

**OXFORD, NORTH CAROLINA**  
**January 19, 2016**

The Members of the Honorable Board of Commissioners of Granville County, North Carolina met in a regular meeting on Tuesday, January 19, 2016 at 7:00 p.m. in the Auditorium, Granville Expo and Convention Center, 4185 US Highway 15 South, Oxford.

***Present were:***

***Chairman:*** Zelodis Jay

***Commissioners:*** Tony W. Cozart            R. David Currin, Jr.  
                                 Timothy Karan            Ed Mims  
                                 David T. Smith            Edgar Smoak

***County Manager:*** Michael S. Felts

***County Attorney:*** James C. Wrenn, Jr.

***Assistant County Attorney:*** Gerald T. Koinis

***News Reporters:*** Elizabeth Coleman – *Butner-Creedmoor News*  
                                 Linda Nicholson – *Oxford Public Ledger*  
                                 David Irvine – *The Daily Dispatch*

**MEETING CALLED TO ORDER**

At 7:00 p.m., Chairman Zelodis Jay called the meeting to order, had the invocation and led the Pledge of Allegiance.

**BOARD APPROVED CONSENT AGENDA**

Upon a motion by Commissioner David T. Smith, seconded by Commissioner Edgar Smoak, and unanimously carried, the Board approved the consent agenda as follows:

(A) Approved the Summary of Contingency and Use of Fund Balance report which showed the following balances:

Environmental Disaster Contingency	\$ 10,000
General Contingency Balance	\$ 158,848
General Fund Appropriated Fund Balance	\$ 2,730,325

(B) Approved the Minutes of the January 4, 2016 Meeting as recorded.

**SOUTH GRANVILLE HIGH SCHOOL VOLLEYBALL TEAM RECOGNITION**

Chairman Jay stated that the South Granville High School Volleyball Team won the 2015 State 2A Championships. At this point, Debra A. Weary, Clerk to the Board, read the names of the South Granville High School Volleyball Team.

**Volleyball Team Roster**

Hannah Bonini  
Mallary Brogden  
Rebecca Brown  
Sarah Dickerson  
Gracie Ellington

Megan Fuhr  
Jaida Henderson  
A'Niya Jackson  
Nicole Loar  
Zamyiah Mangum  
Jenna Pitzer  
Annie Preddy  
Asia Scott  
Cydney Scott  
Megan White  
Christy Fitzgerald, Head Coach  
Meredith Preddy, Assistant Coach

Commissioner Currin then presented the following proclamation and congratulated the team, coaching staff, parents and supporters and made comments:

**PROCLAMATION HONORING THE SOUTH GRANVILLE HIGH SCHOOL VOLLEYBALL TEAM  
"THE VIKINGS"**

**WHEREAS**, the South Granville High School Volleyball Team "The Vikings" won the North Carolina High School Athletic Association 2A State Championship; and

**WHEREAS**, the team had a phenomenal volleyball season resulting in an outstanding overall record of 30 and 3 and conference record of 14 and 0; and

**WHEREAS**, students, players, coaches, parents and supporters have all come together to make a true championship team; and

**WHEREAS**, the dedication, hard work, long hours of practice, mutual support and commitment of the team and coaches exemplify the pride and heart of the South Granville High School volleyball program; and

**WHEREAS**, the student athletes of the Vikings have exhibited a work ethic and level of confidence that transcends the volleyball court;

**NOW, THEREFORE, BE IT PROCLAIMED**, that the work, talent and dedication of the Head Coach and Assistant Coach be honored for their commitment to the development of our youth through a remarkable volleyball program;

**BE IT FURTHER PROCLAIMED**, that the Granville County Board of Commissioners extends its sincere congratulations to the 2015 North Carolina High School Athletic Association 2A State Volleyball Champions.

**Presented**, this the 19<sup>th</sup> day of January 2016.

At this point, Dr. Dorwin Howard, Superintendent of Granville County Public Schools, and Dr. Tom Houlihan, Chairman of the Board of Education, made comments.

**GRANVILLE COUNTY PUBLIC SCHOOLS PARENT SURVEY**

Chairman Jay said that Stan Winborne, Public Information Officer for Granville County Public Schools, was present to update the Board on the recent district-wide parent survey.

Mr. Winborne then spoke from the following PowerPoint presentation:



Granville County Public Schools  
Parent Survey Results  
Comparative Overview Analysis  
2014-15 vs. 2015-16

## Survey Instrument

### Survey 1:

Administered February 2015

- ❖ Electronic Survey
- ❖ English & Spanish
- ❖ Mini-flyers
- ❖ **1870** responses (~ 23% rate)
- ❖ 7 questions - likert scale
- ❖ 1 open-ended question

### Survey 2:

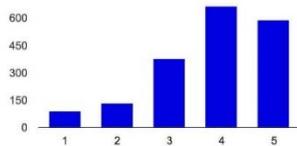
Administered November 2015

- ❖ Identical Format
- ❖ **1487** responses (~ 20% rate)
- ❖ 7 identical questions - likert scale
- ❖ 1 identical open ended question
- ❖ 1 NEW question (school grade)
- ❖ NEW School-specific questions

## Results: Question 1:

### Survey 1 2014-15

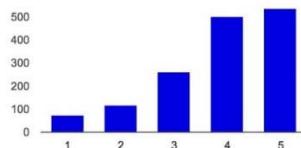
My child's school is a safe place. (La escuela de mi hijo es un lugar seguro)



Strongly Disagree: 1	91	4.9%
2	138	7.4%
3	380	20.4%
4	666	35.7%
Strongly Agree: 5	591	31.7%

### Survey 2 2015-16

My child's school is a safe place. (La escuela de mi hijo es un lugar seguro)

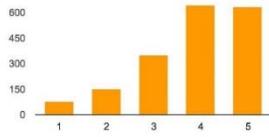


Strongly Disagree: 1	74	5%
2	117	7.9%
3	261	17.6%
4	499	33.6%
Strongly Agree: 5	536	36%

## Results: Question 2:

Teaching and Learning are the primary focus at my child's school (Enseñar y aprender son los focos primarios en la escuela de mi hijo.)

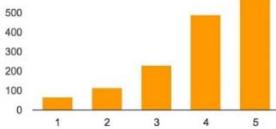
Survey 1  
2014-15



Strongly Disagree: 1	81	4.3%
2	154	8.3%
3	352	18.9%
4	644	34.5%
Strongly Agree: 5	635	34%

Teaching and Learning are the primary focus at my child's school (Enseñar y aprender son los focos primarios en la escuela de mi hijo.)

Survey 2  
2015-16

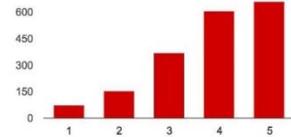


Strongly Disagree: 1	65	4.4%
2	113	7.6%
3	229	15.4%
4	489	32.9%
Strongly Agree: 5	591	39.7%

## Results: Question 3:

The staff at my child's school is caring and hard working (Los empleados en la escuela de mi hijo son cariñosos y trabajadores.)

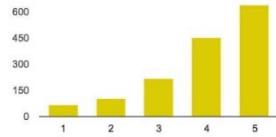
Survey 1  
2014-15



Strongly Disagree: 1	76	4.1%
2	153	8.2%
3	370	19.8%
4	607	32.5%
Strongly Agree: 5	660	35.4%

The staff at my child's school is caring and hard working (Los empleados en la escuela de mi hijo son cariñosos y trabajadores.)

