

**PERSON COUNTY BOARD OF COMMISSIONERS**

**JUNE 3, 2013**

**MEMBERS PRESENT**

**OTHERS PRESENT**

Jimmy B. Clayton

Heidi York, County Manager

Kyle W. Puryear

C. Ronald Aycock, County Attorney

B. Ray Jeffers

Brenda B. Reaves, Clerk to the Board

Frances P. Blalock

David Newell, Sr.

The Board of Commissioners for the County of Person, North Carolina, met in regular session on Monday, June 3, 2013 at 7:00 pm in the Person County Office Building Auditorium.

Chairman Clayton called the meeting to order, led invocation and the Pledge of Allegiance. Vice Chairman Jeffers attended the meeting via telephone conference call as he was in Washington, DC.

**DISCUSSION/ADJUSTMENT/APPROVAL OF AGENDA:**

A **motion** was made by Commissioner Newell, and **carried 5-0** to add an item to the agenda related to compensation for the Board of Equalization and Review.

Chairman Clayton requested the Closed Session #3 on the agenda be moved up to be held as the first Closed Session.

A **motion** was made by Commissioner Blalock, and **carried 5-0** to approve the agenda as adjusted.

**PUBLIC HEARING:**

**FISCAL YEAR 2013-2014 BUDGET:**

A **motion** was made by Commissioner Puryear, and **carried 5-0** to open the duly advertised public hearing related to the Fiscal Year 2013-2014 budget.

The following individual spoke in favor of the Fiscal Year 2013-2014 Budget:

Mr. Chris Chandler of 5754 Burlington Road, Roxboro advocated for the Board to create a focus group and implement a survey related to improvements/enhancements at the Kirby and requested consideration to dedicate funding for such improvements and delay renovation of the second floor and replacing seating until other items were addressed. Mr. Chandler suggested the Board consider including Kirby improvements in any new loans.

The following individuals spoke in opposition to the Fiscal Year 2013-2014 Budget:

**June 3, 2013**

Ms. Pat Hill of 916 Mann Oakley Road, Rougemont and Ms. JoAnne Howerton of 191 Lewis Winstead Loop Road, Roxboro both addressed the Board for recycling center funding absent from the budget for expansion and consolidation of the Person Industries main facility and the recycling center into one facility.

A **motion** was made by Commissioner Puryear, and **carried 5-0** to close the public hearing for the Fiscal Year 2013-2014 budget.

**PUBLIC HEARING:**

**REQUEST BY STRATA SOLAR, LLC FOR A SPECIAL USE PERMIT FOR A SOLAR ENERGY GENERATOR ON 30 ACRES OF A 595 ACRE TRACT ON WOODSDALE ROAD (TAX MAP A58 PARCEL 12) WOODSDALE TOWNSHIP, OWNED BY LINDSAY AND JOHN WAGSTAFF:**

A **motion** was made by Commissioner Blalock, and **carried 5-0** to open the duly advertised public hearing for a request by Strata Solar, LLC for a Special Use Permit for a Solar Energy Generator on 30 acres of a 595 acre tract on Woodsdale Road (Tax Map A58 Parcel 12) Woodsdale Township, owned by Lindsay and John Wagstaff.

The public hearing set to hear a request by Strata Solar, LLC for a Special Use Permit for a Solar Energy Generator on 30 acres of a 595 acre tract on Woodsdale Road (Tax Map A58 Parcel 12) Woodsdale Township, owned by Lindsay and John Wagstaff required a quasi-judicial zoning decision whereby witnesses are to be sworn in and subject to cross examination, no ex parte communication and requires findings of fact. County Attorney, Ron Aycock explained to the group the quasi-judicial process requires witnesses to the sworn to provide testimony whereby the Board sits as a judge and listens to the testimony with no discussions on the topic outside the Board. Chairman Clayton administered the Oath of Sworn Testimony to the following individuals who would offer testimony during the public hearing:

Paula Murphy  
Lance S. Williams  
Brent Niemann  
Richard Kirkland  
Ben Owen

Planning Director, Paula Murphy stated the County has received a Special Use Permit request from Strata Solar, LLC, for a solar energy generator on Woodsdale Road (SR 1326). The company will lease thirty plus acres of a 595 acre tract. Electrical Generating Facilities are allowed with a Special Use Permit in the Rural Conservation District.

Ms. Murphy stated the site plan shows the proposed solar panels with up to 27,000 PV solar panels (approximately 62' x 14.5'), six 750 kw inverters and access to the site. The construction of the project includes erecting erosion control measures, pile driving metal racking (not set in concrete), and installing rows of stationary, silicon based PV solar panels. These are solid state panels with an estimated useful life of more than thirty years. The panels create Direct Current Power which is created onsite through the referenced inverters. Both the panels and inverters are commonly used equipment available through many manufacturers. The power is then sold through a Power Purchase Agreement to Progress Energy. Most aspects of the financial contract are regulated through the North Carolina Utilities Commission. This site is not equipped to store power and does not involve known hazardous materials.

Ms. Murphy noted this site will not require a well or septic system. The use will be unmanned and only visited periodically for routine maintenance. Due to the construction of the solar panels, water is able to flow through, therefore, the panels are not considered in impervious calculations for the site.

Ms. Murphy further noted the plan shows access to the site off of Woodsdale Road. The drive is shown as 24 feet in width. The Ordinance requires 20 feet for two way travel. The Ordinance also requires that travelways and driveways to be paved which includes a turnaround for emergency vehicles. A driveway permit will have to be obtained from NCDOT. A six foot chain link fence with barbed wire will enclose the facility.

#### PHYSICAL CHARACTERISTICS:

Watershed: This property is located in the Roanoke Basin. Flood Hazard: There are no one hundred flood areas on the leased area per FEMA Firm Panel Number 3720090800J. There are numerous streams located on the property. Any streams classified as WS-IV or above will have development restrictions.

#### CHARACTER OF THE SURROUNDING AREA:

The property in question consists of 30 acres of a 595 acre tract on Woodsdale Road and is used as farmland with farm buildings and a tenant house. The parcel is predominantly pasture land with some wooded areas. The surrounding uses consist of doublewides, singlewides, large vacant tracts, Georgia Pacific and Piedmont Maintenance Service.

#### ORDINANCE PROVISIONS:

Article VII, Section 74-4:

Ms. Murphy stated on receiving the recommendation of the Planning Board, the County Commissioners shall consider the application and said recommendation to which the Board may grant or deny the Special Use Permit requested. The Special Use Permit, if granted, shall include such approved plans as may be required. In granting the permit, the County Commissioners shall find:

1. that the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.
2. that the use meets all required conditions and specifications.
3. that the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity, and
4. that the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the comprehensive plan.

Ms. Murphy outlined Section 160-5(B) of the Zoning Ordinance which states: "The Planning Board shall provide a written recommendation to the Board of County Commissioners that addresses that the proposed amendment is consistent with the comprehensive plan, but a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the Board of County Commissioners. Prior to adopting or rejecting any zoning amendment, the Board of County Commissioners shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and why such action is reasonable and in the public interest. The land in question is listed as Suburban Residential which states "Residential land uses including subdivisions and manufactured home parks at densities of 1-3 dwelling units per acre; commercial, office, industrial, public/institutional uses meeting locational criteria. Locational criteria for non-residential uses within this land use category would include frontage and access to a major State highway or secondary road, proximity to similar uses and spatial separation from non-compatible uses such as existing residential development. Land uses within this category could develop with or without public sewer." The Land Use Plan in Section 2.1 states "Promote continued economic investment through retention and expansion of existing industrial concerns and the recruitment of new industries and commercial businesses."

Ms. Murphy recommended the Board to include the following conditions should the Board decide to grant approval of the Special Use Permit:

1. Applicant to obtain a driveway permit from NCDOT. A copy of the permit to be given to Planning and Zoning prior to issuance of a zoning permit
2. Applicant to obtain Erosion and Sedimentation Control Plan. A copy of the approved plan and approval letter to be given to Planning and Zoning prior to issuance of Zoning Permit.
3. A final "as built" to be submitted to Planning and Zoning prior to issuance of a Certificate of Occupancy.
4. Access to the site to be minimum of 20 feet in width, parking to accommodate two vehicles (each 9' x 18') and turnaround minimum of seventy feet (driving surface) for emergency vehicles.
5. Applicant to obtain all Federal, State and Local permits that are required.
6. Applicant to meet all conditions of the Person County Zoning Ordinance.
7. Applicant will need to obtain a Zoning Permit and Building Permit from Person County prior to any construction.

Ms. Murphy reminded the Board to address the findings of fact in Section 74-4 and whether the plan is in keeping with the comprehensive plan. Ms. Murphy stated should the Board find that the request is not in keeping with the comprehensive plan, the Board may approve the request but to state such.

#### PLANNING BOARD REVIEW:

The Planning Board held a Public Hearing on May 9, 2013 and voted 4 to 0 to recommend approval with the conditions outlined above and that it met the findings of fact in Section 74-4 and was in keeping with the comprehensive plan.

Commissioner Newell asked Ms. Murphy's recommendation. Ms. Murphy recommend the Board approve the request with the conditions noting she has been told that some of the land owned by Mr. Wagstaff would not perk which would be difficult in the future unless water and sewer is extended.

