hurricane Floyd. Ms. Redding responded that they were.

Commissioner Frankie Meads asked Ms. Redding if she had an outside appraisal done on her property. Ms. Redding responded that the mortgage company had an appraisal done, but did not release a copy to her. She said with all of the problems associated with the house, the appraiser considered only the value of the land.

Commissioner William Sterritt stated that he and Commissioner Griffin have a lot of experience on Riverside Avenue and he can tell Ms. Redding that she is going to be flooded again. He said he sympathizes with Ms. Redding's predicament.

Katherine Lane with Pearson Appraisal explained that she has also had a chance to look at the photos and videos presented by Ms. Redding, and she also saw a video of the ongoing repairs being done after the storm. She advised that the new value on the house has taken into account all of those problems that were corrected. She stated that Pearson is holding firm with the assessment of \$363,500 on the house. She said with the repairs having been made, the price per square foot is very reasonable in terms of Ms. Redding's 1927 style house. She stated that the fact that the house has been flooded twice has been taken into consideration, grade alterations were made, and a massive adjustment has been made. She explained that some of the issues they did see were routine maintenance, such as the leaking roof and termite infestation. She said based on the year the house was built and considering those issues, Pearson is firm with the value of the house. She stated that there is currently no issue with the land, as Pearson did adjust the land during the initial appeal based on its size. The current value of the land is \$260,300. Ms. Lane noted that many other homes in that community were most likely impacted by Hurricane Floyd in 1999 and Hurricane Isabel in 2003. She said Pearson realized that the house did flood and allocated an adjustment based on some functional depreciation for that home. She stated that she understands there is an outside appraisal, but she has not been able to see it. She said they had several appraisals come in from that community during the informal appeal process that people were willing to share, so they know how much a lot is valued in the Riverside and Rivershore area. She stated that they also know the average price per square foot for the average home in that area and Ms. Redding's is much lower than that. She said they cannot zero out the value of the house because it does have value and Ms. Redding is able to live there. She explained that in its current state with all the repairs being made, Pearson is still at the \$363,500 value for the dwelling. The land value is at \$260,300 based on the size of the lot, and a gazebo on the property is valued at \$300 for a total property value of \$624,100. Ms. Lane noted that Ms. Redding was given massive consideration and more than a \$250,000 adjustment was made for her home. She said too much of an adjustment would place the value of the home outside that of other homes in the Riverside and Rivershore area. She added that Pearson is comfortable with the \$363,500 value of the home.

Commissioner Frankie Meads asked Ms. Lane if any of the other homes she visited had received as much flooding as Ms. Redding's home. Ms. Lane responded that she believes all of the homes received about the same amount of damage from wind and water and everyone repaired what they could. She noted that this type of damage is inherent with waterfront communities.

Commissioner Lloyd Griffin asked the initial value of the property before any adjustments were made. Ms. Lane stated that the previous 2006 assessment was \$973,600, and when Ms. Redding's notice for the 2014 revaluation was mailed out the value was \$829,600. Following an informal meeting with Ms. Redding on January 24, they lowered the value to \$715,000 when grade corrections and land adjustments were made. Ms. Lane explained that the value was lowered further to \$624,100 after she and Ms. Stewart spoke during a conference call with Ms. Redding. She said they did not take it lightly and knew there were specific issues with this home and tried to give every consideration and every adjustment they could without having the appraisal and without going inside the house. Commissioner Griffin asked why the value of the land decreased. Ms. Lane said within their computer software system the larger the tract is, the lower the price per square foot will be. She stated that Ms. Redding got an adjustment for excess land and her other lot also received an adjustment for size and shape.

Vice-Chairman Joe Winslow pointed out that the land was initially valued at \$306,000 and now it is valued at \$260,300. He asked why the land value would drop \$46,000. Ms. Lane said this was due to the size and shape adjustment that was allocated because it is an oversize lot. She stated that there are no other lots this large in that area. She added that Ms. Redding's property value per square foot is one of the lowest in the neighborhood.

Chairman Dixon stated that he disagrees with the land value and also disagrees that the more land on the river a property owner has, the lower the value should be.