Survey 2  
2015-16

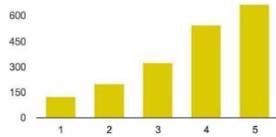


Strongly Disagree: 1	69	4.6%
2	105	7.1%
3	218	14.7%
4	455	30.6%
Strongly Agree: 5	640	43%

## Results: Question 4:

I receive important communication from my child's school in a variety of ways. (Yo recibo comunicación importante en varias maneras.)

Survey 1  
2014-15



Strongly Disagree: 1	125	6.7%
2	200	10.7%
3	325	17.4%
4	548	29.4%
Strongly Agree: 5	666	35.7%

I receive important communication from my child's school in a variety of ways. (Yo recibo comunicación importante en varias maneras.)

Survey 2  
2015-16

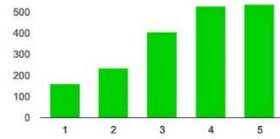


Strongly Disagree: 1	101	6.8%
2	97	6.5%
3	233	15.7%
4	407	27.4%
Strongly Agree: 5	649	43.6%

## Results: Question 5:

Survey 1  
2014-15

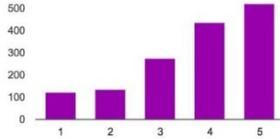
My child's school encourages parental involvement, community support and ways to volunteer. (La escuela de mi hijo anima el apoyo de los padres y la comunidad, y maneras para ser un voluntario.)



Strongly Disagree: 1	160	8.6%
2	234	12.6%
3	407	21.8%
4	527	28.3%
Strongly Agree: 5	536	28.8%

Survey 2  
2015-16

My child's school encourages parental involvement, community support and ways to volunteer. (La escuela de mi hijo anima el apoyo de los padres y la comunidad, y maneras para ser un voluntario.)

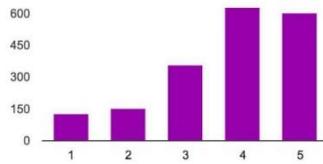


Strongly Disagree: 1	123	8.3%
2	134	9%
3	274	18.4%
4	436	29.3%
Strongly Agree: 5	520	35%

## Results: Question 6:

Survey 1  
2014-15

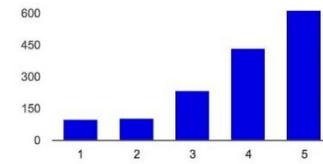
My child's school is clean and inviting. (La escuela de mi hijo está limpia y atractivo)



Strongly Disagree: 1	126	6.8%
2	153	8.2%
3	359	19.2%
4	628	33.7%
Strongly Agree: 5	600	32.2%

Survey 2  
2015-16

My child's school is clean and inviting. (La escuela de mi hijo está limpia y atractivo)

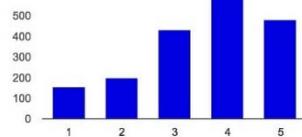


Strongly Disagree: 1	100	6.7%
2	104	7%
3	233	15.7%
4	435	29.3%
Strongly Agree: 5	615	41.4%

## Results: Question 7:

Survey 1  
2014-15

My child enjoys school and looks forward to going each day. (Mi hijo tiene ganas de ir a la escuela cada dia)



Strongly Disagree: 1	156	8.4%
2	199	10.7%
3	431	23.1%
4	598	32%
Strongly Agree: 5	482	25.8%

Survey 2  
2015-16

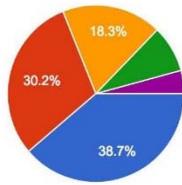
My child enjoys school and looks forward to going each day. (Mi hijo tiene ganas de ir a la escuela cada dia)



Strongly Disagree: 1	117	7.9%
2	126	8.5%
3	266	17.9%
4	475	31.9%
Strongly Agree: 5	503	33.8%

## NEW Question (Survey 2: 2015-16):

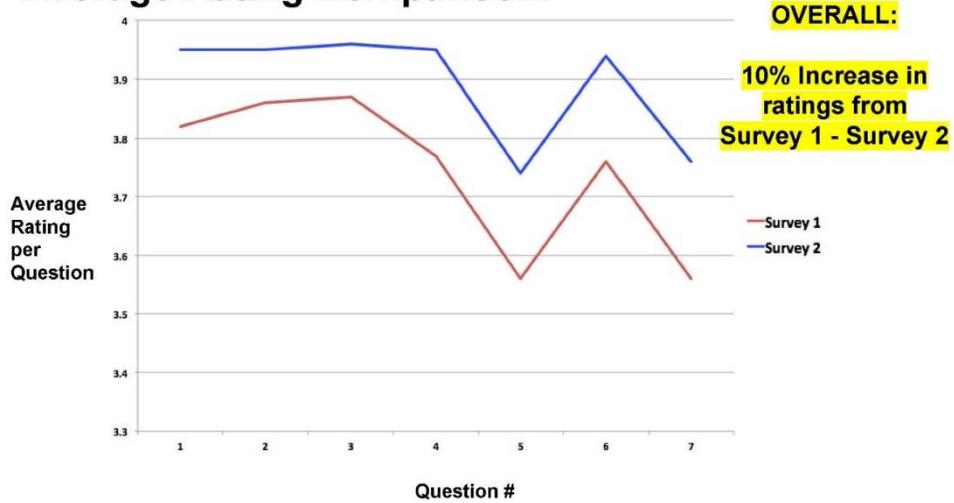
What grade would you give your child's school? (¿Cual calificación debe recibir la escuela de su hijo?)



A	576	38.7%	← + 2/3!
B	449	30.2%	
C	272	18.3%	
D	127	8.5%	
F	63	4.2%	

**87% of all respondents gave their child's school an A, B, or C**

## Average Rating Comparison:



## Future Plans:

"GCPS District Report Card"

- ❖ Share results with public, community stakeholders
- ❖ Graphic, easy to access, hard copy format
- ❖ Add Information about other program data, celebrations
- ❖ Communicate needs of GCPS

When asked, Mr. Winborne said that the information could be sorted by schools and by grade span. He noted that the information was provided to principals at each of the schools. He said that follow-up calls were made to those parents who provided contact information. He said that the information was available, but he did not have it tonight.

**GRANVILLE COUNTY PUBLIC SCHOOLS FACILITY NEEDS SURVEY**

Chairman Jay recognized Dr. Gus Gillespie, Assistant Superintendent for Operations, to present the Granville County Public Schools 2015-2016 Public School Facility Needs Survey.

Dr. Gillespie stated that every five years the Department of Public Instruction requires that a Facilities Needs Survey be completed. He noted that they completed this process by looking at the needs of the schools. He stated that the information that the Board has in the agenda packet is a result of that information that was collated from November until January.

**BOARD APPROVED AUTHORIZING COUNTY MANAGER AND COUNTY ATTORNEY TO CONTINUE DOING DUE DILIGENCE ON THE BUILDING LOCATED AT 201 MCCLANAHAN STREET TO TRANSFER/DISPOSE OF THE PROPERTY**

Chairman Jay recognized Pam Hester, Executive Director of Families Living Violence Free, to make a presentation to the Board on the grant they have received and the search for a building for their program.