Vice Chairman Jeffers asked if the barbed wire fence is a requirement by the Planning Board or if the applicant requested such. Ms. Murphy noted zoning does not have a requirement on the type of fence, further noting the Board can set requirement and/or conditions related to the fence since it is a special use permit request. County Manager, Heidi York asked Ms. Murphy if the fence would be the same fence as located at the 501 solar farm. Ms. Murphy and Chairman Clayton stated the fence on the 501 solar farm has a woven wire with barbed wire at the top. Ms. Murphy stated the Strata Solar farm will include a chain link fence with barbed wire. Mr. Lance Williams interjected that the 501 solar farm is not owned by Strata Solar. Vice Chairman Jeffers added he would like the Board to be consistent on what is being approved with the solar farms.

Commissioner Blalock asked if the community was made aware of the solar farm. Ms. Murphy stated at the Planning Board Public Hearing in May, the room was full of people. Ms. Murphy illustrated through a large drawing in the room that in the area proposed, there are a lot of large parcels in the area. Commissioner Blalock asked what the community response was at the Planning Board Public Hearing. Ms. Murphy stated residents did not think the solar farms are pretty and would be ugly to look at. Commissioner Blalock asked if there would be any type of buffer. Ms. Murphy stated a buffer is not required.

Speaking to the Board as a proponent of the request by Strata Solar, LLC for a Special Use Permit for a Solar Energy Generator on 30 acres of a 595 acre tract on Woodsdale Road (Tax Map A58 Parcel 12) Woodsdale Township, owned by Lindsay and John Wagstaff included the following:

Mr. Lance S. Williams of 1119 S. US 15-501 Highway, Chapel Hill and Manager of Site Development for Strata Solar presented to the Clerk to the Board and any commissioners that wished to have copy of affidavits of testimony for himself, Brent Niemann and Richard Kirkland along with an Appraisal Report prepared by Mr. Kirkland. The affidavits include written responses for findings of fact. A copy of such Appraisal Report is incorporated in these minutes by reference and will be on file in the office of the Clerk to the Board. Mr. Williams told the Board that Strata Solar looks for a solar farm to be located in a rural, light residential area, in keeping with rural character noting most company projects are in rural areas. Mr. Williams noted the developed site generally has 2% of impervious surface so there is no effect to the way the water runs off the land. Mr. Williams noted solar farms are a much lesser intensive- use than green houses, barns, houses and subdivisions and compatible in rural areas. Mr. Williams stated the site would be unmanned and maintenance would be on a weekly or infrequent basis which would create less traffic on the road than one house. No noises should be heard off-site. Mr. Williams noted the only noise on-site is a hum-noise from the inverter creating current which is not heard more than 150 feet away noting there are no property owners very close in general and not within 150 feet. Mr. Williams noted there would be no odor from the site and also lesser intensive use than the general industrial uses in the area, i.e. Georgia Pacific or as compared to the permitted agricultural uses. Mr. Williams stated that the solar farm use is in compliance with the characteristics of the Person County Land Use Plan.

Mr. Williams stated the land uses are typical of a mix of landlord uses with the solar farm allowing for diversification of income with a stable supply of income to supplement more seasonable businesses, for instance, forestry as well as stabilizing the landowner's ability to hold onto their land.

Mr. Williams stated Strata Solar will pay taxes on the equipment although not sure of the exact amount in Person County noted similar projects generally come to about \$30,000. Mr. Williams noted there would not be any requests for county services with a low impact on neighbors noting a \$12-\$14 million investment.

Mr. Williams noted the fence will be a six foot in height with barbed wire further noting solar farms are safe but to defer vandalism and their incumbent duty to keep it safe due to the solar panels will create power for 2,000 houses.

Commissioner Blalock asked Mr. Williams the length of the lease. Mr. Williams stated the lease period is for 20-years with two additional 5-year period options. Mr. Williams noted a solar panel has a warranty at the end of 25-years to produce at 85% of its original intended use which could extend the lease period up to 50-years.

Mr. Williams noted the posts are ground mounted, not in concrete, and the receiving area would be set up on logging mats that would be picked up when the company finished with the structure. At the end of the lease period, Mr. Williams stated the land could revert back to original uses or other uses. Mr. Williams stated minor grading will be done only in the area for the inverters so to raise the inverters on gravel so the electrical equipment does not get wet in rain.

Commissioner Blalock asked Mr. Williams how the grass will be maintained. Mr. Williams stated sheep cannot always keep the growth down so Strata Solar will be using an internal maintenance crew as well as outside landscape contractors to maintain solar farms. Mr. Williams noted while employees are not on site, Strata Solar will have electrical first responders and landscape contractors and other people with businesses in the community to earn income on a periodic basis at the solar farms. Mr. Williams commented Strata Solar will work with the local agricultural extension office and NC State for the best grass option so not to grow high and keep the weeds down noting fescue turns to hay and not the proper appearance.

Mr. Williams' affidavit of record is below:

STATE OF NORTH CAROLINA  
CITY OF PERSON

BEFORE THE  
COUNTY COMMISSIONERS

SPECIAL USE PERMIT  
APPLICATION FOR A  
SOLAR FARM

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AFFIDAVIT OF  
LANCE WILLIAMS

NOW COMES the undersigned Affiant, who, being first duly sworn deposes and says:

1. I am over eighteen (18) years of age and competent to testify to the matters set forth in this Affidavit.
2. I am Manager of Site Development for Strata Solar. I have worked for Strata Solar in this capacity since September 2011. I am a Qualifier on Strata Solar's North Carolina General Contractor's license. During that time I have overseen the planning and development of solar farms located within cities and counties throughout North Carolina.
3. Strata Solar proposes to construct a solar farm on approximately 30 ± acres of an 594± acres tract, owned by Lindsay T. Wagstaff, Jr, Trustee and John H. Wagstaff, Trustee. The property – referred to as the Wagstaff Farm - is located off Woodsdale Road, TAX MAP A58/12. The solar farm will consist of fixed solar panels that generate no noise, no smell and less traffic than one typical residential dwelling.
4. The creation of solar energy is virtually silent, the only sound being the quiet hum of equipment converting and conveying electricity to the power grid during daylight hours. The solar panels will be approximately ten feet (10') in height.
5. Access to the site will be from a new driveway onto Woodsdale Road. The solar farm will not be staffed daily. Employees will visit the site weekly or less frequently to check and maintain the equipment.
6. Fencing (6' chain link with 3 strands barbed wire) will be provided along the perimeter of the solar farm site (with all entrances gated) to prevent trespassing on the property. Aluminum signs ("Danger –High Voltage" and "Danger – No Trespassing") measuring 14" x 10" in size, will be placed on the fencing every 100 feet, as required by the city code.
7. I am familiar with the proposed solar farm use, including the special use permit request. I have personally toured the property and specifically inspected the location of the proposed project. I assisted in preparation of the application and associated for

June 3, 2013



submittal to the city. It is my professional opinion that the application is in substantial compliance with the Person County Planning Ordinance.

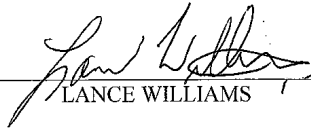
8. It is my professional opinion that the proposed solar farm will be in harmony with the area in which it is to be located. The proposed solar farm is consistent with the residential and agricultural land uses that exist in the area today. The proposed solar farm is consistent with Person County's Land Development Plan.

9. It is my professional opinion that the proposed solar farm will be in general conformity with the land use plan, planning ordinance, and other official plans adopted by Person County.

10. It is my professional opinion that the proposed solar farm will not materially endanger the public health or safety. Access to the site will be from a new driveway onto Woodsdale Road. A Driveway Permit has been applied for to the North Carolina Department of Transportation for the driveway shown on the submitted site plan. The site is appropriately located to be served by fire, police and emergency services, if needed

Further the Affiant Sayeth Not.

This the 3<sup>rd</sup> day of June, 2013.

  
LANCE WILLIAMS

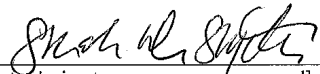
**ACKNOWLEDGMENT**

STATE OF NORTH CAROLINA

COUNTY OF ORANGE

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he signed the foregoing document: Lance Williams.

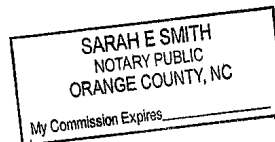
Date: June 3<sup>rd</sup>, 2013

  
[Notary's signature as name appears on seal]

Sarah E. Smith, Notary Public  
[Notary's printed name as name appears on seal]

(SEAL)

My commission expires: May 16, 2017



Mr. Brent Niemann of 1119 S. US 15-501 Highway, Chapel Hill and a licensed NC professional engineer employed by Strata Solar who prepared the plan as submitted stated construction techniques include an evaluation of every site for wetlands and streams. Mr. Niemann noted a couple of features identified on the western side of the site which will not be impacted at all. Mr. Niemann stated plans have been prepared and approval received from DENR for the erosion control permit as well as received approval from NCDOT for the driveway permit noting he will be providing such to Ms. Murphy. Mr. Niemann stated the proposed site was perfect with nice rolling topography, heavily covered with grass currently noting Strata Solar does not like to cut trees. Mr. Niemann noted he met with Mr. Wagstaff and his rancher this past week to discuss opportunities to connect his fence with Strata Solar's fence to enable Mr. Wagstaff's cattle to graze around the external area of the solar farm site. Mr. Niemann stated Mr. Wagstaff does raise sheep so Strata Solar will have the opportunity to introduce sheep in a couple of years once the stand of grass is ready for sheep. Mr. Niemann stated the posts would be driven into the ground in about three days using an apparatus that NCDOT uses to drive posts. Attached to the posts will be aluminum racking to which the black panels are installed and wired together underground in tubing for the energy to be transferred from direct current to alternating current overhead to the grid according to Mr. Niemann. Mr. Niemann confirmed the minor grading at the inverter areas to divert the surface drainage. Mr. Niemann noted a turn-around area plus two parking places is included on the plan as Ms. Murphy referred.