Chairman Dixon asked for a decision from the Board on whether to accept the new assessment of \$624,100 for Ms. Redding's property or whether to reduce the value as requested by Ms. Redding to reflect only the value of the lot. Ms. Redding said she is not asking for that amount, but is asking for a more accurate value based on the fact that there was an exorbitant increase in 2007 which she never noticed until this year. She added that she just wants a reasonable value on the property.

Commissioner Gary White asked Tax Administrator Patrice Stewart if she concurs with the value placed on the property by Pearson Appraisal. Ms. Stewart was sworn in by the Clerk. Ms. Stewart responded that she does concur with Pearson's valuation of the property.

Commissioner William Sterritt noted that Ms. Redding's property is in a deep hole and he cannot agree with the findings.

Commissioner Frankie Meads stated that he agrees with Ms. Lane on the reduction in the lot value due to its size because a large lot on the river cannot be subdivided and will just require the owner to pay more taxes. He said it is not worth any more to the owner and will only mean there is more yard to mow. He added when there are buildings on the property that are difficult or expensive to get repaired, it devalues the waterfront property instead of increasing it.

Motion was made by Joe Winslow, seconded by Gary White to deny Alice Redding's appeal and to accept the appraised value of \$624,100 derived by Pearson Appraisal for Ms. Redding's property at 914 Riverside Avenue and to not allow any further reduction in value.

Discussion followed and Commissioner Meads asked what the \$624,100 figure includes. Ms. Lane responded that it includes the almost one acre lot, the 7,300 square foot home, and a gazebo valued at \$300.

Commissioner Sterritt stated that he cannot agree with the value of either the land or the dwelling. He said in his opinion a value of \$260,000 for a hole is unreasonable. He said he would support a reduction of \$50,000 on the land and \$50,000 on the dwelling.

Commissioner Meads asked Ms. Lane if the fact that the late Miles Clark owned the home has anything to do with the value that was placed on the property. Ms. Lane said it did not and she had no knowledge of any history of the home related to Mr. Clark.

The motion carried by a five to two margin with Commissioners Sterritt and Meads voting against the motion.

Chairman Dixon said the next appeal to be heard by the Board of Equalization and Review is from Sam Patel. County Attorney Mike Cox stated that he has spoken with Attorney Tom Nash who is representing Mr. Patel and they would like to recommend that this appeal be moved to the second meeting in June which will be June 16.

Motion was made by Joe Winslow, seconded by Lloyd Griffin to recess the Board of Equalization and Review until the June 16 Commissioner meeting. The motion carried unanimously.

3. PRESENTATION REGARDING MAKEUP OF THE COMMUNITY RELATIONS COMMISSION:

Chairman Dixon called on City Councilman Tony Stimatz to make a presentation regarding the makeup of the Community Relations Commission.

Councilman Stimatz stated that he is here tonight as the Chairman of the Community Relations Review Committee. He said the goal of this commission is to use the results of the Community Vision 2020 effort to modify, codify, and improve the effectiveness of the Community Relations Commission and to gain buy-in of the County Commissioners and the City Council to champion a strategic diversity initiative and support it with commitments of leadership, time and funds. He explained that the most critical question is whether the County Commissioners, the City Council, the Mayor, and both managers see value in keeping the commission alive. He asked if so, whether they are prepared to support and nurture the commission with leadership, time and funds, and what their expectations are for the commission.

Councilman Stimatz stated that the commission has done many things on its own without a lot of direction and guidance from the City Council or the Board of Commissioners, and at this juncture it is important to work together. He said the Vision 2020 initiative made some recommendations that relate to diversity, community needs and building neighborhoods that apply to this group. He stated that both boards will need to decide whether to follow the recommendations. He said as part of this effort the Community Relations Commission will survey its members for their concerns, expectations, and vision for the commission's future, and

for ideas to improve the commission's effectiveness. The commission will also conduct a benchmarking effort to discover existing model programs for championing diversity and effective community bridging events.

Councilman Stimatz said it is the committee's goal to make a presentation to a joint meeting of the City Council and the Board of Commissioners with just this initiative on the table. He stated that at this meeting the two bodies will be asked to decide on which elements they would like to go forward with. He said the result of that meeting will be used to finalize any changes to the Community Relations Commission bylaws.

