

**PASQUOTANK COUNTY, NORTH CAROLINA
JULY 14, 2014**

The Pasquotank County Board of Commissioners met today in a regular meeting on Monday, July 14, 2014 in Courtroom C in the Pasquotank County Courthouse.

MEMBERS PRESENT:

Jeff Dixon, Chairman
Joseph S. Winslow, Jr., Vice-Chairman
Lloyd E. Griffin, III
Dr. William R. Sterritt
Frankie Meads

MEMBERS ABSENT:

Cecil Perry (*Out of Town*)
Gary G. White

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. UPDATE ON WIND TURBINE PROJECT:

Chairman Dixon called on Mr. Craig Poff with Iberdrola Renewables to update the Board on the proposed wind turbine project. Mr. Poff explained that Iberdrola has completed most of its work locally. He said during the time the project has been delayed one of the benefits has been advances in turbine technology. He stated that wind turbines are getting larger and more efficient and they are looking at some other technologies for this site that will result in longer wing spans and longer blades which should increase productivity. He explained that they are also looking late this year at a possible extension of the federal production tax credit which expired last year. He said state tax credits expire at the end of 2015 and he does not currently see any likelihood of an extension. Mr. Poff stated that they continue to maintain all of the options for land in Pasquotank County as well as in Perquimans County. He said they are taking additional steps of adding two more meteorology towers in Pasquotank County and two in Perquimans over the next couple of months. He noted that Iberdrola's conditional use permit has been extended through the middle of 2015 and presently they do not see a need to ask for an extension, but if things continue to be delayed, they may come back to the Board for an extension. He said the economic development incentive grant runs through the end of 2015 and they have some investment milestones and if they are not met, they may need to revisit that as well. Mr. Poff pointed out that since they last reported to the county, they have completed their Army Corps of Engineers permitting and are currently wrapping up some modifications to that permit to allow access directly off of Highway 17 rather than coming through Morgan's Corner. They are also working with the North Carolina Department of Transportation to allow that connection to Highway 17. He added that he will update the Board on any progress as it happens.

Commissioner Griffin asked Mr. Poff since the turbines will have larger motors and longer blades whether another noise assessment and avian study will have to be completed. Mr. Poff responded that the sound, shadows and setbacks are the objectives they would be required to meet. He said he does not see the turbines getting any taller insofar as the ordinance is concerned. He stated that one of the turbines they are looking at has a seven meter longer blade, but has a seven meter shorter tower, so the tip height stays the same at just under 500 feet.

Vice-Chairman Winslow asked Mr. Poff if they have all permits now. Mr. Poff replied that they do and they are renewing their FAA permits as they only have an 18-month timeline. He said this will be the second round of those extensions.

Commissioner Sterritt asked Mr. Poff how it is looking for the sale of the power. Mr. Poff said right now with the continued low cost of natural gas and the expiration of the federal tax credit, there is still a little cost distance. He said they are hopeful with the newer technology turbines

with increased productivity that they can close that gap. He added that hopefully by the fourth quarter of this year they might have some news. The Board thanked Mr. Poff for his update.

2. PUBLIC HEARING ON CONDITIONAL USE PERMIT CUP 14-02:

Chairman Dixon declared the meeting to be a public hearing on Conditional Use Permit 14-02 which is a request by SunEnergy 1, LLC to construct a solar farm in Mount Hermon Township. Planning Director Shelley Cox was sworn in by the Clerk. Ms. Cox explained that this request is for a Conditional Use Permit to allow the construction of a solar farm on two parcels of land near the intersection of Foreman Bundy Road and U.S. Highway 17 Bypass. This request is an extension of the previous Conditional Use Permit that was issued to SunEnergy 1, LLC in May which consisted of 183.37 acres. If approved, the total project will consist of 286.88 acres that will generate 20 MW (AC) of solar power. Ms. Cox said what is before the Board tonight is for the 103.51 acres located adjacent to the large tract that was previously approved. The property owners in this request are John W. and Winnie Bundy and Luther C. and Eva Bundy. The first and second abutting property owners have been notified of this request and public hearing signs have been posted on the properties. In addition, a public hearing notice has been published in *The Daily Advance*. Ms. Cox advised that this project is consistent with the Pasquotank County/Elizabeth City Land Use Plan, and the project is compliant with the Pasquotank County Stormwater Drainage Design Manual. She said a glare study has been completed with the finding that there will be no glare impact on air traffic, and in granting this permit the Board may impose additional conditions it deems reasonable and appropriate. She stated that staff has found that the application as proposed does meet the requirements of the Zoning Ordinance and recommends approval of the 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, SunEnergy 1, 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.