Mr. Niemann's affidavit of record is below:

**June 3, 2013**

STATE OF NORTH CAROLINA

BEFORE THE  
COUNTY COMMISSIONERS

COUNTY OF PERSON

SPECIAL USE PERMIT  
APPLICATION FOR A  
SOLAR FARM

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**AFFIDAVIT OF  
BRENT T. NIEMANN, PE**

NOW COMES the undersigned Affiant, who, being first duly sworn, deposes and says:

1. I am over eighteen (18) years of age and competent to testify to the matters set forth in this Affidavit.
2. I am a licensed North Carolina professional engineer employed by Strata Solar.
3. Strata Solar proposes to construct a solar farm on approximately 30 ± acres of a 594± acres tract, owned by Lindsay T. Wagstaff, Jr, Trustee and John H. Wagstaff, Trustee. The property – referred to as the Wagstaff Farm - is located off Woodsdale Road, TAX MAP A58/12. The solar farm will consist of fixed solar panels that generate no noise, no smell and less traffic than one typical residential dwelling. The solar panels will be approximately ten feet (10') in height, much lower than the typical house.
4. I am familiar with the proposed solar farm use, including the Special Use Permit request. I assisted in preparation of the application and associated for submittal to the County, and it is my professional opinion that the application package is complete.
5. The solar farm will contain rows of Photovoltaic cells set in the ground by hand to minimize grading. The site will be constructed in one phase. The solar cell configuration contains no moving parts.
6. It is my professional opinion that the proposed solar farm will not materially endanger the public health or safety. Access to the site will be from a new driveway onto Woodsdale Road. A Driveway Permit has been applied for to the North Carolina Department of Transportation for the driveway shown on the submitted site plan. The site is appropriately located to be served by fire, police and emergency services, if needed.
7. The proposed solar farm will generate almost no traffic. The solar farm will not be staffed daily. Employees will visit the site weekly or less frequently to check and maintain the equipment. The proposed solar farm will generate far fewer daily trips than one average single-family detached home.

June 3, 2013

8. The creation of solar energy is virtually silent. The only sound is the quiet hum of equipment converting and conveying electricity to the power grid during daylight hours. Similar facilities are already located in residential neighborhoods to deliver power to homes. Solar panels are designed to absorb rather than reflect light.

9. The area beneath the solar panels will be planted with grass or other vegetation to stabilize the soil. The active area of the solar farm will be enclosed by a six foot (6') high fence to prevent unauthorized access to the site.

10. It is my professional opinion that the location and character of the use will be in harmony with that area in which it is located. The proposed solar farm is consistent with the residential and agricultural land uses that exist in the area today. The proposed solar farm is consistent with the Person County's Land Development Plan.

11. It is my professional opinion that the use meets all conditions and specifications required by Person County's Planning Ordinance for the proposed use.

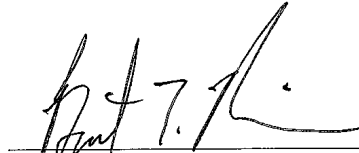
12. It is my professional opinion that the proposed solar farm meets all of the requirements for issuance of a Special Use Permit for this use.

Further the Affiant Sayeth Not.

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**June 3, 2013**

This the 3 day of June, 2013.

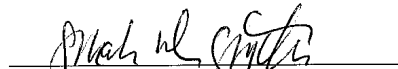
  
Brent T. Niemann

**ACKNOWLEDGMENT**

**WAKE COUNTY, NORTH CAROLINA**

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: Brent Niemann.

Date: June 3<sup>rd</sup>, 2013

  
[Notary's signature as name appears on seal]

Sarah E. Smith, Notary Public  
[Notary's printed name as name appears on seal]

(SEAL)



My commission expires: May 16, 2017

**June 3, 2013**

Mr. Richard Kirkland of 3540 Layton Ridge Drive, Apex and a licensed NC real estate appraiser with an MAI Designation hired by Strata Solar to review the impact of a solar farm to adjacent properties. Mr. Kirkland stated he has been a commercial appraiser for sixteen years in NC who has worked with residential, rural and commercial properties and very familiar with the Person County area. In looking at the proposed property, Mr. Kirkland reviewed other solar farms across NC noting solar farms as the proposed are still a fairly new product, breaking out into the market in the last three years to which coincides with the downturn of the residential market with very few land sales which has made the traditional answer for addressing value by matched pair analysis completely ineffectual. Mr. Kirkland stated he reviewed over 25 solar farms to match pairs to which he could not find sales which is not uncommon to residential and rural land which is also hard to find sales the last few years. Mr. Kirkland stated the second step involved reviewing the conditions that would impact the value, i.e., appearance, noise, odor, traffic, things that would trigger an effect on value. Mr. Kirkland noted appearance was a concern at the Planning Board Public Hearing to which he addressed noting the appearance is similar to that of a greenhouse, in fact, a cleaner look because there is less going on around it. Mr. Kirkland noted the blue panels have a glossy look, less than ten feet tall, similarly to the look of a greenhouse (pictures of each are noted in the report).

Mr. Kirkland stated the property is located on the west side of Woodsdale Road and is currently used for agriculture and proposed to be developed as a solar farm on roughly 5% of the overall 600-acre tract. Mr. Kirkland noted the property has 41 parcels that adjoin the parent tract of the subject property but only four are located at the proposed solar farm section of the property and are all located across Woodsdale Road to which the appearance condition would be a factor. Mr. Kirkland stated there was no basis for noise or odor coming from the solar farm. Mr. Kirkland commented traffic would be at a minimum and on an infrequent basis for landscaping and such. Mr. Kirkland noted there would be no hazardous material stored on site.

Mr. Kirkland concluded that the proposed solar farm is in harmony with the area and will not substantially injure the value of the adjoining properties. Mr. Kirkland identified nothing that would suggest a negative impact and found the use to be compatible with the existing farmland and residential uses.

Mr. Kirkland's affidavit of record is below:

**June 3, 2013**

STATE OF NORTH CAROLINA  
COUNTY OF PERSON

BEFORE THE  
COUNTY COMMISSIONERS

SPECIAL USE PERMIT  
APPLICATION FOR A  
SOLAR FARM

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AFFIDAVIT OF  
RICHARD C. KIRKLAND, MAI

NOW COMES the undersigned Affiant, who, being first duly sworn deposes and says:

1. I am over eighteen (18) years of age and competent to testify to the matters set forth in this Affidavit.
2. I am a licensed North Carolina real estate appraiser with an MAI Designation, actively practicing in North Carolina for 14 years. A copy of my report and qualifications is attached to this affidavit as Exhibit A.
3. Strata Solar proposes to construct a solar farm on approximately 30 ± acres of an 594± acres tract, owned by Lindsay T. Wagstaff, Jr, Trustee and John H. Wagstaff, Trustee. The property – referred to as the Wagstaff Farm - is located off Woodsdale Road, TAX MAP A58/12 The solar farm will consist of fixed solar panels that generate no noise, no smell and less traffic than one typical residential dwelling. The solar panels will be approximately ten feet (10') in height, much lower than the typical house.
4. As a part of my study, I conducted research through the Appraisal Institute and other sources regarding the impact of a solar farm on adjacent properties. I found nothing to suggest a negative impact.
5. I inspected the property and the immediate neighborhood as a part of my evaluation. I looked at the specific adjacent parcels of land surrounding this proposed solar farm. The property is surrounded by farm land and single-family residences, which, I believe are compatible uses. There is also some industrial uses nearby.
6. Based upon the detailed information contained in my report, I conclude that the proposed solar farm is in harmony with the area in which it is located and that it will not substantially injure the value of adjoining of abutting property.

Further the Affiant Sayeth Not.

**June 3, 2013**



This the 3<sup>rd</sup> day of June, 2013.

  
RICHARD C. KIRKLAND

**ACKNOWLEDGMENT**


STATE OF NORTH CAROLINA

COUNTY OF Wake

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he signed the foregoing document: Richard C. Kirkland.

Date: June 3<sup>rd</sup>, 2013



  
[Notary's signature as name appears on seal]

Anna Ni, Notary Public  
[Notary's printed name as name appears on seal]

My commission expires: 06/17/2017

Speaking to the Board as an opponent of the request by Strata Solar, LLC for a Special Use Permit for a Solar Energy Generator on 30 acres of a 595 acre tract on Woodsdale Road (Tax Map A58 Parcel 12) Woodsdale Township, owned by Lindsay and John Wagstaff was Mr. Ben Owen of 1168 Woodsdale Road, Roxboro.

Mr. Owen stated he was born and raised across the road from the property where the solar farm would be located noting he has always enjoyed sitting on the porch looking at the cows and Hagar's Mountain in the background. Mr. Owen stated it would not be fun to look at the proposed solar farm. Mr. Owen stated he believed the value of his house might come down. Mr. Clint Lloyd, attorney for the applicant, Strata Solar, interrupted Mr. Owen stating that in a hearing in NC only a real estate appraiser is allowed to speak to the value of land. County Attorney, Ron Aycock stated the attorney is substantially correct but felt the landowner can testify as to his opinion as to the value noting the attorney and the applicant is free to appeal, further noting should the Board of Commissioners grant approval of the request, it would be a moot point. Mr. Lloyd apologized to Mr. Owen for the interruption. Mr. Owen continued to state if he needed to go to a rest home, he believed his property would be hard to sell.