Councilman Stimatz said the tentative budget for the Community Relations Commission for 2014-2015 is \$2,600, \$1,300 from the city and \$1,300 from the county. He stated that the budget could increase depending upon what activities the city and county want the commission to do. He said members of the commission have been good stewards of the money they have received from the city and the county, and they have put a lot of their own time and effort as well as their personal funds into carrying out events that have been very effective.

Councilman Stimatz explained that it is recommended by the diversity group that the bylaws of the Community Relations Commission be changed to reflect the following membership:

- 4 African Americans
- 4 Caucasians
- 4 Other Nationalities/Ethnicities
- 3 Members aged 16-30
- 6 Women minimum
- 6 Men minimum
- 1 Ex-officio member from the Elizabeth City Council and the Pasquotank County Board of Commissioners.

He said these individuals should represent diversity with regard to socio-economic status as well. Each appointing body should work to ensure that their appointments reflect this diversity. He added that there are currently seven vacant seats on the Community Relations Commission and this would be a good time to change the makeup of the commission and fill the empty slots with members that reflect this diversity.

Commissioner Sterritt pointed out that he and Commissioner Perry are serving on this committee and they are in agreement that they are on the right track with what they are trying to do in the community. He said with regard to the budget, \$1,300 is not a lot of money for what they want to do. He noted that the county budget as currently proposed only includes an appropriation of \$500 for the Community Relations Commission.

Following discussion;

Motion was made by Cecil Perry, seconded by Joe Winslow to accept the recommended changes in the makeup of the membership of the Community Relations Commission as proposed by Councilman Stimatz. The motion carried unanimously.

Motion was made by Cecil Perry, seconded by William Sterritt to increase the county's 2014-15 budget appropriation for the Community Relations Commission from \$500 to \$1,300.

Motion was made by Joe Winslow, seconded by Frankie Meads to amend the previous motion to refer the request to increase the budget appropriation for the Community Relations Commission to the budget committee since the county is in the middle of its budget process. The amendment to the motion carried by a five to two margin with Commissioners Perry and Sterritt voting against the amendment.

4. REQUEST FOR TAX COMPROMISE:

County Attorney Mike Cox advised that the Tax Department has prepared a presentation on Albemarle Professional Park and how the buildings have changed through the years. Sharon Cooper, Appraiser for the Tax Department, explained that these discrepancies were discovered when visiting the property in response to a building permit that was issued to Albemarle

Professional Park by the city for alterations to an office building. She said she compared each card sketch to each building and discovered that there were existing buildings that were not accounted for in Tax Office records. Ms. Cooper presented aerial photos from 1997, from 2003, from 2008, and from 2010 showing the buildings at Albemarle Professional Park that were in existence at those times.

She said there were two parcels with several buildings on them from the 1997 and the 2003 aerials that had not been accounted for in Tax Office records. There was also a card for a building that has now been torn down that did not have much value.

In October 2013 the property owners were sent discovery bills for the two parcels as follows:

Albemarle Professional Park Associates

Map #: P143-53,60,61

Location: 1142 N. Road St.

Discovery Billing Date: 10-22-13 (2008-2013)

\$102,102.00 (tax) + \$35,037.03 (penalty) = \$137,139.03 (total city and county taxes due)

Albemarle Professional Park, LLC

Map# P143-57

Location: 1134 N. Road St.

Discovery Billing Date: 10-22-13 (2008-2013)

\$42,495.90 (tax) + \$14,582.79 (penalty) = \$57,078.69 (total city and county taxes due)

Attorney Hood Ellis stated that he is here tonight representing the doctors who are the property managers. He said the doctors do not disagree with the fact that these were discoveries, and what they are asking for is that the county forgive the penalty attached to the taxes. He stated that the Board has the power to compromise this tax and they are specifically asking that the Board waive the penalty. He said these amounts are significant and were not budgeted for or planned for by the doctors. He stated as he understands the current process, typically when building permits are issued they are copied to the county Tax Office and those buildings then get put on the books. He said as he understands it, that process may not have worked very well in the past which is probably why these buildings were overlooked. He stated that the buildings are now listed. He noted that there are currently some empty medical offices at the professional park and it will be hard for the owners to even pay the discovered and rollback taxes on the discoveries. He stated it is hoped some of the empty buildings can now be filled due to the new hospital agreement with Sentara. Mr. Ellis said the owners are asking for the Board's consideration of their request to forgive the penalties of \$35,037.03 and \$14,582.79.