In addition, staff recommends the following findings of fact:

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

RECOMMENDED 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;

RECOMMENDED CONCLUSION: A permanent 150 foot buffer will be maintained between solar panels and adjacent residential uses and street right-of-ways, the height of the panels will not exceed eight feet 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;

RECOMMENDED 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.

RECOMMENDED 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.

Ms. Cox explained that the Planning Board considered this Conditional Use Permit at its meeting on June 26 and recommended approval of the permit with the staff recommended conditions and findings of fact.

Chairman Dixon asked if anyone would care to comment on Conditional Use Permit CUP 14-02. He recognized Brian Kennedy with Duke Energy Renewables who was sworn in by the Clerk. Mr. Kennedy said Duke Energy Renewables will be the system owners for this project although SunEnergy 1 will actually be building the project. He said they have been here over the course of the last few months and are back in front of the Board for an additional conditional use permit for the other property. He said they originally intended to use this property along with the other parcels, but it was under previous land control by a wind developer, and the wind developer did not release it in time for them to bring these two parcels to the Board at the last meeting. He noted that these parcels are actually farther from the highway than those that have already been approved.

At the absence of further comments, the public hearing was closed.

Chairman Dixon asked how the workforce recruitment efforts are going. Mr. Kenny Habul with SunEnergy 1 advised that 22 Pasquotank County residents attended the last job fair. They plan to have another one in a few weeks and two or three more before construction begins.

Motion was made by Joe Winslow, seconded by Frankie Meads to accept the staff report as evidence into the record and to adopt the six recommended conditions as well as the four findings of fact and conclusions from staff's report. The motion carried 5-0.

3. COMMENTS FROM ROBERT GREEN:

Chairman Dixon recognized Mr. Robert Green of 748 Mount Hermon Church Road to address the Board. Mr. Green explained that he is concerned about property directly across the street from him that was originally part of the SunEnergy plan, but was withdrawn. He said the property was previously forest land and has now been logged and is a mess. He said all the trees and branches that have not been hauled away are lying where they were cut down. He said there are logs and stumps piled several feet high. He said he wrote two letters to the property owner and Saturday he received a reply in which the owner stated that the site was inspected by the North Carolina Department of Forestry which said the property is fine the way it is. He stated that the owner indicated that he plans to plant fast-growing pines in the spring during the planting season. Mr. Green said it is now hurricane season and if a storm with high winds hits the area there will be damage in that neighborhood. He said if the site meets state standards, that might be fine in a rural or wooded area, but this is a residential area and there are probably 20 to 30 homes that could be affected and there could be fatalities if those logs start flying around. Mr. Green stated that the site is grown up with grass and he does not know what could be done to compel the owner to clean up the site.

County Manager Rodney Bunch stated that he does not believe the county has any authority in this matter. Commissioner Meads said he has lived here all of his life and has been through hurricanes since the 1950's and has never seen a hurricane pick up a log. He said if a tornado is strong enough to pick up the stumps Mr. Green is talking about there won't be any houses left to hit with the stumps because the houses will go first. He stated that the stumps probably weigh 300 to 400 pounds each and they do not have the wind resistance that a house does. He added that the site may not look good, but it is satisfactory to the Department of Forestry.

Chairman Dixon suggested that staff research this issue.

4. AMENDMENTS TO THE AGENDA:

Chairman Dixon asked if there were any amendments to the agenda. He stated that Commissioner Griffin requested that an item be added under new business to approve a resolution appointing Commissioner Griffin to the Albemarle Commission in place of Commissioner White who has resigned. The County Attorney requested that a closed session item be added to preserve the attorney client privilege.

Motion was made by Joe Winslow, seconded by Lloyd Griffin to amend the agenda as recommended above. The motion carried.

5. APPROVAL OF CONSENT AGENDA:

The Board considered the following consent agenda:

- a. Approval of Minutes of June 16 and June 30, 2014 Commissioner Meetings
- b. Approval of Family Subdivision Request FS 14-02 by Sammy L. Ownley to Give a Gift Lot to a Son
Staff has recommended approval of Family Subdivision Request FS 14-02 by Sammy L. Ownley. Mr. Ownley is requesting to create a 1.07 acre gift lot for a son, Samuel L. Ownley, Jr., in accordance with Article 5, Section 303 of the Pasquotank County Subdivision Ordinance. A total of 153 feet of road frontage is provided to the parcel off of Cherry Glade Road. Birth certificates have been provided as documentation that the plat qualifies as a family subdivision. Staff advises that the request meets the minimum requirements for a family subdivision and recommends approval.
- c. Approval of Family Subdivision Request FS 14-03 by Sammy L. Ownley to Give a Gift Lot to a Son
Staff has recommended approval of Family Subdivision Request FS 14-03 by Sammy L. Ownley. Mr. Ownley is requesting to create a 1.25 acre gift lot for a son, Edward Allen Ownley, in accordance with Article 5, Section 303 of the Pasquotank County Subdivision Ordinance. A total of 25 feet of road frontage is provided to the parcel off of Cherry Glade Road. Birth certificates have been provided as documentation that the plat qualifies as a family subdivision. Staff advises that the request meets the minimum requirements for a family subdivision and recommends approval.