Commissioner Puryear asked about a potential glare from the solar panels near Woodsdale Road that could present a safety issue for drivers. Mr. Williams responded the solar panels are designed to absorb light and not deflect light and is viewed more similarly as a body of water noting there are solar farms built around airports across the United States noting corn from a grain field has higher amount of glare than a solar farm.

Commissioner Blalock asked Mr. Williams how many acres will the solar farm panels actually cover. Mr. Williams stated the lease is for a little more than 35 acres and the solar panels will cover 28-30 acres of the 600-acre parcel.

A **motion** was made by Commissioner Puryear, and **carried 5-0** to close the public hearing for a request by Strata Solar, LLC for a Special Use Permit for a Solar Energy Generator on 30 acres of a 595 acre tract on Woodsdale Road (Tax Map A58 Parcel 12) Woodsdale Township, owned by Lindsay and John Wagstaff.

**CONSIDERATION TO GRANT OR DENY THE REQUEST BY STRATA SOLAR, LLC FOR A SPECIAL USE PERMIT FOR A SOLAR ENERGY GENERATOR ON 30 ACRES OF A 595 ACRE TRACT ON WOODSDALE ROAD (TAX MAP A58 PARCEL 12) WOODSDALE TOWNSHIP, OWNED BY LINDSAY AND JOHN WAGSTAFF:**

A **motion** was made by Vice Chairman Jeffers, and **carried 5-0** to approve the request by Strata Solar, LLC for a Special Use Permit for a Solar Energy Generator on 30 acres of a 595 acre tract on Woodsdale Road (Tax Map A58 Parcel 12) Woodsdale Township, owned by Lindsay and John Wagstaff as recommended by the Planning Board including the conditions as outlined below and agreeing that the request met the findings of fact in Section 74-4 and was in keeping with the comprehensive plan:

1. Applicant to obtain a driveway permit from NCDOT. A copy of the permit to be given to Planning and Zoning prior to issuance of a zoning permit.
2. Applicant to obtain Erosion and Sedimentation Control Plan. A copy of the approved plan and approval letter to be given to Planning and Zoning prior to issuance of Zoning Permit.
3. A final "as built" to be submitted to Planning and Zoning prior to issuance of a Certificate of Occupancy.
4. Access to the site to be minimum of 20 feet in width, parking to accommodate two vehicles (each 9' x 18') and turnaround minimum of seventy feet (driving surface) for emergency vehicles.
5. Applicant to obtain all Federal, State and Local permits that are required.
6. Applicant to meet all conditions of the Person County Zoning Ordinance.
7. Applicant will need to obtain a Zoning Permit and Building Permit from Person County prior to any construction.

Commissioner Blalock suggested consideration for the company to maybe plant trees across from Mr. Owen's driveway to possibly block the view of the solar farm.

**PUBLIC HEARING:**

**REQUEST BY STRATA SOLAR, LLC FOR A SPECIAL USE PERMIT FOR A SOLAR ENERGY GENERATOR ON 34+ ACRES OF A 479 ACRE TRACT (TAX MAP A68 PARCEL 9) ON BOSTON ROAD, HOLLOWAY TOWNSHIP, OWNED BY MARY WINSTEAD MERRITT:**

A **motion** was made by Commissioner Blalock, and **carried 5-0** to open the duly advertised public hearing for a request by Strata Solar, LLC for a Special Use Permit for a Solar Energy Generator on 34+ acres of a 479 acre tract on Boston Road (Tax Map A68 Parcel 9) Holloway Township, owned by Mary Winstead Merritt.

The public hearing set to hear a request by Strata Solar, LLC for a Special Use Permit for a Solar Energy Generator on 34+ acres of a 479 acre tract on Boston Road (Tax Map A68 Parcel 9) Holloway Township, owned by Mary Winstead Merritt required a quasi-judicial zoning decision whereby witnesses are to be sworn in and subject to cross examination, no ex parte communication and requires findings of fact. Chairman Clayton administered the Oath of Sworn Testimony to the following individuals who would offer testimony during the public hearing:

Paula Murphy  
Lance S. Williams  
Brent Niemann  
Richard Kirkland

Planning Director, Paula Murphy stated the County has received a Special Use Permit request from Strata Solar, LLC, for a solar energy generator on Boston Road (US 501). The company will lease 34.83 acres of a 479 acre tract owned by Mary Winstead Merritt. Electrical Generating Facilities are allowed with a Special Use Permit in the Rural Conservation District. The property is currently used as farmland.

Ms. Murphy noted the site plan shows the proposed solar panels with up to 27,000 PV solar panels (approximately 62' x 14.5'), ten 500 kw inverters and access to the site. The construction of the project includes erecting erosion control measures, pile driving metal racking (not set in concrete), and installing rows of stationary, silicon based PV solar panels. These are solid state panels with an estimated useful life of more than thirty years. The panels create Direct Current Power which is created onsite through the referenced inverters. Both the panels and inverters are commonly used equipment available through many manufacturers. The power is then sold through a Power Purchase Agreement to Progress Energy. Most aspects of the financial contract are regulated through the North Carolina Utilities Commission. This site is not equipped to store power and does not involve known hazardous materials.

Ms. Murphy stated this site will not require a well or septic system. The use will be unmanned and only visited periodically for routine maintenance. Due to the construction of the solar panels, water is able to flow through, therefore, the panels are not considered in impervious calculations for the site.

Ms. Murphy stated the plan shows access to the site by an existing gravel drive off US 501 with a parking area and a turnaround area for emergency vehicles. The drive is shown as 24 feet in width. The Ordinance requires 20 feet for two way travel. The Ordinance also requires that the entranceway and driving areas to be paved. A driveway permit will have to be obtained from NCDOT. A six foot chain link fence with barbed wire will enclose the facility. Ms. Murphy stated the solar farm as shown on the site plan meets all conditions of the Zoning Ordinance.

#### PHYSICAL CHARACTERISTICS:

Watershed: Located in the Roanoke River Basin. Flood Hazard: There are no one hundred flood areas on the leased area per FEMA Firm Panel Number 3720092900J. There are numerous streams located on the property. Any streams classified as WS-IV or above has development restrictions.

#### CHARACTER OF THE SURROUNDING AREA:

Ms. Murphy noted the property in question consists of 34.83 acres of a 479 acre tract on Boston Road and is used as farmland. The parcel is predominantly pasture land with some wooded areas. The surrounding uses consist of single family dwellings, farmland and an old Truck Service Building.

#### ORDINANCE PROVISIONS:

##### Article VII, Section 74-4:

Ms. Murphy told the Board that on receiving the recommendation of the Planning Board, the County Commissioners shall consider the application and said recommendation to which the Board may grant or deny the Special Use Permit requested. The Special Use Permit, if granted, shall include such approved plans as may be required. In granting the permit, the County Commissioners shall find:

1. that the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.
2. that the use meets all required conditions and specifications.
3. that the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity, and
4. that the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the comprehensive plan.

Ms. Murphy stated Section 160-5(B) of the Zoning Ordinance states: "The Planning Board shall provide a written recommendation to the Board of County Commissioners that addresses that the proposed amendment is consistent with the comprehensive plan, but a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the Board of County Commissioners. Prior to adopting or rejecting any zoning amendment, the Board of County Commissioners shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and why such action is reasonable and in the public interest. The land in question is listed

as Suburban Residential which states “Residential land uses including subdivisions and manufactured home parks at densities of 1-3 dwelling units per acre; commercial, office, industrial, public/institutional uses meeting locational criteria. Locational criteria for non-residential uses within this land use category would include frontage and access to a major State highway or secondary road, proximity to similar uses and spatial separation from non-compatible uses such as existing residential development. Land uses within this category could develop with or without public sewer.” The Land Use Plan in Section 2.1 states “Promote continued economic investment through retention and expansion of existing industrial concerns and the recruitment of new industries and commercial businesses.”

Ms. Murphy stated that should the Board decide to grant approval of the Special Use Permit, the following conditions should be included:

1. Applicant to obtain a driveway permit from NCDOT. A copy of the permit to be given to Planning and Zoning prior to issuance of a zoning permit.
2. Applicant to obtain Erosion and Sedimentation Control Plan. A copy of the approved plan and approval letter to be given to Planning and Zoning prior to issuance of Zoning Permit.
3. A final “as built” to be submitted to Planning and Zoning prior to issuance of a Certificate of Occupancy.
4. Access to the site to be minimum of 20 feet in width, parking to accommodate two vehicles (each 9’ x 18’) and turnaround minimum of seventy feet (driving surface) for emergency vehicles.
5. Applicant to obtain all Federal, State and Local permits that are required.
6. Applicant to meet all conditions of the Person County Zoning Ordinance.
7. Applicant will need to obtain a Zoning Permit and Building Permit from Person County prior to any construction.

Ms. Murphy reminded the Board to address the findings of fact in Section 74-4 and whether the plan is consistent with the comprehensive plan.

#### PLANNING BOARD REVIEW:

Ms. Murphy stated the Planning Board held a Public Hearing on May 9, 2013 and voted 4 to 0 to recommend approval with the conditions outlined above, that it was in keeping with Section 74-4 and consistent with the comprehensive plan.

Ms. Murphy told the group the technology is basically the same for this solar park as presented for the previous request.