County Attorney Mike Cox advised the Board that it can compromise any and all of the claim as this is a Board discretionary matter.

Motion was made by Gary White, seconded by William Sterritt to waive the penalties of \$35,037.03 for Albemarle Professional Park Associates, and \$14,582.79 for Albemarle Professional Park, LLC for the properties listed above. The motion carried unanimously.

The Board discussed the process whereby new properties are added to the tax books and Ms. Stewart explained how that process has improved. She stated that the issue regarding city building permits has somewhat been resolved because the permits are now computer generated rather than handwritten and Ms. Cooper from the Tax Office actually picks them up from the City Building Inspections Office. In addition, the building permits are numbered so it will be obvious when one is missing. Vice-Chairman Winslow suggested that in January of each year, the Tax Office go through the permits for the previous year and make sure they have them all. County Manager Rodney Bunch acknowledged that there has been significant improvement, however there is room for further improvement.

5. PUBLIC HEARING ON CONDITIONAL USE PERMIT CUP 14-01:

Chairman Dixon stated that Conditional Use Permit CUP 14-01 is a request by SunEnergy1, LLC to construct a 20 MW solar farm in Mount Hermon Township. The first parcel involved in the request is located near the intersection of the U.S. Highway 17 Bypass and Foreman Bundy

Road. It consists of 104.56 acres and is zoned A-1, Agricultural. The second parcel is located at the end of Barnhill Road. This parcel consists of 78.71 acres and is zoned C-1, commercial.

Vice-Chairman Joe Winslow requested that he be recused from considering Conditional Use Permit CUP 14-01 due to a conflict of interest.

Motion was made by Gary White, seconded by Lloyd Griffin to recuse Vice-Chairman Winslow from considering Conditional Use Permit CUP 14-01. The motion carried.

All those who planned to testify during the hearing were sworn in by the Clerk. Planning Director Shelley Cox summarized the request and said the request is for a Conditional Use Permit to allow the construction of a 20 MW solar farm on two parcels of land near the intersection of Foreman Bundy Road and US Highway 17 Bypass. She pointed out the parcels involved in the request on an aerial photo. She said the first and second abutting property owners have been notified of this request, signs have been posted on the properties, and an advertisement for the public hearing was published in *The Daily Advance*. Ms. Cox explained that the Zoning Ordinance does currently allow these types of uses within the C-1 and the A-1 districts. She said there are several other regulations pertaining to them in the Zoning Ordinance, one of which is the setbacks for solar farms from property lines. She stated that there is a 30 foot minimum setback from all adjoining property lines, and there is a 150 foot minimum setback from residential uses and from adjoining street right-of-ways. She advised that the Pasquotank County-Elizabeth City Land Use Plan classifies the parcels as rural agricultural and commercial. Ms. Cox stated that this project is consistent with the Pasquotank County-Elizabeth City Land Use Plan. She said the county's stormwater engineering consultant, Greg Johnson, has reviewed the engineered site plan and the drainage calculations for this project and he did note that the applicant proposes to utilize existing farm ditches and that the existing drainage patterns will be maintained. Ms. Cox stated the drainage calculations have been provided by the applicant that reflect a reduction in the amount of stormwater runoff from the properties due to the change in conditions from a cultivated field to grass land. She advised that this project is compliant with the Pasquotank County Stormwater Drainage Design Manual.

Ms. Cox said in regards to aviation, the U.S. Coast Guard Base and the Elizabeth City-Pasquotank County Airport Authority were notified of this request. She stated that the Airport Manager had a few concerns and requested that a glare study be performed. She said the glare study has been performed and no glare impact was found as a result of the study.

Ms. Cox explained that the original application for this project showed three tracts of land, one of which was a 54 acre tract on Mount Hermon Church Road. She said during the first Planning Board meeting that was held to review this application there were many residents who spoke about their concerns regarding this property which was formerly wooded and had recently been logged. She noted that this parcel was withdrawn from the application.