Juanita Currin, Chairperson of the Board, recognized Gail Birdsong, Vice Chair of the Board, and Pam Hester, Executive Director. She stated that prior to joining the Board of Families Living Free in 2011, she along with her family experienced first-hand the devastation of domestic violence. She noted that their friends, their community, Granville County, and beyond were also devastated by the effects of domestic violence. She stated that Kelly, her daughter, went missing in 2008 and her remains were found in 2009. She noted that her daughter was a victim of domestic violence and lost her life to domestic violence. She stated that since joining the Board in 2011 she has learned how widespread domestic violence and sexual assault is in our community. She noted that Pam Hester will share with the Board some statistics of services that they provide to victims in Granville County. She stated that in 2015, 54 victims lost their lives in North Carolina to domestic violence according to the North Carolina Coalition Against Domestic Violence. She noted that in the past two years in Granville County, we have lost three victims to domestic violence and those three victims were men. She stated that Families Living Violence Free is a non-profit organization that aims their

services at reducing and eliminating domestic violence and sexual assault in our communities. She added that they provide direct care services to victims of domestic violence, sexual assault, and child abuse. She stated that they do this through education, advocacy, and empowerment services to support the victims through their journey to recovery. She noted that they were present tonight to ask the Board for their continued support in the transfer of property located at 201 McClanahan Street in Oxford. She added that the transfer of this property will provide them with the financial resources that will allow them to expand their existing services and to bring new services to the victims of domestic violence, sexual assault, and child abuse. She stated that they have a dedicated Board, dedicated employees, and sufficient community support. She noted that with all of us working together we can see this finished project to be a good service within Granville County and provide additional services to the victims that they currently have and the victims that they will have in the future. She then recognized Pam Hester, Executive Director, to come before the Board.

Ms. Hester stated that Families Living Violence Free has been providing free services to this community. She noted that in 2004 they were recognized as a 501c3. She added that this past year they serviced over 500 victims of domestic violence and sexual assault and provided those victims with 3,200 services. She noted that as an established 501c3 that has provided services for over 10 years, they were present to ask for the Board's continued support of the transfer of the building located at 201 McClanahan Street. She stated that in August they looked at the building and saw this as a new home and started applying for grants. She stated that they received a bricks and mortar grant in the amount of \$100,000. She noted that they have been narrowed down to the final selective processes of another \$50,000 bricks and mortar grant. She added that once their plans are approved they already have grants written, they just don't have the actual cost data that they need to put into these so they are ready to roll with additional foundation grants. She stated that the community has been a wonderful support. She noted that with this building, it will not only allow them to develop new services and give more safety space for their clients and outreach, but they will also preserve history. She asked the Board to support transferring the building at 201 McClanahan Street to Families Living Violence Free.

Commissioner Smith asked Ms. Hester if the building would be used for strictly office space for them to work from.

Ms. Hester stated that it will be like a Family Center, but office space is their need for their direct services.

Upon a motion by Commissioner R. David Currin, Jr., seconded by Commissioner Ed Mims, and unanimously carried, the Board approved authorizing the County Manager and County Attorney to continue doing due diligence on the building located at 201 McClanahan Street to transfer/dispose of the property.

**BOARD DENIED REQUEST FROM SHALAG US, INC. TO WAIVE LATE FILING PENALTIES AND INTEREST**

Chairman Jay stated that included in the agenda packet was a letter dated December 2, 2015 addressed to Judy Stovall, Tax Administrator, regarding an appeal by Shalag US, Inc., appealing the taxable valuation of equipment for the 2011 through 2015 tax years. He then recognized Judy Stovall, Tax Administrator, to provide the Board with an overview of the matter.

Mrs. Stovall stated that usually when she comes before the Board to talk about a property tax valuation appeal it has to do with the building, the land under the building, or a big tract of land. She noted that tonight she would discuss business personal property, which is completely different. She added that when the Tax Department values land and buildings, they have sales to go by. She noted that business personal property is much more personal. She added that a business places equipment inside its building things that are particular to the products they keep. She stated that most of the money that a business invests is in its machinery and equipment. She noted that for the Tax Department to appraise this property, they go by an honor system. She stated that this property is valued by the business itself as to what they pay for their particular machinery. She noted that there is not a lot of specific machinery being sold in the marketplace. She stated that because this is an honor system, the State also requires that the Tax Assessor guarantee that each business is listing all of their personal property every single year. She noted that they do this with an audit system. She stated that it is recommended that once every eight years, they visit a business and ask for their financial records and compare balance sheet numbers for their capital assets to what is actually being reported on the Tax Department's return each year. She added that when there is a difference in that, they are required to discover that difference. She stated that in addition to that, the statutes requires the Tax Department to charge a late listing fee. She noted that in their audit of Shalag US, Inc., the Tax Department found a discrepancy between what was listed voluntarily on the business

personal property listing and what was actually valued on the balance sheet. She then discussed with the Board the findings from the audit.

Commissioner Currin asked if the HVAC was listed in Shalag's depreciation schedule.

Mrs. Stovall stated that it was listed and had a different depreciation schedule from their land and buildings.

Chairman Jay then recognized Guy Wilson, CFO Shalag, US, Inc. to come before the Board.

Mr. Wilson thanked the Board for the opportunity to speak at the meeting. He then introduced Jeff Harari, CEO of Shalag, to the Board. He stated that Shalag is very pleased to be a part of Granville County and noted that Shalag started in 2010. He added that they are continuing to grow and are in their second expansion of their facility. He stated that they have always been in communication with Granville County about how they list their HVAC system. He noted that representatives from Pearson Appraisals came out for an appraisal of the building. He added that they explained to them about the HVAC. He stated that at the time of the audit they found out that there was a better classification. He noted that from their mind it was really more of whether it was classified as real estate or personal property. He stated that at this point they have accepted the fact for the reclassification and their plan is to pay the amount that has been assessed. He noted that they are asking that the late filing penalties and interest that have been charged be waived since they have been a good citizen and have always paid their tax bills on time. He added that this is just a misunderstanding of how it was classified. He stated that there was Memorandum of Understanding (MOU) with the County regarding the second expansion. He noted that in the MOU there was some shortfall as far as the amount of property that they added so they only received a certain amount. He asked for a credit back for the property that would have been considered under the MOU. He noted that this would put everyone at fair equity.

Commissioner Cozart asked Mrs. Stovall if the Board is allowed to waive the penalties and interest.

Mrs. Stovall stated that the Board is allowed to waive the penalties and interest. She asked the Board to consider every other business that we have in this community. She stated that each business is subject to the same audit process, same discovery process, and the same interest charges.

Commissioner Mims asked Mrs. Stovall how prevalent was this type of oversight.

Mrs. Stovall stated that it is generally a one-time thing and then it's over for that business. She noted that they have a pretty aggressive audit program.

Commissioner Smith asked Mrs. Stovall what was the exact amount in penalties.

County Manager Felts stated that this amount was found on page 24 in the agenda packet.

Discussion of the matter continued.

Commissioner Tony W. Cozart made a motion that was seconded by Commissioner Ed Mims to deny the request to waive the late filing penalties and interest totaling \$40,507.35 for the business personal property tax appeal by Shalag US, Inc..

When Chairman Jay called for a vote on the matter it passed by a 6-1 vote as follows:

Ayes: Cozart, Currin, Jay, Mims, Smith and Smoak

Nays: Karan

It was noted that the economic incentive (MOU credit) will be addressed by County Administration as a separate item.

**AFTER HOLDING PUBLIC HEARING, BOARD APPROVED ZONING MAP AMENDMENT – LEWIS ROAD NEAR OXFORD WITH CONDITIONS FOR BEAM RENEWABLE ENERGY, LLC, APPLICANT, TAYLOR KING, PROPERTY OWNER**

Chairman Jay stated that the public hearing was to hear public comments on the Zoning Map Amendment (rezoning) Petition for Beam Renewable Energy, LLC, property owner Taylor King, Lewis Road near Oxford (Project Name: BRE NC Solar 3, LLC). He then declared the public hearing open and recognized Barry Baker, Planning Director, for a brief overview.