Motion was made by Joe Winslow, seconded by Lloyd Griffin to approve the Consent Agenda as presented. The motion carried.

The following tax releases have been approved by the Finance Officer:

Releases:

	County	City
1. David Arthur Bradbury	64.91	
2. Ray Edward Baker	39.06	
3. Amy Laverne Felton	7.66	
4. Christopher Ross Brown	8.25	
5. Travis Patrick Flannigan	22.69	
6. William Brandon Robertson	87.67	
7. Geovonne Norman Rouson	87.79	75.09
8. New Hope Christian Fellowship	29.70	
9. Barbara Johnson Woodberry	12.21	9.75
10. Clyde Lee Santiago-Melendez	32.05	30.59
11. Richard Heinrich	10.05	
12. Donna Marie Heckle	33.60	26.83
13. William & Dawn Szulewski	92.98	
14. William & Dawn Szulewski	89.44	
15. William & Dawn Szulewski	84.77	
16. William & Dawn Szulewski	91.17	
17. William & Dawn Szulewski	87.52	
18. Brandon Steven Aycock	30.88	29.65
19. Curtis McKinley Thomas	6.11	4.80
20. Tammie Sutton Spence	10.14	7.97
21. Peter Lawrence Beavis	6.59	
22. Peter Lawrence Beavis	22.75	

23.	Chelsea Marie Stark	58.03
24.	Robert Charles Rue	29.05
25.	Jeffrey Caswell Staples	10.08
26.	Ayanna Christine Dorsey-Byrd	70.37
27.	Ayanna Christine Dorsey-Byrd	90.15
28.	Vera Karen Banks	42.97
29.	Cindy Jean McGinnis	45.45
30.	Audrey Ruth Ansink	27.31
31.	Dorothy Canady Moore	26.88
32.	World Dev Group LLC	49.10
33.	World Dev Group LLC	49.20
34.	Shelton Truill Gordon	15.04
35.	GNC #3810	27.28
36.	GNC #3810	41.58
37.	Latoya Kanec Lewis	32.05
		30.59

6. VOTING DELEGATE FOR NCACC ANNUAL CONFERENCE:

NCACC has requested that the Board designate a voting delegate for the NCACC Annual Conference. No action was taken on this item due to the fact Pasquotank County does not currently have a representative planning to attend the conference. Chairman Dixon asked that anyone who would like to attend notify staff so arrangements can be made.

7. CONSIDERATION OF LEASE FOR THE OLD MIDDLE SCHOOL BETWEEN PASQUOTANK COUNTY, THE POLICE ATHLETIC LEAGUE, AND THE BOYS AND GIRLS CLUB:

Chairman Dixon stated that he is currently President of the Boys & Girls Club and requested that he be recused from considering this issue due to a conflict of interest.

Motion was made by Lloyd Griffin, seconded by Joe Winslow to recuse Chairman Dixon from considering the lease between the county, the Police Athletic League, and the Boys and Girls Club. The motion carried and Vice-Chairman Winslow presided for this item.

County Attorney Mike Cox explained that the proposed lease is for 10 years and could go as long as 20 years. The county would have to take the affirmative action to cancel the lease after 10 years in order for it to terminate as it would not occur automatically. A \$150,000 rent payment is coming from the Boys and Girls Club that will be non-refundable unless the lease is terminated pursuant to Article 6 of the agreement. Mr. Cox stated that the County Manager has recommended that the provision that the county will pay the first \$200 of the utility costs each month be removed. He said the deductible and insurance provisions are similar to those in the existing Police Athletic League lease. The premises cannot be sublet except to the Fraternal Order of Police. A new provision provides that if the tenants have a dispute they cannot resolve, they will look to the county to resolve the issue. Mr. Cox advised that since the lease could go beyond 10 years it has to go through the upset bid process.

After questions and discussion;

Motion was made by Lloyd Griffin, seconded by William Sterritt to propose to accept the lease agreement between Pasquotank County, the Police Athletic League, and the Boys and Girls Club for space at the old Elizabeth City Middle School and to begin the upset bid process. The motion carried by a three to one margin with Commissioner Meads voting against the motion.