Ms. Cox advised that in granting this permit, the Board can impose additional conditions that it deems reasonable and appropriate. She stated that staff's recommendation is that the Conditional Use Permit application as proposed will meet the requirements within the Pasquotank County Zoning Ordinance. Furthermore, the project is consistent with the Elizabeth City-Pasquotank County Land Use Plan and compliant with the county's Stormwater Design Manual. Ms. Cox stated that staff recommends approval of this request with the following conditions:

- A 150 foot buffer shall permanently be maintained between the solar facility and all adjacent public street right-of-ways, residentially zoned property, and existing residential uses.
- The height of the solar panels shall not exceed eight feet above ground level.
- Prior to the issuance of a building permit, SunEnergy1, LLC shall provide a decommissioning bond or irrevocable letter of credit in an amount equal to the estimated cost of removal of all solar collectors, cabling, electrical components, and any other associated facilities, less the salvage value of the equipment.
- An as-built survey shall be provided within six (6) months of the project's commercial operation date.
- Glare from this development shall not negatively impact traffic on the US Highway 17 Bypass.
- The term of the Conditional Use Permit shall remain valid for a period of thirty years from the date the building permit for the project is issued by the county.

Ms. Cox advised that the Planning Board reviewed this request twice and on May 12 voted to recommend approval of the Conditional Use Permit with the conditions included in the staff recommendation. In addition, the Planning Board did recommend the findings of fact included in the staff summary.

Commissioner Sterritt noted that the Zoning Ordinance requirement states that structures shall not exceed 25 feet in height, as measured from the base to the highest point, however the staff recommendation is that the solar panels shall not exceed eight feet above ground level. Ms. Cox replied that the Zoning Ordinance actually allows the structures to go up to 25 feet, however the company has stated that the maximum height of what they are proposing is eight feet, so it has been recommended that this be a condition of the permit.

Commissioner Sterritt asked how the glare study was performed. Ms. Cox responded that the purpose of the glare study was to determine if there would be any negative impact to air traffic. She stated that the applicant, during his testimony, will be better able to answer specific questions regarding how the study was performed.

Commissioner Meads asked if there has been any reaction from the surrounding neighborhoods. Ms. Cox said there has not been any reaction since the third tract on Mount Hermon Church Road was taken out of the application. She said there is only one house adjoining the remaining two sites.

Commissioner Griffin asked if safety and drainage concerns have been addressed. Ms. Cox stated that the sites will be fenced all around by a six foot tall fence with two feet of barbed wire above that. She said the agricultural ditches will remain open for stormwater purposes and the site plans shows how this will be addressed. Mr. Greg Johnson, drainage consultant, responded to questions regarding concerns about the ditches.

Chairman Dixon called on Ken Habul on behalf of the applicant. Mr. Habul explained that he is the CEO of SunEnergy1. He responded to the question regarding how the glare study was conducted. Mr. Habul stated that the latest FAA guidelines require a glint and glare study for all solar projects in the United States if they are within two miles of an airport. He stated that these solar farms are seven miles from the airport. He said the study was completed and no glare was found. He stated that it is very difficult to achieve a situation where glare is found because the fundamental basis of what makes the solar panels function is their ability to absorb light to create electricity. If there was any glare factor whatsoever, the panels would not function. Mr. Habul added that he has been doing this since 1996 and has never found glare on a solar panel, and they are consistently getting better and are absorbing more light than they once did. Commissioner Sterritt noted that he read that the panels have a non-glare coating. Mr. Habul said that is correct and all of the technology is in the anti-glare ability of the panels to absorb light, not reflect light.