**Barry Baker, Planning Director, 122 Williamsboro Street, Oxford, NC**, stated that all public notices as required by local and state law have been accomplished for the public hearing. He said that this is an application to rezone 40 acres off Lewis Road near Oxford from Agricultural Residential 40 District (AR-40) to Agricultural Support Enterprises Conditional Zoning District (ASE-CZ). The property is owned by Taylor King and is a portion of the tract identified as Tax Map #191500395351. The applicant proposes under the conditional zoning district that the property be used for a Ground-Mounted Solar Power Energy System "Solar Farm" (NAICS 221119). A site plan illustrating the proposed layout of the project is a part of the application.

He said that the following items were included in the agenda packet: (1) Copy of rezoning petition and site plans; (2) Copy of ground lease agreement; (3) Written and signed Planning Board Plan Consistency Statement and Small-Scale Rezoning Analysis; (4) Unapproved minute excerpts for agenda item from the December 17, 2015 Planning Board meeting; (5) Copy of adopted land development code amendment regarding solar farms in the Agricultural Support Enterprises Conditional Zoning District; and, (6) Copy of zoning district vicinity map prepared by zoning staff. The Planning Board (5-0) recommended approval of the zoning map amendment (rezoning) for Beam Renewable Energy LLC with the following conditions: (1) Development must meet any applicable standard related to the Agricultural Support Enterprises Conditional Zoning District. All applicable standards must be met prior to the issuance of the Certificate of Occupancy (CO); and, (2) Applicant must submit an as-built survey that illustrates compliance with zoning setbacks for the solar farm including the fence.

He noted that the Planning Board reiterated to the applicant that the fence and the solar farm, if approved, would have to meet the 100 foot setback from any property line, lease line or right-of-way and that prior to a certificate of occupancy no part of the solar farm can be seen from any adjacent property.

Chairman Jay asked that anyone wishing to speak to come to the podium and state their name and address for the record.

**Michael Daye, 7107 Hampton Road, Oxford, NC,** stated that he lives in the Smoketree Development off Henry Wilson Road. He said he is not against solar power, but he did not want it near his house. He said his uncle has a half million dollar log cabin and when he comes out of his front door and back door he is looking at a solar farm and there is a solar farm already in the neighborhood. He said that this proposed solar farm will be behind his house. He said there needs to be walls or tall trees to hide the solar farm. He said he is a hunter and enjoys being in the woods and he moved from Oxford to be in the country. He also asked who benefits from the solar power and why it is being put there if they will not be receiving any of the energy. He also said he had a petition from 90% of the neighborhood members and also a copy of a certified letter sent today stating concerns.

**Bruce Beam, 3631 North Harrison Street, Arlington, Virginia,** stated that he is the President and Owner of Beam Renewable Energy and the applicant in this rezoning hearing.

He said that the requirement is to be 100 feet off the property line as per Granville County's zoning codes and for the solar farm to not be visible from other properties. He said this was made loud and clear at the December 17<sup>th</sup> Planning Board zoning hearing. He said they will obey the requirement and noted that his structure is 100 feet from property line and it is another 100 feet to the berm or existing vegetation that will shield the solar farm from view. He said it is hard to say where the energy will go because it will be used locally first and if there is not a demand it will go to the Duke Energy grid through the substation and will be sent to homes in the nearby area. He said that the amount of energy that comes off a solar farm in a year is enough to service about 700 homes that will not have to burn coal, natural gas or fuel oil to service them.

Mr. Day asked what locally means as far as where the energy will go.

Mr. Beam answered that locally is 5 miles within the range of the solar farm.

Mr. Day asked about the berm noting that he target practices every day. He said his land joins the property. He asked why the company is putting so many solar farms in the area and noted they could be put in the city or on state land in Butner.

Mr. Beam says he has one and that the others are not his.

**DeLois Wilkerson, 3136 Lewis Road, Oxford, NC,** said Mr. Beam gave a presentation at the previous meeting and as a homeowner of 30 plus years, she has concerns about the way the entrance will be going into the solar farm because it comes through their neighborhood. She said that she has concerns with traffic when the solar farm is being built because the road already has flooding and you have to drive in the middle of the road. She said there is runoff from adjacent properties and this creates a situation where school buses and cars drive in the middle of the road because you cannot judge the depth of the water. She asked the Board where Lewis Road is on the list for repair because as equipment comes in if the solar farm is built there, the road will suffer more damage. She said if it is approved her concerns are more about the road itself. She said in order to provide safety for children and neighbors signs such as "children at play" and speed limit signs should be placed and flooding issues on the road need to be addressed.

Commissioner Currin asked if these safety issues approved by the Board at the last meeting regarding solar farms were already in place and if they applied to this solar farm.

Mr. Baker said the Planning Board meeting was December 17<sup>th</sup> and the safety items regarding visibility and setback were discussed.

Commissioner Currin said that the issues that Mr. Day addressed are issues with solar farms in his district and they have not been handled as they were told it would be. He said he concurs with the issues Mr. Day mentioned. He asked if a Certificate of Occupancy had been issued on the solar farm on Highway 75. He noted construction on the solar farm on Highway 158 has stopped. He said he believes property values in the vicinity of the solar farms are diminished.

Mr. Baker said that the Certificate of Occupancy has not be issued for either of those solar farms.

Commissioner Currin mentioned concerns with issues not being addressed for solar farms already approved.

Commissioner Cozart said he thought that these issues would be addressed before another solar farm would come to the Board.

County Attorney Wrenn stated that the safety issue concerns regarding solar farms are in process and this solar farm came before the Planning Board before the safety issues were brought to this Board by Commissioner Currin.

Discussion ensued about safety and legal responsibility.

County Attorney Wrenn clarified that this is a legislative decision and the Board could vote to approve, deny, continue or vote with conditions.

Commissioner Edgar Smoak made a motion to table the request until safety issues are addressed and then the matter be brought back to the Board.

Commissioner Currin explained the safety issues that the Board has dealt with while recent solar farms have been under construction. He said he wants to protect the citizens of Granville County. He said that he has caught heat from citizens because people have not done what they said they are going to do regarding the solar farms.

Commissioner Smoak said that the Board had passed recommendations regarding safety to be added to solar farms and he thought solar farms would not be considered until this is in place.

County Attorney Wrenn explained he thought the recommendations would go through the text amendment process with the Planning Board. He then read the motion that was passed

at the last meeting as follows: *Board approved authorizing the Planning Director, County Manager and County Attorney to consider safety requirements to be added to the conditional use zoning language regarding solar farms and to follow proper procedures to enact requirements as soon as possible.*

Mr. Baker said the matter is on the Planning Board's agenda for discussion.

County Attorney Wrenn explained the options to deal with the matter and noted that to put a moratorium on solar farms would require a notice and a public hearing.

Commissioner Smoak withdrew his motion to table the matter, but noted he thought the conditions should be added for consideration.

Mr. Beam said that they would accept anything that has to do with public safety as a condition.

He said he presented to the Planning Board in December and had already submitted his application and fee. He then presented the following PowerPoint and spoke from it:



## BRE NC SOLAR 3, LLC Project Overview for Rezoning Request

Bruce Beam | Beam Renewable Energy, LLC

19 Jan 2016

## Mission

To identify, originate, and develop cost effective renewable energy projects to reduce our nation's reliance on foreign fossil fuels



### About Beam Renewable Energy

- Founded in April 2013 by former lead Business Development Executive for Lockheed Martin Corp's New Ventures-Renewable Energy group.
- Substantial background in solar energy systems and project development.
- Principal managed engineering services for more than 300MW of early stage CSP and PV solar projects and energy storage systems. Also key in development of an innovative single axis solar tracking system which has been deployed in the field.
- Successfully developed and sold a 5MWac Solar energy project in 2014.
- Established trusted network of top tier suppliers, EPC's, and financiers.
- Company is 100% Veteran Owned...Owner has 25 years of Active and Reserve service in the US Navy.