Commissioner Blalock asked Ms. Murphy if there were any residents to speak at the Planning Board Public Hearing. Ms. Murphy stated there were none to speak noting there were two individuals that attended that were in support of the solar farm. Ms. Murphy showed on a map in the room the footprint is a large parcel to which only a portion will be used with the farm as the majority of surrounding property. Ms. Murphy noted property owners bordering the large parcel were notified.

Commissioner Newell added there are a lot of trees to be moved. It was confirmed that trees will have to be moved by the Site Development Manager, Mr. Lance Williams.

Ms. Murphy stated Strata Solar has done a thorough job as the Board can see from the information in the packet to cover items, i.e., endangered species, streams and wetlands.

Speaking to the Board as a proponent of the request by Strata Solar, LLC for a Special Use Permit for a Solar Energy Generator on 34+ acres of a 479 acre tract on Boston Road (Tax Map A68 Parcel 9) Holloway Township, owned by Mary Winstead Merritt included the following:

Mr. Lance S. Williams of 1119 S. US 15-501 Highway, Chapel Hill and Manager of Site Development for Strata Solar presented to the Clerk to the Board and any commissioners that wished to have copy of affidavits of testimony for himself, Brent Niemann and Richard Kirkland along with an Appraisal Report prepared by Mr. Kirkland. A copy of such Appraisal Report is incorporated in these minutes by reference and will be on file in the office of the Clerk to the Board. The affidavits include written responses for findings of fact.

Mr. Williams stated this request is very similar to the previous request whereby he spoke to the rural character of the solar farm as well as diversifying the income for large landowners to stabilize landholding. Mr. Williams noted this landowner has a historical site just north of the solar farm site and is looking for ways to make income to maintain ownership to prevent further dividing of the parcel and to keep the historical land there. Mr. Williams reminded the Board of the added tax base without the addition of expenses for services.

Mr. Williams stated, as Commissioner Newell pointed out, the proposed site is an atypical site for Strata Solar in that a lot of trees will have to be harvested. Mr. Williams explained the main reason related to a pond with a dam behind it with a separate owned property near the pond. Mr. Williams pointed to the large map to show where the house is located near the pond noting the intent was to keep the farm on one side of the driveway instead of the solar farm being on both sides of the driveway and not to locate the solar farm behind the dam to risk it giving way. Mr. Williams stated Mr. Niemann will point out that Strata Solar is held to a higher standard than normal timber operations noting they will get all the DENR permits as required. Mr. Williams stated initially Strata Solar thought they would locate the solar farm on both sides of Boston Road as one side had fields, but upon learning of the long range road plans of Person County and the State to build a 501 bypass that would come through a portion of that property, it only made sense to develop the solar farm on the side with the trees based on the future usage of the other side of the road. Commissioner Blalock stated she had wondered why Strata Solar would take down trees when there was open land available, but she understood after his explanation.

Mr. Williams noted there is a substation north of the site that Progress put in not too long ago with a significant electrical infrastructure that runs from there back to Roxboro that will support the solar farm project.

Mr. Williams' affidavit of record is below:

STATE OF NORTH CAROLINA  
CITY OF PERSON

BEFORE THE  
COUNTY COMMISSIONERS

SPECIAL USE PERMIT )  
APPLICATION FOR A )  
SOLAR FARM )  
)

AFFIDAVIT OF  
LANCE WILLIAMS

NOW COMES the undersigned Affiant, who, being first duly sworn deposes and says:

1. I am over eighteen (18) years of age and competent to testify to the matters set forth in this Affidavit.
2. I am Manager of Site Development for Strata Solar. I have worked for Strata Solar in this capacity since September 2011. I am a Qualifier on Strata Solar's North Carolina General Contractor's license. During that time I have overseen the planning and development of solar farms located within cities and counties throughout North Carolina.
3. Strata Solar proposes to construct a solar farm on approximately 35 ± acres of a 479± acres tract, owned by Mary E. Merritt Winstead, Trustee. The property – referred to as the Roxboro Solar Farm - is located off Boston Road, TAX MAP A68/9. The solar farm will consist of fixed solar panels that generate no noise, no smell and less traffic than one typical residential dwelling. The solar panels will be approximately ten feet (10') in height, much lower than the typical house.
4. The creation of solar energy is virtually silent, the only sound being the quiet hum of equipment converting and conveying electricity to the power grid during daylight hours. The solar panels will be approximately ten feet (10') in height.
5. Access to the site will be from a new driveway onto Boston Road. The solar farm will not be staffed daily. Employees will visit the site weekly or less frequently to check and maintain the equipment.
6. Fencing (6' chain link with 3 strands barbed wire) will be provided along the perimeter of the solar farm site (with all entrances gated) to prevent trespassing on the property. Aluminum signs ("Danger –High Voltage" and "Danger – No Trespassing") measuring 14" x 10" in size, will be placed on the fencing every 100 feet, as required by the city code.
7. I am familiar with the proposed solar farm use, including the special use permit request. I have personally toured the property and specifically inspected the location of the proposed project. I assisted in preparation of the application and associated for

June 3, 2013



submittal to the city. It is my professional opinion that the application is in substantial compliance with the Person County Planning Ordinance.

8. It is my professional opinion that the proposed solar farm will be in harmony with the area in which it is to be located. The proposed solar farm is consistent with the residential and agricultural land uses that exist in the area today. The proposed solar farm is consistent with Person County's Land Development Plan.

9. It is my professional opinion that the proposed solar farm will be in general conformity with the land use plan, planning ordinance, and other official plans adopted by Person County.

10. It is my professional opinion that the proposed solar farm will not materially endanger the public health or safety. Access to the site will be from a new driveway onto Boston Road. A Driveway Permit has been applied for to the North Carolina Department of Transportation for the driveway shown on the submitted site plan. The site is appropriately located to be served by fire, police and emergency services, if needed

Further the Affiant Sayeth Not.

This the 3 day of June, 2013.

  
LANCE WILLIAMS

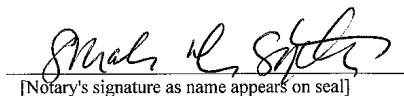
**ACKNOWLEDGMENT**

STATE OF NORTH CAROLINA

COUNTY OF ORANGE

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he signed the foregoing document: Lance Williams.

Date: June 3, 2013

  
[Notary's signature as name appears on seal]

Sarah E. Smith, Notary Public  
[Notary's printed name as name appears on seal]

(SEAL)

My commission expires: May 16, 2017



Mr. Brent Niemann of 1119 S. US 15-501 Highway, Chapel Hill and a licensed NC professional engineer employed by Strata Solar stated the solar farm site on Boston Road was not the preferred site due to the amount of trees. Mr. Niemann stated Strata Solar has not yet completed the plans for DENR but will prior to construction as that time gets closer noting a driveway permit has been received. Mr. Niemann noted the only main difference from this request to the previous is that a stream is present that will have to be permitted with the Army Corp and DWQ noting good experience with the nation-wide permit.

Mr. Niemann's affidavit of record is below:

STATE OF NORTH CAROLINA

BEFORE THE  
COUNTY COMMISSIONERS

COUNTY OF PERSON

SPECIAL USE PERMIT  
APPLICATION FOR A  
SOLAR FARM

)  
)  
)  
)

**AFFIDAVIT OF  
BRENT T. NIEMANN, PE**

NOW COMES the undersigned Affiant, who, being first duly sworn, deposes and says:

1. I am over eighteen (18) years of age and competent to testify to the matters set forth in this Affidavit.
2. I am a licensed North Carolina professional engineer employed by Strata Solar.
3. Strata Solar proposes to construct a solar farm on approximately 35 ± acres of a 479± acres tract, owned by Mary E. Merritt Winstead, Trustee. The property – referred to as the Roxboro Solar Farm - is located off Boston Road, TAX MAP A68/9. The solar farm will consist of fixed solar panels that generate no noise, no smell and less traffic than one typical residential dwelling. The solar panels will be approximately ten feet (10') in height, much lower than the typical house.
4. I am familiar with the proposed solar farm use, including the Special Use Permit request. I assisted in preparation of the application and associated for submittal to the County, and it is my professional opinion that the application package is complete.
5. The solar farm will contain rows of Photovoltaic cells set in the ground by hand to minimize grading. The site will be constructed in one phase. The solar cell configuration contains no moving parts.
6. It is my professional opinion that the proposed solar farm will not materially endanger the public health or safety. Access to the site will be from a new driveway onto Boston Road. A Driveway Permit has been applied for to the North Carolina Department of Transportation for the driveway shown on the submitted site plan. The site is appropriately located to be served by fire, police and emergency services, if needed.
7. The proposed solar farm will generate almost no traffic. The solar farm will not be staffed daily. Employees will visit the site weekly or less frequently to check and maintain the equipment. The proposed solar farm will generate far fewer daily trips than one average single-family detached home.
8. The creation of solar energy is virtually silent. The only sound is the quiet hum of equipment converting and conveying electricity to the power grid during daylight hours.

**June 3, 2013**

Similar facilities are already located in residential neighborhoods to deliver power to homes. Solar panels are designed to absorb rather than reflect light.

9. The area beneath the solar panels will be planted with grass or other vegetation to stabilize the soil. The active area of the solar farm will be enclosed by a six foot (6') high fence to prevent unauthorized access to the site.

10. It is my professional opinion that the location and character of the use will be in harmony with the area in which it is located. The proposed solar farm is consistent with the residential and agricultural land uses that exist in the area today. The proposed solar farm is consistent with Person County's Land Development Plan.

11. It is my professional opinion that the use meets all conditions and specifications required by Person County's Planning Ordinance for the proposed use.