Commissioner Perry asked how many people will be employed to build the solar farm. Mr. Habul said this will be the largest system in North Carolina and will power about 5,000 homes. He stated that construction would generally take about 12 months and they would need about 500 employees during those 12 months. He said it is hoped that three-quarters of those employees would come from the local area. He explained that SunEnergy1 has held two job fairs with limited success, one in Edenton about six weeks ago, and one at Elizabeth City State University about three weeks ago. They have also put large ads in the local newspaper with listings of all of the particular jobs they will need to fill. They plan to have another job fair at the University in about three weeks. Mr. Habul explained that SunEnergy1 has built systems for Duke Energy in Windsor, Scotland Neck, Bethel, Washington, Bath, and other areas. He said what they have found is that they would keep about 10% of that temporary workforce as full-time employees once construction was complete. He noted that when they built three projects in Washington, North Carolina, they set up a headquarters, rented 14 homes, and employed over 200 people. He said they cut Washington's unemployment rate in half for about two years. He stated that they purchased over \$5 million worth of heavy equipment in Washington. He said they filled all of the restaurants every night of the week, purchased their building materials locally, and had their equipment serviced in the local towns. He stated this was a huge boost to the economy. Mr. Habul added that this is a \$50 million contract and roughly 10% of that will be spent locally in terms of people, housing, accommodations, restaurants, building supplies, vehicle supplies and maintenance. He said they are not sure they will be able to get enough employees locally and they will look to the entire region to bring people in if necessary. He said the solar farms are not heavy on maintenance, they make no noise, and make no pollution, so generally maintenance is cleaning, inspections, and maintaining the grounds. He stated that it is

more important to them that the ditches work and actually work better than they do now. He said they cannot have any standing water on the site, as they have underground cables that are high voltage. They have to get in each and every row to be able to monitor all of the 93,000 solar panels. He stated that in each and every site where they have built solar farms, they have improved the ditches significantly, maintained them, and added more ditches to increase the water flow.

Mr. Brian Kennedy with Duke Energy Renewables, a subsidiary of Duke Energy, noted that they have met with Mr. Viventi, the Airport Manager, on several occasions to discuss his concerns about the glint and glare, and at their meeting last week Mr. Viventi did not have any further questions after speaking with the engineer who was hired to perform the study. Mr. Kennedy explained that Duke Energy is a large company and is not a fly-by-night developer who will come in and build a project and then leave, so who builds the project is very important to Duke Energy. He said that SunEnergy has built more solar projects for Duke Energy than any company in the United States. He stated that they pay a lot of attention to safety. He said although the power will be consumed within this community, it will be sold to a few universities on the East Coast and he expects that an announcement will be made in the next few weeks. He stated that one of these universities will be the first university in the United States that will be at least 50% green. He said this should bring a lot of notoriety to Elizabeth City.

Commissioner Griffin asked Mr. Kennedy the cost of solar energy versus wind energy and fossil fuel. Mr. Kennedy stated that the cost of solar is about equivalent to wind now and is still more expensive than fossil fuel. He said as environmental regulations change, more coal plants will shut down. He noted that the state tax incentives for solar will run out at the end of 2015 and federal incentives will run out at the end of 2016.

Commissioner Meads asked what the benefit is for solar energy since it is more expensive than fossil fuel. Mr. Kennedy said the benefit is its diversity. Also, with coal and other fuel-burning resources there is uncertainty regarding the cost and supply.

Chairman Dixon declared the meeting to be a public hearing on Conditional Use Permit 14-01 by SunEnergy1, LLC. He asked if anyone would care to address the Board regarding this project. There being no comments, the public hearing was closed. Chairman Dixon asked for the Board's decision regarding Conditional Use Permit CUP 14-01.

Motion was made by Cecil Perry, seconded by William Sterritt to approve Conditional Use Permit CUP 14-01 subject to the following conditions and based on the following findings of fact:

Conditions:

- A 150 foot buffer shall permanently be maintained between the solar facility and all adjacent public street right-of-ways, residentially zoned property, and existing residential uses.
- The height of the solar panels shall not exceed eight feet above ground.
- Prior to the issuance of a building permit, SunEnergy1, LLC shall provide a decommissioning bond or irrevocable letter of credit in an amount equal to the estimated cost of removal of all solar collectors, cabling, electrical components, and any other associated facilities, less the salvage value of the equipment.
- An as-built survey shall be provided within six months of the project's commercial operation date.
- Glare from this development shall not negatively impact traffic on the US Highway 17 Bypass.
- The term of the Conditional Use Permit shall remain valid for a period of thirty years from the date the building permit for the project is issued by the county.