## Company Structure



## Site



## Project Overview

- Solar PhotoVoltaic (PV) technology converts sunshine to electrical energy (sold to Duke Energy).
- ~6.6MW dc = 4.99MW ac after the power is inverted and transformed for use on the grid.
- Approximately 23,000 panels mounted on 8 foot high steel/aluminum racks.
- Approximately 3 months construction time required to install solar field.
- 60-80 full time employees on site during construction period.



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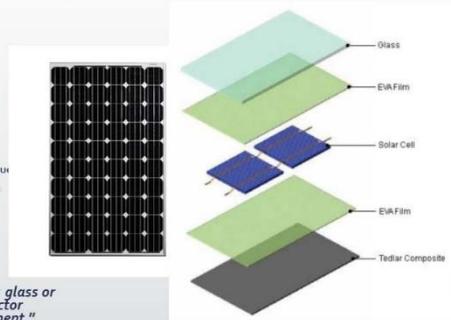


## Specific Project Benefits/Justification for Rezoning

- No emissions.
- Minimal noise.
- Minimal traffic after construction period.
- Minimal impact on viewscape for neighbors.
  - Screened from view/racking structures no higher than 8 feet
- Estimated 8,600,000 Kwh of clean electricity produced per year
  - Enough to power about 700 homes at max output
- Estimated \$250K local direct expenditures during construction period (lodging, wages, and services/equipment purchased)
- Estimated \$20K/year in new property taxes without extra investment in infrastructure by Granville County
- The site can be returned to its original condition after project useful life. This is in stark contrast to other forms of energy generation (ie, Coal Plants/Nuclear Plants)

## Questions from 17 Dec Planning Board Hearing

- **Q: Are solar panels made of dangerous or toxic materials?**
- **A: The panels that will be used in this project are made of:**
  - Glass Cover (65%)
  - Aluminum Frame and junction box (~20%)
  - Ethylene Vinyl Acetate (EVA) Encapsulant (~8%)
    - Product considered non-hazardous
    - EVA is also used in fishing rods, football cleats, and a wide range of products
  - Polyvinyl Fluoride Substrate (~3%) (Tradename: Dupont "Tedlar")
    - Product considered non-hazardous
  - Crystalline Silicon Semiconductor Material (4%).
    - Product considered non-hazardous
    - Silicon is the 2nd most abundant element in the Earth's crust.
- **FINAL NOTE:** *"Because solar panels are encased in heavy-duty glass or plastic, there is little risk that the small amounts of semiconductor material present (i.e., silicon) can be released into the environment."*
- > Source: State of Oregon Study, 2009



## Questions?

Bruce Beam  
[bruce.beam@beamrenewableenergy.com](mailto:bruce.beam@beamrenewableenergy.com)  
 703-966-4465

He noted that the project has been laid out to minimize the impact to the neighbors. He said the nearest neighbors are well outside the 100 foot minimum property line limit on the west side. He respectfully requested that the Board approve the rezoning application and said he looked forward to working safely and with a low impact to the neighbors to put the project in the ground. He noted that Mr. Day's property is to the northeast of the project. He said the solar farm will be very far to the southwest on the property.

With no one else wishing to speak, Chairman Jay declared the public hearing closed.

Commissioner Smoak asked Mr. Beam how many other solar projects he has in process in Granville County at this time.

Mr. Beam said he does not have any solar projects in process in Granville County at this time. He said the solar farm on Henry Wilson was completed in 2013 and he sold it.

Commissioner Smoak asked who would be doing the work.

Mr. Beam said Stratus Solar is the leading developer of solar and has done 30 or 40 projects in North Carolina. He said he used Stratus Solar in the context of how long it would take for construction which is approximately three months, but Stratus Solar does them quicker than three months. He said that he has not selected an Engineering Procurement and Construction firm as of yet. He said there is a long way to go in the project. He said if the project moves forward, they will have to submit an interconnection agreement to Duke Energy and once it is received he will have to talk to financiers about how to get the project done. He said his company is small, but at this time he cannot afford the costs to install the project.

Commissioner Smoak asked Mr. Day what else he wanted to say.

Mr. Day asked what will happen if a tornado comes up and it blows the panels in the neighborhood, who will be responsible for the damage.

Commissioner Mims asked Mr. Beam if the project is approved, how long before construction will begin.

Mr. Beam said that if everything goes as planned, construction will be 9-10 months away.

Commissioner Cozart asked Mr. Baker in lieu of concerns about the roads, topography and potential flooding in the area, traffic and view, how far will Mr. Day be from this proposed solar farm. He asked if he would be able to see it.

Mr. Baker said it is a long distance away with vegetation from Mr. Days' property and estimated it to be approximately  $\frac{1}{4}$  to  $\frac{1}{2}$  mile through the woods by the site plan.

Commissioner Cozart asked about the problems with roads.

Mr. Baker said the concerns were mentioned at the Planning Board meeting. He said the road needs repaving and could be repaved by DOT.

Commissioner Jay said that DOT has looked at the road and as soon as it gets dry they will fix it.

Commissioner Currin asked how many of the residents in the subdivision next to the proposed solar farm were notified of the public hearing.

Mr. Baker said the notice sent was the 2500 foot rezoning notice which is different from the special use permit. He said those within 2500 feet of the entirety of the tract were notified. He said he was not sure if all of those in the neighborhood were notified, but that a large percentage of them were notified.

Commissioner Currin said he listened to Mr. Beam's presentation and as a Granville County resident and a Granville County Commissioner, he had concerns as do residents and those present tonight because with other solar farms they have been told that you will not be able to see them and yet they can be seen. He said that solar farms have caused problems with family members and neighbors because people are not being told the truth.

Commissioner Karan asked Mr. Beam at what point he left the previous solar farm that he built in Granville County.

Mr. Beam said he left the project in December 2014 just before construction began.

Commissioner Karan said that the Board has gotten a bitter taste about the issue because in the last 90 days they have had the absolute worse construction process and mentioned problems with ingress and egress at a site recently.

Mr. Beam reiterated that they would accept safety conditions that have been mentioned tonight and that his company does not want to endorse a bad name for the industry as the result of a few bad actors or people cutting corners.

Chairman Jay asked if the Board needed further clarification. He then called for a motion on the matter.

Commissioner Cozart made a motion to table this matter pending further information regarding flooding of the road and when DOT will do their work to ensure safety on the road during the construction phase of the project, as well as the topography be studied to see if flooding issues need to be addressed. Commissioner Smoak seconded the motion.

Commissioner Smith asked for clarification of the motion.

Commissioner Cozart said that the safety issues approved for the Planning Board to study and bring back to the Board would take care of some of these issues, but that he did not know how this will affect this application in regard to the process.

Commissioner Mims asked what the “end game” of this matter is if we wait until we hear from DOT.

County Attorney Wrenn explained options for approval.

Commissioner Currin asked for clarification of what the flooding on Lewis Road has to do with the solar farm.

Commissioner Cozart said his comments are for traffic safety entering and exiting the solar farm site during construction.

Commissioner Currin said that the flooding is a DOT issue and his issues have been with the DOT right-of-way into the property. He said his concerns are with existing problems and whether the Board allows another solar farm without them being addressed. He said if a moratorium needs to be done that he would certainly make that as a motion until the issues are addressed by the Planning Board and the Board is given a chance to vote.

Commissioner Cozart and Commissioner Smoak withdrew their motion. Commissioner Smoak said he understood that conditions can be placed on the solar farm. County Attorney Wrenn explained that the application can be approved, it can be approved with conditions, it can be denied, or it can be tabled for additional information specific to this request.