12. It is my professional opinion that the proposed solar farm meets all of the requirements for issuance of a Special Use Permit for this use.

Further the Affiant Sayeth Not.

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This the 3 day of June, 2013.

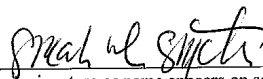
  
Brent T. Niemann

**ACKNOWLEDGMENT**

**WAKE COUNTY, NORTH CAROLINA**

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: Brent T. Niemann.

Date: June 3<sup>rd</sup>, 2013

  
[Notary's signature as name appears on seal]

Sarah E. Smith, Notary Public  
[Notary's printed name as name appears on seal]

(SEAL)



My commission expires: May 16, 2017

**June 3, 2013**

Mr. Richard Kirkland of 3540 Layton Ridge Drive, Apex and a licensed NC real estate appraiser with an MAI Designation stated as the previous request, he was asked to review the impact of the solar farm which involved the same process as outlined in the last hearing noting first for matched pairs, then the breakout that would cause any impact on value. Mr. Kirkland stated it was his conclusion that the proposed solar farm would not have any impact on value nor any negative impact on the adjoining properties and is consistent with the neighborhood. Mr. Kirkland noted this project is 35 acres of a 479 acre tract, around 7% of the overall tract with the primary adjoining user being the owner of the property.

Mr. Kirkland's affidavit of record is below:

STATE OF NORTH CAROLINA  
COUNTY OF PERSON

BEFORE THE  
COUNTY COMMISSIONERS

SPECIAL USE PERMIT  
APPLICATION FOR A  
SOLAR FARM

)  
)  
)  
)

AFFIDAVIT OF  
RICHARD C. KIRKLAND, MAI

NOW COMES the undersigned Affiant, who, being first duly sworn deposes and says:

1. I am over eighteen (18) years of age and competent to testify to the matters set forth in this Affidavit.
2. I am a licensed North Carolina real estate appraiser with an MAI Designation, actively practicing in North Carolina for 14 years. A copy of my report and qualifications is attached to this affidavit as Exhibit A.
3. Strata Solar proposes to construct a solar farm on approximately 35 ± acres of a 479± acres tract, owned by Mary E. Merritt Winstead, Trustee. The property – referred to as the Roxboro Solar Farm - is located off Boston Road, TAX MAP A68/9. The solar farm will consist of fixed solar panels that generate no noise, no smell and less traffic than one typical residential dwelling. The solar panels will be approximately ten feet (10') in height, much lower than the typical house.
4. As a part of my study, I conducted research through the Appraisal Institute and other sources regarding the impact of a solar farm on adjacent properties. I found nothing to suggest a negative impact.
5. I inspected the property and the immediate neighborhood as a part of my evaluation. I looked at the specific adjacent parcels of land surrounding this proposed solar farm. The property is surrounded by farm land and single-family residences, which, I believe are compatible uses.
6. Based upon the detailed information contained in my report, I conclude that the proposed solar farm is in harmony with the area in which it is located and that it will not substantially injure the value of adjoining or abutting property.

Further the Affiant Sayeth Not.

June 3, 2013



This the 3rd day of June, 2013.

  
RICHARD C. KIRKLAND

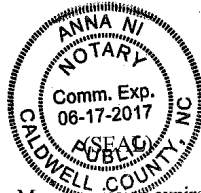
**ACKNOWLEDGMENT**

STATE OF NORTH CAROLINA


COUNTY OF Wake

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he signed the foregoing document: Richard C. Kirkland.

Date: June 3<sup>rd</sup>, 2013



My commission expires: 06/17/2017

  
[Notary's signature as name appears on seal]

Anna Ni, Notary Public  
[Notary's printed name as name appears on seal]

There were no individuals appearing before the Board to speak in opposition to the request by Strata Solar, LLC for a Special Use Permit for a Solar Energy Generator on 34+ acres of a 479 acre tract on Boston Road (Tax Map A68 Parcel 9) Holloway Township, owned by Mary Winstead Merritt.

A **motion** was made by Commissioner Blalock, and **carried 5-0** to close the public hearing for a request by Strata Solar, LLC for a Special Use Permit for a Solar Energy Generator on 34+ acres of a 479 acre tract on Boston Road (Tax Map A68 Parcel 9) Holloway Township, owned by Mary Winstead Merritt.

**CONSIDERATION TO GRANT OR DENY THE REQUEST BY STRATA SOLAR, LLC FOR A SPECIAL USE PERMIT FOR A SOLAR ENERGY GENERATOR ON 34+ ACRES OF A 479 ACRE TRACT (TAX MAP A68 PARCEL 9) ON BOSTON ROAD, HOLLOWAY TOWNSHIP, OWNED BY MARY WINSTEAD MERRITT:**

A **motion** was made by Commissioner Newell, and **carried 5-0** to approve the request by Strata Solar, LLC for a Special Use Permit for a Solar Energy Generator on 34+ acres of a 479 acre tract on Boston Road (Tax Map A68 Parcel 9) Holloway Township, owned by Mary Winstead Merritt as recommended by the Planning Board including the following conditions and agreeing that the request was in keeping with Section 74-4 and consistent with the comprehensive plan:

1. Applicant to obtain a driveway permit from NCDOT. A copy of the permit to be given to Planning and Zoning prior to issuance of a zoning permit
2. Applicant to obtain Erosion and Sedimentation Control Plan. A copy of the approved plan and approval letter to be given to Planning and Zoning prior to issuance of Zoning Permit.
3. A final "as built" to be submitted to Planning and Zoning prior to issuance of a Certificate of Occupancy.
4. Access to the site to be minimum of 20 feet in width, parking to accommodate two vehicles (each 9' x 18') and turnaround minimum of seventy feet (driving surface) for emergency vehicles.
5. Applicant to obtain all Federal, State and Local permits that are required.
6. Applicant to meet all conditions of the Person County Zoning Ordinance.
7. Applicant will need to obtain a Zoning Permit and Building Permit from Person County prior to any construction.

**INFORMAL COMMENTS:**

There were no comments from the public.

### **APPROVAL OF MINUTES:**

A **motion** was made by Commissioner Blalock, and **carried 5-0** to approve the minutes of May 20, 2013.

### **TAX ADMINISTRATIVE REPORT:**

A **motion** was made by Commissioner Newell, and **carried 5-0** to approve the Tax Administrative Report noting the Releases for the month of April, 2013.

### **OLD BUSINESS:**

#### **ZONING ORDINANCE PERTAINING TO NONCONFORMING AND ACCESSORY USES:**

Assistant County Manager, Sybil Tate reminded the Board of Commissioners had originally requested that the Planning Board provide recommendations for amending the nonconforming use and accessory use sections of the Zoning Ordinance.

Recommendations from the Planning Board were presented to the Commissioners in October. A public hearing on the recommended changes was conducted at the Commissioners' January 7, 2013 meeting at which time the Board asked to further discuss sections 101-2, 102-1, 60-5 and 60-6 of the current Zoning Ordinance. At the Board's April 1, 2013 meeting, the Board approved changes to section 101-2 and decided to make no changes to section 102-1 and instructed staff to gather information from other counties regarding zoning regulations of accessory units related to sections 60-5 and 60-6 to be discussed further at the May 20, 2013 meeting. At the May 20, 2013 meeting, the Board amended section 60-5, deleted section 60-6, added section 60-6A and amended section 101-7b and asked staff to provide language for grandfathering-in existing accessory structures, such as old tobacco barns.

Ms. Tate presented to the Board the changes to the zoning ordinance that have been recommended by the Planning Board and approved by the BOC thus far as well recommended the following language to allow grandfathering-in of certain accessory structures:

**60-6C** 60-6A and 60-6B shall not apply to any barns, hay sheds, or similar structures existing prior to the adoption of this amendment; however, this Ordinance shall apply to any new construction of these structures.

Ms. Tate noted Commissioner Blalock, upon review, requested to amend section 101-6 to delete reference to a certain time period for repair or restoration to begin within six months and completed within twelve months as follows:

**ACTION: Amend section 101-6**

If a nonconforming structure or a conforming structure devoted to a nonconforming activity is destroyed or damaged in any manner, to the extent that the cost of restoration to its condition before the occurrence shall not exceed 60 percent of the cost of reconstructing the entire structure based on the assessed structure value, as recorded by the County Tax Assessor, ~~it may be repaired or restored, provided such repair or restoration is started within six months of the damage and completed within twelve months.~~ However, any nonconforming building which is damaged may only be replaced by a structure of equal or smaller size and square footage as that of the previous structure. Relief to the time limits may be granted by the Board of Adjustment.

Ms. Tate confirmed for Vice Chairman Jeffers that the amendments reflect the least restrictive option for accessory structures without any reference to a certain number of such structures.

A **motion** was made by Blalock, and **carried 5-0** to adopt the Zoning Ordinance text amendments as presented incorporating the amendment to section 101-6.

Listed below are the Zoning Ordinance text amendments adopted by the Board of Commissioners:

**ACTION: Add  
DEFINITIONS:**

Nonconforming Building – A building or structure that is not in conformance with the provisions (Section 75-Table of Dimensional Requirements) of the district in which it is located.

Nonconforming Lot – Surveyed and recorded lots that met existing zoning regulations when created but no longer conform with the adopted regulations.

Nonconforming Use – A lawful use of land that does not comply with the use regulations for its zoning district but which complied with applicable regulations before adoption of this Ordinance or the predecessor Person County Zoning Ordinance.