Findings of Fact:

- a. *That the use will not materially endanger the public health or safety if located where proposed and approved;*

Conclusion: A glare study has demonstrated that there will be no glare impact on air traffic, the project will not increase flooding and will

decrease runoff and there are no other safety or health issues relating to this project.

b. *That the use meets all required conditions and specifications;*

Conclusion: A permanent 150' buffer will be maintained between solar panels and adjacent residential uses and street right-of-ways, the height of the panels will not exceed 8' above ground level, the applicant will provide a decommissioning bond and an as-built survey will be provided once construction has been completed to ensure compliance with the approved site plan.

c. *That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity;*

Conclusion: There does not appear to be any negative impact on adjoining property and less reliance on fossil fuels is a public necessity.

d. *That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the plan of development for Pasquotank County.*

Conclusion: The project as proposed is consistent with the Pasquotank County Land Use Plan and it fits in with the character of the surrounding commercial and agricultural uses in the area.

The motion to approve Conditional Use Permit CUP 14-01 carried 6-0.

6. AMENDMENTS TO THE AGENDA:

Chairman Dixon asked if there were any amendments to the agenda. Vice-Chairman Joe Winslow stated that there were no amendments to the agenda.

7. APPROVAL OF CONSENT AGENDA:

The Board considered the following consent agenda:

a. Approval of Minutes of April 30, May 5 and May 7, 2014 Commissioner Meetings

b. Approval of Tax Releases and Refunds

The Finance Committee has recommended approval of the following tax releases and refunds:

Releases:

	County	City
1. Miriam Sharon Bazemore	138.69	115.73
2. Dean Edward Horne	154.69	128.50

Refunds:

1. Lauren Elizabeth Sewell	103.38
2. Tony David Leigang	170.25
	140.93

Motion was made by Joe Winslow, seconded by Cecil Perry to approve the Consent Agenda as presented. The motion carried unanimously.

8. CALENDAR:

The Clerk reviewed the calendar of upcoming meetings and events.

9. RECOMMENDATIONS FROM THE APPOINTMENTS COMMITTEE:

Commissioner Perry presented the following recommendations from the Appointments Committee:

EIC Board - Reappoint Albert Butts to an additional four term.

Senior Tarheel Legislature - Nominate David Boone as delegate and James Robertson as alternate.

Industrial Facilities Pollution Control Financing Authority - Reappoint Debbie Sawyer to an additional five year term.

Juvenile Crime Prevention Council - Approve the slate of appointees for 2014-15 as proposed by the Juvenile Crime Prevention Council.

Motion was made by Cecil Perry, seconded by Joe Winslow to approve the nominations of David Boone and James Robertson to the Senior Tarheel Legislature. The motion carried.

Final action on these two appointments will be included on the next agenda. Other nominations can be accepted at that time.

Motion was made by Joe Winslow, seconded by Cecil Perry to approve the appointments to the Juvenile Crime Prevention Council as recommended and the reappointments to the EIC Board and the Industrial Facilities Pollution Control Financing Authority as presented. The motion carried.

10. REPORTS FROM COMMISSIONERS:

Commissioner Cecil Perry reported that he met with representatives from Sentara regarding the mental health community situation and the meeting went very well.

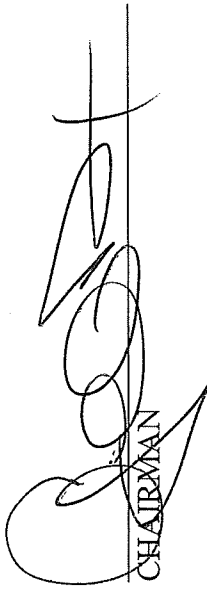
Commissioner Frankie Meads reported that a meeting was held with school representatives to discuss the cost of replacing the roof at Northeastern High School. He stated that he felt they made some progress, but he did not believe any minds were changed. Vice-Chairman Winslow added that communication between the two boards was encouraged.

Commissioner Lloyd Griffin reported that he attended the Albemarle Commission meeting last week and asked a lot of questions referencing programs and efficiencies.

There being no further business, Chairman Dixon asked for a motion to adjourn the meeting.

Motion was made by Joe Winslow, seconded by Lloyd Griffin to adjourn the meeting. The motion carried and the meeting was adjourned at 9:15 PM.


CLERK TO THE BOARD


CHAIRMAN