Upon a motion by Commissioner David T. Smith, seconded by Commissioner Tony W. Cozart, and unanimously carried, the Board approved the Plan Consistency Statement and rezoning request with conditions from Beam Renewable Energy, LLC, Applicant, property owner Taylor King, Lewis Road near Oxford (Project Name: BRE NC Solar 3, LLC) to rezone 40 acres off Lewis Road near Oxford from Agricultural Residential 40 District (AR-40) to Agricultural Support Enterprises Conditional Zoning District (ASE-CZ),. A portion of the tract is identified as Tax Map #191500395351.

**AN ORDINANCE THAT AMENDS THE GRANVILLE COUNTY ZONING MAP FOR PROPERTY IDENTIFIED AS TAYLOR KING PROPERTY ON LEWIS ROAD (PORTION OF TAX MAP #191500395351) FROM AGRICULTURAL RESIDENTIAL 40 (AR-40) TO AGRICULTURAL SUPPORT ENTERPRISES CONDITIONAL ZONING DISTRICT (ASE-CZ) WITH MUTUALLY AGREED-UPON CONDITIONS AND SITE PLAN AND SERVES AS THE BOARD OF COUNTY COMMISSIONERS’ WRITTEN PLAN CONSISTENCY STATEMENT AND SMALL-SCALE REZONING ANALYSIS**

**Whereas**, a zoning map amendment petition has been filed for a change to the Granville County Zoning Map by Beam Renewable Energy, LLC for property owned by Taylor King as follows:

**Zoning Map Amendment (Rezoning) Petition**

**Z-7-2015      Beam Renewable Energy, LLC, Applicant, Property Owner is Taylor King, Lewis Road near Oxford (Project Name: BRE NC Solar 3, LLC)**

Beam Renewable Energy, LLC is requesting to rezone 40 acres off Lewis Road near Oxford from Agricultural Residential 40 District (AR-40) to Agricultural Support Enterprises Conditional Zoning District (ASE-CZ). The property is owned by Taylor King and is a portion of the tract identified as Tax Map #191500395351. The applicant proposes under the conditional zoning district that the property be used for a Ground-Mounted Solar Power Energy System "Solar Farm" (NAICS 221119). A site plan illustrating the proposed layout of the project is a part of the application.

*Whereas*, the Granville County Planning Board held a public hearing on December 17, 2015, and made a positive recommendation with mutually agreed-upon conditions concerning the petition to the Board of County Commissioners.

*Whereas*, a notice of public hearing has been given as provided in North Carolina General Statute 153A-323 and the Granville County Land Development Code for a Zoning Map Amendment and a public hearing was held by the Board of Commissioners on January 19, 2016, at which, evidence was presented at the public hearing.

*Whereas*, the Granville County Board of Commissioners hereby adopts the following Plan Consistency Statement and Small-Scale Rezoning Analysis:

**GRANVILLE COUNTY BOARD OF COMMISSIONERS' PLAN CONSISTENCY STATEMENT:**

Page V-5 of the Granville County Comprehensive Land Use Plan (the Plan) was amended by the Granville County Board of Commissioners on January 5, 2015 to state as an implementation strategy for preserving and enhancing Granville County's land use form that "conditional zoning districts are encouraged to balance neighboring residential and non-residential land uses in agricultural-residential areas. Conditional zoning provides residents an option for developing their property for non-residential land uses in agricultural-residential areas, and provides decision-makers with a legislative process when considering proposed development plans." Further, page V-14 of the Plan was amended by the Granville County Board of Commissioners on January 5, 2015 to state as an implementation strategy for improving Granville County's review process for deliberation of rezoning requests that "conditional zoning districts allow decision-makers to consider one or more uses within a conditional zoning district application. Conditional zoning districts allow for the submittal of a site plan, and agreed-upon conditions of development in a legislative process." The Granville County Future Land Development Map (Map 22) contained within the Granville County Comprehensive Land Use Plan classifies the future land use of the property as medium density residential.

**GRANVILLE COUNTY BOARD OF COMMISSIONERS' SMALL-SCALE REZONING ANALYSIS:**

The proposed rezoning encompasses 40 acres. The property is presently zoned Agricultural Residential 40 (AR-40). Page V-5 of the Granville County Comprehensive Land Use Plan (the Plan) was amended by the Granville County Board of Commissioners on January 5, 2015 to state as an implementation strategy for preserving and enhancing Granville County's land use form that "conditional zoning districts are encouraged to balance neighboring residential and non-residential land uses in agricultural-residential areas. Conditional zoning provides residents an option for developing their property for non-residential land uses in agricultural-residential areas, and provides decision-makers with a legislative process when considering proposed development plans." Further, page V-14 of the Plan was amended by the Granville County Board of Commissioners on January 5, 2015 to state as an implementation strategy for improving Granville County's review process for deliberation of rezoning requests that "conditional zoning districts allow decision-makers to consider one or more uses within a conditional zoning district application. Conditional zoning districts allow for the submittal of a site plan, and agreed-upon conditions of development in a legislative process."

***NOW THEREFORE, BE IT ORDAINED BY THE GRANVILLE COUNTY BOARD OF COMMISSIONERS THAT:***

The zoning district for the proposed land area (40 acres) identified as a portion of Taylor King property located off of Lewis Road (portion of Tax Map #191500395351) is hereby changed and amended from Agricultural Residential 40 District (AR-40) to Agricultural Support Enterprises Conditional Zoning District (ASE-CZ) on the Granville County Zoning Map with an approved site plan described as the site plan signed by the Chairman of the Board of County Commissioners and with the following mutually agreed-upon conditions: (1) Development

must meet any applicable standard related to the Agricultural Support Enterprises Conditional Zoning District. All applicable standards must be met prior to the issuance of the Certificate of Occupancy (CO); (2) Applicant must submit an as-built survey that illustrates compliance with zoning setbacks for the solar farm including the fence; (3) A preparation site located in the rezoned property and off of the state road and road right of way must be provided that is adequate to handle the parking of employees, contractors, site equipment and shipping and receiving operations; (4) The drive into the rezoned property from the state road must be prepared such that it will allow two way traffic in and out of the rezoned property and must be properly graveled to prevent the tracking of mud and debris out of the site onto the highway; (5) An adequate entrance way to the rezoned property must be provided that is wide enough to handle tractor trailer traffic and does not impede the flow of water in the state right of way drainage system. The entrance way must be adequately marked to ensure safe entry by all traffic to and from the site; (6) No night time site work may take place on the rezoned property without proper lighting for the safety of the workers; (7) No unloading or loading of equipment that will be used in the site preparation or solar unit construction shall take place in the public roadway or public road right of way; (8) The Applicant and any contractors or subcontractors providing labor or materials at the site must provide a Certificate of insurance to Granville County prior to beginning work at the site that lists specific coverage and dollar amounts, not limited to but including: General liability, workers compensation insurance to cover all employees, leased employees and subcontractors, and umbrella/ excess liability coverage in an amount of at least 10 million dollars for coverage on the project and any damages suffered by others due to the project's neglect; (9) Following a continuous period of six months in which no electricity is generated, the owner of the solar farm, or in the solar farm owner's absence, the owner of the real property upon which it is located, shall decommission the solar farm by removing within six months all solar panels, buildings, cabling, electrical components, and any other improvements and must return the property to a natural state with plantings approved by the planning director. Prior to the issuance of a zoning permit, the county must receive a performance guarantee in favor of the county in an amount equal to 1.25 times the estimated decommissioning cost as determined by a North Carolina licensed engineer. The performance guaranty must be satisfactory to the county manager and may include a performance bond, irrevocable letter of credit, cash deposit or other surety approved by the county manager; and, (10) All employees working on the site, leased employees and subcontractors must properly have completed an I-9 form and have successfully passed a nine panel drug test prior to working on the site and with 30 days of working on the site if required to do so by other applicable law.