**ACTION: No change**

101-1 Nonconforming uses may not be changed to another nonconforming use unless the Board of Adjustment determines that such change shall be no more detrimental to the neighborhood than the existing use; however, no change of title or possession, or right to possession of property shall be construed to prevent the continuance of a nonconforming use.

**ACTION: Amend**

- 101-2 Any structure existing at the time of adoption of this Ordinance which does not comply with setback or yard requirements, or which exceeds height requirements, may be continued in use but shall not be enlarged or extended unless such extensions or enlargements comply with all the provisions of this ordinance. No enclosed portion of a building may be enclosed if the setback or height requirements are not met.

**ACTION: No change**

- 101-3 Nothing in this ordinance shall be construed to prevent the reconstruction of any building, conforming or nonconforming, damaged by any means. However, any nonconforming building which is damaged may only be replaced by a structure of equal or smaller size and square footage as that of the previous structure. No reconstruction or new construction shall be allowed which creates any new or additional nonconformity than that which existed at the time of damage.

**ACTION: No change**

- 101-4 If a nonconforming use is discontinued for a period of 180 days or for more than eighteen months in any three year period, the future use of the building or land must be a conforming use.

**ACTION: No change**

- 101-5 A nonconforming use may be changed to a use of higher classification and whenever the use is changed to a higher or conforming classification then it shall not be allowed to change to the original use or to a lower use. For the purposes of this section, the order of classification of use, from the highest to the lowest shall be as follows: R, B-1, B-2, GI and RC.

**ACTION: Amend**

- 101-6 If a nonconforming structure or a conforming structure devoted to a nonconforming activity is destroyed or damaged in any manner, to the extent that the cost of restoration to its condition before the occurrence shall not exceed 60 percent of the cost of reconstructing the entire structure based on the assessed structure value, as recorded by the County Tax Assessor. However, any nonconforming building which is damaged may only be replaced by a structure of equal or smaller size and square footage as that of the previous structure. Relief to the time limits may be granted by the Board of Adjustment.

**Action: Amend**

- 101-7 A nonconforming structure or a conforming structure devoted to a nonconforming activity that is damaged by any casualty to an extent more than 60 percent of its assessed value, based on County Tax Assessor records, shall not be restored except as follows:
- a. As a conforming use.
  - b. If the use is a one-family dwelling, restoration shall be permitted.
  - c. For structures except a one family dwelling, restoration of a nonconforming structure shall require approval by the Board of Adjustment. A site plan according to Section 80 will be required. In approving such permit, the Board will consider the stated purpose for establishing the zoning district in which the structure is located, the uses in the area immediately surrounding the structure in question, particularly the other nonconforming uses, and the hardship which would result from a denial of the Conditional Use Permit. The permit shall include conditions as to time for repair to be completed and any other conditions deemed necessary to carry out the intent of this section of the ordinance.

**ACTION: Delete**

- 101-8 A nonconforming use may be extended or enlarged with a Special Use Permit provided that the addition is no more than fifty percent of the original structure and a landscape buffer is provided to buffer the new portion from adjacent land owners and all setbacks, height, and area requirements of the Planning Ordinance are met. Single family dwellings are exempt from Section 101-6.

**ACTION: Add**

- 101-9 Nonconforming lots of record: Permitted Structures may be erected upon any single lot of record at the time of adoption of this Ordinance, provided the minimum yard requirements are met. A variance to the zoning ordinance is required if the yard width or setback requirements can not be met.

**ACTION: Add**

- 101-10 The creation of a lot with a width or area smaller than allowed by existing zoning requirements is prohibited, except by governmental action, such as a road widening. Any lot, which, by reason of realignment of a public street or highway or by reason of condemnation proceedings, has been reduced in size to an area less than that required by law, shall be considered a nonconforming lot of record subject to the provisions set forth in this section; and any

lawful use or structure existing at the time of such highway realignment or condemnation proceedings which would thereafter no longer be permitted under the terms of this ordinance shall be considered a nonconforming use or structure as that term is used in this ordinance.

**ACTION: Add**

101-11 When any nonconforming use is superseded by a permitted use, the use shall thereafter conform to the regulations for this district, and no nonconforming use shall thereafter be resumed.

**ACTION: No change**

102-1 Nothing in this ordinance shall prevent the restoring or strengthening of a nonconforming structure to a safe condition, provided that the square feet of the structure shall not be increased.

**ACTION: No change**

102-2 Should any nonconforming structure be moved for any reason within the Zoning Jurisdiction of Person County, it shall conform to the regulations for the district in which it is to be located.

**ACTION: Delete**

103-1 In any district, notwithstanding the dimensional requirements for the district in regards to lot width and minimum area, buildings, may be erected on any legally created lot of record existing at the effective date of adoption to this ordinance.

**Accessory Structures**

**ACTION: Amend**

An accessory building - An accessory building, structure or use is a building or structure or use on the same lot or site with, of a nature customarily incidental or subordinate to, and of a character related to the principal use or structure. Accessory buildings are, but not limited to: sheds, garages, lean to, storage buildings, carports, pool, but not to include well houses (not to exceed 6' x 6'), gazebo or pool house if attached to footprint of pool.

Pools - Pools are considered accessory uses if they are above ground or in ground if not attached by either a deck or solid material such as brick, stone, concrete, etc. to the principal structure.

**ACTION: Amend**

60-5 Unless otherwise specified in this ordinance, accessory buildings may be allowed within five feet of rear and side yard lot lines.

**ACTION: Delete**

60-6 Unless otherwise specified in this ordinance, every principal building hereafter erected or moved shall be located on a separate lot and in no case shall there be more than one principal building and three permitted accessory buildings on all lots under three acres. There shall be allowed one additional accessory building for every acre over three acres. Industrial operations located in the GI district shall be exempted from this provision.

**ACTION: Add**

60-6A Accessory structures may be placed in the front yard, if at least 25ft from the front property line. For lots located on NC and US highways, accessory structures may be placed in the front yard, if at least 40ft from the front property line.

**ACTION: Add**

60-6B Accessory buildings shall only be allowed on a lot upon which a primary dwelling, multifamily dwelling, business use or industrial use exists.

**ACTION: Add**

60-6C 60-6A and 60-6B shall not apply to any barns, hay sheds, or similar structures existing prior to the adoption of this amendment; however, this Ordinance shall apply to any new construction of these structures.

**NEW BUSINESS:**

**CDBG MONTHLY REPORTING:**

County Manager, Heidi York presented to the Board the CDBG monthly activities report and a Monthly Performance Status Report for May 2013 that is due to be submitted to the Division of Community Assistance.

A **motion** was made by Commissioner Blalock, and **carried 5-0** to accept the monthly report as presented.



**BUDGET AMENDMENT:**

Finance Director, Amy Wehrenberg presented and explained the following Budget Amendment.

Upon a motion by Chairman Clayton, and majority vote (5-0), the Board of Commissioners of Person County does hereby amend the Budget of the Fund(s) listed below on this, the 3rd day of June 2013, as follows:

<u>Dept./Acct No.</u>	<u>Department Name</u>	<u>Amount</u> Incr / (Decr)
<u>EXPENDITURES</u>	<u>General Fund</u>	
	Public Safety	58,524
	Human Services	201,677
	Culture & Recreation	7,597
<u>REVENUES</u>	<u>General Fund</u>	
	Intergovernmental Revenues	206,527
	Other Revenues	4,654
	Charge for Services	56,617
<u>EXPENDITURES</u>	<u>Airport Capital Projects Fund</u>	
	Vis100-2010	(7,200)
	RW-6&24 PAPI Survey	7,200
<u>REVENUES</u>	<u>Airport Capital Projects Fund</u>	
	Federal-Vis100-2010	(6,480)
	Federal-RW-6&24 PAPI Survey	6,480
	Local-Vis100-2010	(720)
	Local-6&24 PAPI Survey	720
<u>EXPENDITURES</u>	<u>Capital Improvements Projects Fund</u>	
	Transfer to Courthouse Renov & Roofing Project	136,655
<u>REVENUES</u>	<u>Capital Improvements Projects Fund</u>	
	Fund Balance Appropriation	136,655
<u>EXPENDITURES</u>	<u>Courthouse Renovation &amp; Roofing Project Fund</u>	
	Courthouse Renovation Construction	145,000
<u>REVENUES</u>	<u>Courthouse Renovation &amp; Roofing Project Fund</u>	
	Interest Earnings	8,345
	Transfer from CIP Project	136,655

**Explanation:**

June 3, 2013

Appropriating additional revenue received for Concealed Weapons Fees (\$1,180); Judicial Transports (\$1,640); Jail Fees and Concessions (\$3,257); Commissions and Sales on Inmate Phone Cards (\$2,844); Past Due EMS Fee Collections (\$46,311); Animal Fees, Rabies Vaccinations and Animal Services Donations (\$2,117); Spay and Neuter Program and Reimbursement Revenues (\$1,175); Adjustments in Health Department Grants including the Health Communities Grant (\$12,480), Medical Reserve Corps (\$4,000), Community Transformation Grant (\$150,000), Breast & Cervical Grant (\$4,700), and Environmental Health Grant (\$5,000); Public Library received a new grant from the Rural Economic Development Center (\$5,000) to cover an internship program and related costs; various program adjustments (\$25,154) and a donation (\$150) in DSS; utilizing a portion of 2010 Vision 100 Funds (-\$7,200) in the Airport Construction Fund to cover additional work for Runways 6 & 24 (\$7,200); and using available and applicable funds in the CIP Fund (\$136,655) and accrued interest (\$8,345) in the Courthouse Renovation Project Fund to cover remaining project expenditures in the Courthouse Renovation Project Fund.