8. CONSIDERATION OF AGREEMENT FOR CAMDEN MEDICAL PARK:

Motion was made by Lloyd Griffin, seconded by Frankie Meads to delay action on the insurance agreement for the Camden Medical Park. The motion carried.

9. DISCUSSION REGARDING APPOINTMENT TO THE ALBEMARLE COMMISSION:

Chairman Dixon stated that Commissioner Griffin has asked that the Board pass a resolution to allow him to be appointed to the Albemarle Commission since Commissioner White has resigned. Commissioner Sterritt pointed out that staff advised the Board last week that Commissioner Perry would not be able to attend tonight's meeting and had requested that any

appointments be delayed until he returns since he is Chairman of the Appointments Committee. Commissioner Sterritt stated that the Board should respect that request. Commissioner Griffin noted that there is an Albemarle Commission meeting this week and he asked that the Chairman send a notice to the Commission that he will be attending the meeting in Commissioner White's place and will be acting on behalf of Pasquotank County.

10. REPORT FROM COUNTY ATTORNEY:

County Attorney Mike Cox reported that he will be attending the County Attorney's Conference this Friday and Saturday in Asheville.

11. CALENDAR:

The Clerk reviewed the calendar of upcoming meetings and events.

12. REPORTS FROM COMMISSIONERS:

Commissioner William Sterritt reported that the Recreation Advisory Committee gathered last Thursday at 5:30 PM, however there was not a quorum and there has not been one for the last two meetings. He said it is a waste of valuable time for those who do attend when there are not enough members present to hold a meeting. He noted that Pasquotank County's representatives were present.

Commissioner Lloyd Griffin reported on the recent meeting of the Building and Grounds Committee. He said they discussed the upcoming projects for this year including the key card system and security cameras for the Courthouse, as well as some exterior painting at the Courthouse. He said an update on the Sawmill Park project will be presented at the next meeting.

Vice-Chairman Joe Winslow stated that he has been contacted by several individuals in the Newland area about the dike and the amount of rain causing the water level to be high in the dike area. He said some of the farmers are concerned about controlling the water level. He stated that he and the County Manager will be looking at this in the coming week to see if there are better ways to control the water level.

Chairman Jeff Dixon noted that since the county budget was passed, he has not received a lot of calls from individuals regarding the budget. He said the calls he did receive were from property owners who thought they would see a decrease in their taxes but had an increase in taxes.

Chairman Dixon reported that he and Vice-Chairman Winslow have been attending the new Sentara Albemarle Advisory Board meetings. He stated that he is very pleased with what he is hearing. He said they are putting their strategic plan together and will be coming back to the Board to show what their plans are for healthcare in the community going forward. He stated that Sentara is fast-tracking electronic medical records and he believes this is phenomenal. Chairman Dixon said he is very impressed with what Sentara is doing. Vice-Chairman Winslow added that at one of the meetings Sentara said they were used to being in the upper two percent in medical care in the country and anything less than that for Sentara Albemarle is not acceptable. He stated that he has been impressed with the amount of time and money Sentara has invested to turn the hospital around.

Chairman Dixon stated that he would like to commend SunEnergy and Duke Renewables on their investment in Pasquotank County. He added that the recent article in the newspaper about the solar farm in Pasquotank County selling power to the two universities in Washington, DC was very positive and was widely circulated in the media.

Vice-Chairman Winslow asked representatives from SunEnergy and Duke Renewables how the solar farm they are constructing in Pasquotank County will rank in the state. Mr. Hake stated that this solar farm will be the largest in North Carolina.

13. CLOSED SESSION TO PREVENT THE DISCLOSURE OF INFORMATION THAT IS NOT CONSIDERED A PUBLIC RECORD AND TO PRESERVE THE ATTORNEY CLIENT PRIVILEGE:

Chairman Dixon asked for a motion to enter Closed Session to prevent the disclosure of information that is not considered a public record and to preserve the attorney client privilege.

Motion was made by Frankie Meads, seconded by Joe Winslow that the Board enter Closed Session to prevent the disclosure of information that is not considered a public record and to preserve the attorney client privilege. The motion carried.

Upon the end of Closed Session;

Motion was made by Joe Winslow, seconded by Frankie Meads that the Board return to Regular Session. The motion carried.

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

Motion was made by Frankie Meads, seconded by Joe Winslow to adjourn the meeting. The motion carried and the meeting was adjourned at 8:10 PM.


CHAIRMAN


CLERK TO THE BOARD