*IN WITNESS WHEREOF*, the Board of Commissioners of Granville County, North Carolina has caused this Plan Consistency Statement and Small-Scale Rezoning Analysis and zoning map amendment petition with an approved site plan and with the aforementioned mutually agreed-upon conditions to be approved and adopted.

This ordinance duly adopted by the Board of Commissioners of the County of Granville, North Carolina, this the 19<sup>th</sup> day of January, 2016.

**AFTER HOLDING QUASI-JUDICIAL HEARING, BOARD APPROVED SPECIAL USE PERMIT – THE VILLAGE AT APPLEWOOD PLANNED UNIT DEVELOPMENT**

Chairman Jay stated that the next matter on the agenda was a public hearing to rule on an application for a Special Use Permit for a Planned Unit Development submitted by Crosswind Development, Inc. dated October 21, 2015.

Upon a motion by Commissioner Edgar Smoak, seconded by Commissioner Ed Mims, and unanimously carried, the Board approved opening the quasi-judicial hearing.

Chairman Jay stated that both proponents and opponents of the permit would be given an opportunity to present evidence and arguments. He added that anyone wishing to speak or present evidence for or against the proposed Special Use Permit, to come forward to be sworn in by the Clerk.

The following people were sworn in by Debra Weary, Clerk to the Board: Barry Baker, 122 Williamsboro Street, Oxford, North Carolina; Chad Abbott, Summit Design and Engineering Services 504 Meadowland Drive, Hillsborough, North Carolina; Bill Wynn, Crosswind Development, Inc., 2550 Capital Drive, Creedmoor, North Carolina; Matt Hastings, Summit Design and Engineering Services, 504 Meadowland Drive, Hillsborough, North Carolina; James Jordan, Attorney, 4509 Creedmoor Road, Raleigh, North Carolina; James Branigan, 2044 W. B. Clark Road, Creedmoor, North Carolina; Steve Wheeler, 7928 Sutterton Court, Raleigh, North Carolina (family property on Joe Peed Road).

Chairman Jay directed County Attorney Jim Wrenn to give instructions to the Board.

Attorney Wrenn gave the following instructions to the Board:

North Carolina General Statute §153A-340(c1) authorizes the County to require a special use permit to conduct particular activities in a certain zoning district. The Use Table found at Granville County Land Development Ordinance (hereinafter the "Ordinance") § 32-142 requires a special use permit for a planned unit development in an R-25 or AR-40 zoning district. Ordinance §§ 32-1082 and 32-1101 set out the procedures and standards for obtaining a special use permit. In addition, Ordinance § 32-195 lays out specific requirements for planned unit developments.

In order to grant a special use permit for a planned unit development in an R-25 or AR-40 zoning district, the Ordinance requires the Board to find that all of the following conditions exist.

- 1. All applicable specific conditions pertaining to the proposed use contained in article III of this chapter have been or will be satisfied. Ordinance § 32-195 states that "All planned unit developments must meet the following:"**
  - (1) The development must be on public sewer.
  - (2) The development must preserve a significant amount of open space which is located to best preserve and enhance the protection of natural resources and to protect water quality.
  - (3) The design shall be found to be a significant improvement over development that could be built under the base zoning.
- 2. Access roads or entrance and exit drives are or will be sufficient in size and properly located to ensure automotive and pedestrian safety and convenience, traffic flow, and control and access in case of fire or other emergency.**
- 3. Off-street parking, loading, refuse and other service areas are located so as to be safe and convenient, allow for access in case of emergency, and to minimize economic, glare, odor and other impacts on adjoining properties in the general neighborhood.**
- 4. Utilities, schools, fire, police, and other necessary public and private facilities and services will be adequate to handle the proposed use.**
- 5. The location and arrangement of the use on the site, screening, buffering, landscaping and pedestrian ways harmonize with adjoining properties and the general area and minimize adverse impact.**
- 6. The type, size and intensity of the proposed use, including such considerations as the hours of operation and number of people who are likely to utilize or be attracted to the use, will not have significant adverse impacts on adjoining properties or the neighborhood.**

In making these findings of fact, the Board's decisions must be based on competent, material, and substantial evidence. Substantial evidence is more than a mere scintilla. It means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. It must do more than create the suspicion of the existence of the fact to be established. The term "competent evidence," shall not preclude reliance by the decision-making board on evidence that would not be admissible under the rules of evidence as applied in the trial division of the General Court of Justice if (i) the evidence is admitted without objection or (ii) the evidence

appears to be sufficiently trustworthy and is admitted under such circumstances that it is reasonable for the board to rely upon it. The term "competent evidence," shall not be deemed to include the opinion testimony of lay witnesses as to any of the following:

- a. The use of property in a particular way would affect the value of other property.
- b. The increase in vehicular traffic resulting from a proposed development would pose a danger to the public safety.
- c. Matters about which only expert testimony would generally be admissible under the rules of evidence.

In granting the Special Use Permit, the Board may place reasonable conditions on its approval. Ordinance § 32-1105 states that "If the board of commissioners approves the special use permit, it may impose any additional reasonable conditions and safeguards as may be necessary to: a) Ensure that the criteria for the granting of such a permit will be complied with. [or] b) Reduce or minimize any potentially injurious effect of the use on adjoining properties; the character of the neighborhood; or the health, safety, morals or general welfare of the community."

The concurring vote of a majority of the members of the Board shall be necessary to grant a special use permit. Vacant positions on the Board and members who are disqualified from voting on a quasi-judicial matter shall not be considered "members of the board" for calculation of the requisite majority.

As always, a member of this Board shall not participate in or vote on a special use permit in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection. Objections may be raised by any person whose rights would be affected or by any member of the Board.

Chairman Jay recognized Barry Baker, Planning Director, for a preliminary statement of the case.

Having been duly sworn, **Barry Baker, Planning Director, 122 Williamsboro Street, Oxford, NC,** stated that all public notices for the quasi-judicial hearing as required by local and state law had been accomplished. Crosswind Development, Inc. is requesting a Special Use Permit for a Planned Unit Development called The Village at Applewood. The applicant is requesting the special use permit to develop 71 single-family home sites with approximately 6.25 acres of open space. The property consists of 24.28 acres and is located at the intersection of Joe Peed Road and W.B. Clark Road. The property is zoned R-25 and AR-40, and is located in a WS-IV-GW watershed and the Upper Falls Lake Watershed. The property is specifically identified as Tax Map #088603228968.

Attachments included in the agenda packet were: Attachments include: (1) Proposed The Village at Applewood Planned Unit Development Plan and special use application; (2) Copy of Vicinity Map prepared by Planning Staff; (3) Copy of letter from Granville County School Administration dated November 19, 2015 with anticipated school capacities; (4) Copy of the Applicant's Granville County Environmental Disclosure Checklist; (5) Copy of letter from North Carolina Department of Transportation commenting on application dated November 13, 2015; (6) Copy of Final Allocation Approval Letter dated April 16, 2015 from

the South Granville Water and Sewer Authority (SGWASA); (7) Copy of Land Development Code (LDC) Section 32-195, Standards for Planned Unit Development; (8) Copy of LDC Section 32-1101, Standards for Special Land Use Permits; (9) Copy of LDC Section 32-1105, Additional Conditions Imposed by Reviewing Bodies; and (10) Copy of LDC Section 32-1166, Conduct of Quasi-Judicial Hearings.