Commissioner Blalock asked Ms. Wehrenberg what areas are due to be completed with the Courthouse Renovation Project Fund. Ms. Wehrenberg stated all the roofing associated with that project has been completed and it will cover any remaining items due to be complete by the end of this month.

## **COMPENSATION FOR THE BOARD OF EQUALIZATION AND REVIEW:**

Commissioner Newell stated he was asked to address the Board concerning the time to fulfill the Board of Equalization and Review appeal process related to the \$50 compensation rate to be increased to \$250 however; he felt in all fairness a rate of \$150 is more in order. Commissioner Newell stated the shortest meeting has been 3 hours with the longest 5 ½ hours. Commissioner Newell requested consideration to raise the Board of Equalization and Review member stipend from \$50 to \$150.

County Manager, Heidi York stated prior to the creation of a special Board of Equalization and Review, there was no compensation. Ms. York noted the intention was to keep the session to a 3 hour block to which \$10,000 was budgeted for the remainder of the current fiscal year. Ms. York further noted if an increase in compensation is approved, additional funds would need to be allocated.

Tax Administrator, Russell Jones stated there has been a push by the Tax Office and the budget process to get the appeals completed by June 30, 2013. Mr. Jones noted eight more meeting days are scheduled and there is a need to add an extra day or to extend the meetings longer than the 3 hour sessions. Mr. Jones told the group that the Board of Equalization and Review has been meeting three days per week. Mr. Jones noted the budget for next fiscal year will be impacted as well with an increase in the stipend.

Mr. Jones stated 17 meetings have been scheduled not including the training meetings. Mr. Jones requested clarification if the training meetings would be subject to the stipend as well as it was his understanding that Commissioner Newell would like the increase in the rate to be retroactive. Commissioner Newell stated he did not think the training meetings should be subject to the stipend.

Commissioner Blalock summed up that 17 meetings with 5 members at \$150 per meeting would total \$12,750. Mr. Jones stated he would be able to stay within the budget with the increase set at \$100 per meeting but anything higher would dictate additional funding. Again, Mr. Jones commented on the need for additional budgeted funds for next fiscal year, even though it will not be a revaluation year noting that once citizens get their tax bill this year, they may want to appeal next year. Commissioner Newell stated the watershed requirements will be more known and its effect on the value of property next fiscal year as well.

A **motion** was made by Commissioner Blalock, to double the current compensation rate for the Board of Equalization and Review to \$100 per meeting retroactive but not to include the training meetings so to stay within the budget.

Vice Chairman Jeffers asked Commissioner Newell is his request was a recommendation of the Board of Equalization and Review. Commissioner Newell confirmed such.

Commissioner Puryear asked Mr. Jones if any other Board of Equalization and Review members have declined compensation for serving. Mr. Jones confirmed that Commissioner Puryear was the only member to decline noting there is a member that was willing to decline compensation for a portion of the meetings. Mr. Jones added he initially polled other counties to compare Board of Equalization and Review compensation for its members and the results noted a stipend of \$100 or less other than one case whereby a Chairman was compensated at a higher rate. Ms. York stated staff had recommended the average of \$50 initially based on the poll provided to the Board of Commissioners during the appointment process.

A **substitute motion** was made by Vice Chairman Jeffers to raise the Board of Equalization and Review compensation rate to \$150 per meeting retroactive not to include the training meetings.

Commissioner Puryear stated his support for the \$150 rate for the appointed members noting his preference for the commissioner representatives to only receive the \$50 compensation rate. Commissioner Puryear did not want the commissioners participating on the Board of Equalization and Review to in effect give themselves a raise as he views the task as a duty/responsibility of an elected official. Commissioner Puryear asked Vice Chairman Jeffers to amend the motion to such prior to the vote. Vice Chairman Jeffers stated his motion stands based on Commissioner Newell and the Board of Equalization and Review's recommendation.

The **substitute motion carried by majority vote 3-2**. Vice Chairman Jeffers, Commissioner Newell and Chairman Clayton voted in favor of the substitute motion. Commissioners Blalock and Puryear cast the dissenting votes.

#### **CHAIRMAN'S REPORT:**

Chairman Clayton had no report

#### **MANAGER'S REPORT:**

County Manager, Heidi York reminded the Board of the next scheduled budget work session is June 10, 2013 at 6:00 pm in the Board's usual meeting room and asked the Board members to send along any topics for the agenda to her.

#### **COMMISSIONER REPORT/COMMENTS:**

There were no reports/comments from the commissioners.

### **CLOSED SESSION #1**

A **motion** was made by Chairman Clayton, and **carried 5-0** to enter Closed Session per General Statute 143-318.11(a)(4) for the purpose of discussion of matters relating to the location or expansion of industries or other businesses in the county (economic development) at 8:39 pm and to permit the following individuals to attend: County Manager, Heidi York, Clerk to the Board, Brenda Reaves, Economic Development Director, Stuart Gilbert, County Attorney, Ron Aycock Assistant County Manager, Sybil Tate and Homestead Steakhouse owners, Randy and Debby Cash. IT Staff member, Chris Puryear was allowed to attend to facilitate the telephone conference call with Vice Chairman Jeffers.

A **motion** was made by Commissioner Newell, and **carried 5-0** to return to open session at 9:10 pm.

A **motion** was made by Commissioner Newell, and **carried 5-0** to approve a Resolution Supporting Person County submitting economic development infrastructure grants totaling up to \$35,000 to the NC Rural Center to assist local businesses in gas line extensions with such uses of funds granted to be in compliance with the NC Economic Development law.

**A Resolution supporting Person County  
submitting economic development infrastructure grants  
totaling up to \$35,000.00 to the North Carolina Rural Center  
to assist local businesses in gas line extensions**

**WHEREAS**, the Person County Board of Commissioners met on June 3, 2013 to review an opportunity to apply for a North Carolina Rural Center economic development infrastructure grant to assist two companies to obtain \$35,000 for the extension of gas lines to their businesses; and,

**WHEREAS**, these two companies provide up to 120 jobs in the Person County and the retention of these employees and these businesses are paramount to the Person County Board of Commissioners; and,

**WHEREAS**, the Homestead Steakhouse and the Old Country Club Steakhouse have substantial utility operating costs that will be lessened substantially by the extension of gas lines to these commercial operations; and,

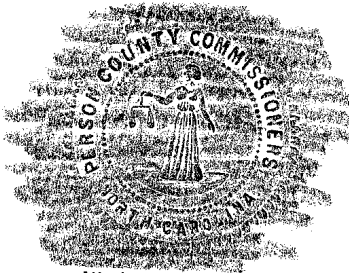
**WHEREAS**, the Person County Business and Industry Council, Inc., reviewed this grant opportunity and recommended a funding level for these two companies based on the number of jobs provided by these companies.

**THEREFORE, BE IT RESOLVED** that the Person County Board of Commissioners authorizes the Person County Economic Development Director and the Person County Manager to apply and submit documentation to the North Carolina Rural Center for grants for the Homestead Steakhouse in the amount of \$23,333 and for Old Country Club Steakhouse in the amount of \$11,667 for a total grant request amount of \$35,000.00.

**BE, IT FURTHER RESOLVED** that the Person County Manager and/or Person County Chair of the Board of Commissioners are authorized to sign appropriate documents that may need to be signed by the NC Rural Center to authorize the Rural Center's use of funds granted for the purposes listed above.

This resolution shall be effective upon adoption.

Adopted, this 3<sup>rd</sup> day of June, 2013.



Attest:

A handwritten signature in cursive script, reading "Brenda B. Reaves".

Brenda B. Reaves, NCCCC, CMC  
Clerk to the Board of Person County Commissioners

PERSON COUNTY

BOARD OF COMMISSIONERS

A handwritten signature in cursive script, reading "Jimmy B. Clayton".  
Jimmy B. Clayton, Chairman

**June 3, 2013**

## **CLOSED SESSION #2**

A **motion** was made by Chairman Clayton, and **carried 5-0** to enter Closed Session per General Statute 143-318.11(a)(5) to consider the acquisition or lease of real property at 9:12 pm and to permit the following individuals to attend: County Manager, Heidi York, Clerk to the Board, Brenda Reaves, County Attorney, Ron Aycock, Assistant County Manager, Sybil Tate, General Services Director, Ray Foushee, Person Industries Director, Wanda Rogers, Person Industries and Assistant Director, Becky Clayton. IT Staff member, Chris Puryear was allowed to attend to facilitate the telephone conference call with Vice Chairman Jeffers.

A **motion** was made by Commissioner Blalock, and **carried 5-0** to return to open session at 9:26 pm.

## **CLOSED SESSION #3**

A **motion** was made by Chairman Clayton, and **carried 5-0** to enter Closed Session per General Statute 143-318.11(a)(5) to consider the acquisition or lease of real property at 9:27 pm and to permit the following individuals to attend: County Manager, Heidi York, Clerk to the Board, Brenda Reaves, County Attorney, Ron Aycock, Assistant County Manager, Sybil Tate, IT Director, Gary Latta, and IT Staff, Chris Puryear.

A **motion** was made by Commissioner Blalock, and **carried 5-0** to return to open session at 9:30 pm.

**RECESS:**

A **motion** was made by Chairman Clayton, and **carried 5-0** to recess the meeting at 9:30 pm until June 10, 2013 at 6:00 pm in the Board's usual meeting room for the purpose of holding a budget work session.

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Brenda B. Reaves  
Clerk to the Board

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Jimmy B. Clayton  
Chairman