Mr. Baker stated that Quasi-Judicial Hearings do not go before the Planning Board, but go directly to the Board of Commissioners that makes the final decision. He noted that the Planning staff offers the following comments and possible conditions regarding the application:

1. Typical lot layout illustrated on site plan indicates typical side lot lines as 115'. Some lots on the site plan illustrate side lot lines less than 115'. 115' is not a standard in the Land Development Code.
2. The applicant has noted on the site plan their desire to use curb and gutter but that they are proposing no curb and gutter with this request. The density of 3.11 dwelling units per acre in the water supply watershed regulations do not allow curb and gutter at the 3.11 rate.
3. Before any land disturbance may occur and/or final platting being obtained, the developer must have a final stormwater approval in compliance with the Falls Watershed Stormwater rules from Granville County and an approved Erosion Control Plan from the State.
4. An approved North Carolina Department of Transportation Driveway permit must be obtained and be presented to county staff prior to final platting.

Commissioner Smoak said on the map that was distributed, under general notes item #8, says "per table 04.110, a village house lot's street yard setback is 'build to line'" and asked for clarification.

Mr. Baker explained that the applicant has proposed a village house lot in the planned unit development section and it means that the front setback (12 feet) - 70% of the façade of the house has to be built on the street line or street setback to maintain uniformity. He noted this is directly from the ordinance.

Commissioner Smoak said that the 71 lots are predominately 7,000 square foot.

Mr. Baker said that is correct.

Commissioner Smoak asked how big the lots at Wynngate are.

Mr. Baker said those lots are 8,000 – 10,000 square feet.

Commissioner Mims asked Mr. Baker to walk him through the comments concerning the desire to use curb and gutter.

Mr. Baker stated that in the water supply watershed rules, there is a density standard for cluster subdivisions. He explained that this is a planned unit development, also called a cluster subdivision because they have small lots and open space. He said that in the standards in the existing ordinance, if you have curb and gutter you would be able to have a maximum of 2.17 dwelling units per acre. If you use no curb and gutter, you are allowed to build to 3.11 dwelling units per acre. Based on their proposal and site plan, they are at 2.97 dwelling units per acre.

Commissioner Mims asked and said that it appeared to him that curb and gutter would enhance the appearance. He asked if that was an untrue statement.

Mr. Baker said it can be a true statement. He said it depends if it is maintained correctly. He said that it is a standard in the existing ordinance.

Chairman Jay said that they would now hear evidence from the applicant.

**Bill Wynn, Crosswind Development, Inc., 2550 Capital Drive, Creedmoor, North Carolina**, stated that he is Owner and President of Crosswind Development and Wynn Homes and lifelong resident of Granville County. He said that this was previously approved back in 2006 by the Board then and was a Special Use Permit at the time. It was Applewood Phase II at that time and ran in conjunction with Applewood Phase I which is across the street. He said that was 64 homes at the time and a project that would take about four years to complete, but with the recession it ended up being about 10 years. In the meantime, the approval on this project expired and was out of date so once the project across the street was completed they worked with their engineers, Summit Design. He said they were present tonight to give more information on the technical side. He said they worked on this to improve on the plan that was approved previously and they would show differences between the two projects. He said this project, Village at Applewood, will have sidewalks where the first phase didn't, and will have much more open space – 25% of open space of the whole project. Lots will be a little bit smaller. The lots in Applewood Phase I were about 8,000 square feet and they are giving up about 1,000 square feet of space on lots, but are conserving about ¼ of the project in open space that will not be cleared and will be undisturbed and left in its natural state. This will also have a dedicated right-of-way buffer on the Joe Peed Road side and will also have an operable greenway as well. The product that will build on this side will be very similar to what they did in Applewood Phase I and their last homes in Phase I sold between \$250,000 and \$275,000. It

will be a similar product as well. He said he would let the engineers speak and be available if they have any questions.

**Matt Hastings, Summit Design and Engineering Services, 504 Meadowland Drive, Hillsborough, North Carolina,** stated that he has a degree in Civil Engineering from Virginia Tech, graduated in 2005 and has been practicing engineering in the state of Virginia and state of North Carolina for 11 years. He said that his expertise is in water, waste water and land development. He said as Bill previously mentioned, this is the Village of Applewood at the corner of Joe Peed Road and W. B. Clark Road.

**James Jordan, Attorney, 4509 Creedmoor Road, Raleigh, North Carolina,** stated that he was the Attorney representing Crosswind Development, the petitioner. He said he would ask the engineer if he would first talk about the issues and how it varies from the previous application and approved plat that was approved earlier. He asked what the zoning was that he was asking for now.

Mr. Hastings said that it was R-25, a PUD (planned unit development).

Attorney Jordan asked what the density would be on this application compared to what was previously done.

Mr. Hastings said it was 2.97 versus 2.66 previously.

Attorney Jordan asked what the amount allowed for a low density would be.

Mr. Hastings said it was 3.11.

Attorney Jordan asked what the area that you intend to develop on this property will be.

Mr. Hastings said the area is 18.03 acres compared to 21.05 previously.

Attorney Jordan asked about the open space on this project as opposed to the previous project.

Mr. Hastings said previously it was 3.23 acres mostly stream buffer and this new process being looked at is 6.25.

Attorney Jordan said this will have considerably more open space.

Mr. Hastings said considerably more.

Attorney Jordan asked him how they could achieve that additional open space.

Mr. Hastings said because they are pushing the lots to the northwest corner of the property and reserving 6.25 acres on the southwest corner around the stream.

Attorney Jordan asked what do you see as the ... or do you have any comments on the quality of that space that you are going to, that the reason you are increasing this space, and the quality of that space for the benefit of the subdivision.

Mr. Hastings said that they are sitting space aside for multiple reasons. One is to preserve the environment and less disturbance, two would be an area for stormwater treatment which was not required during the previous approval. He said there is also greenway space that passes through this area.

Attorney Jordan asked if he considered this to be an improvement over the previous plat.

Mr. Hastings answered "yes."

Attorney Jordan said let's talk about the lot sizes. Now, the previous minimum size was 10,000 feet.

Mr. Hastings said "correct."

Attorney Jordan said you are going to reduce this down and the approximate lot size per lot will be what.

Mr. Hastings said the minimum lot size is 6,000 and the smallest one they have is 6,766 as you can see. Their average lot size is 8,532 square feet.

Attorney Jordan asked the number of lots that will result from this application if approved.

Mr. Hastings said 71 versus 64 before.

Attorney Jordan said let's talk about the setbacks. The question was asked about the minimum setback. There is a substantial here in this development as opposed to the previous one and just talk about the change from 25 feet to 12 feet.

Mr. Hastings said that 12 feet is what is required for a village style PUD and 25 before and is different because of the lot size and zoning.

Attorney Jordan asked if the appearance will be more of a village type setup than the more stand along type.

Mr. Hastings said it was hard to answer the question because he was not sure what everyone's opinion of a village is. He said that there are similar houses as to what they have shown in other developments and he did not really see the house style being much different, but you will see later on in the presentation.

Attorney Jordan said that the other setbacks do not seem to be a major difference.

Mr. Hastings said “no.”

Attorney Jordan said that in talking about the impervious area per acre, is there any significant difference there.

Mr. Hastings said there is very little impervious change.

Attorney Jordan said to tell a little bit about the proposed amenities that are going to be in this proposed special use.

Mr. Hastings said previously the only amenities were sidewalks and this time there is a walking trail that goes through the wooded area which kind of connects us to the two roads.

Attorney Jordan asked if he wanted to show that.

Mr. Hastings referred to a PowerPoint slide and pointed to a green path that is the proposed greenway trail that runs along the stream buffer.

Attorney Jordan asked if the intention is to reserve as much of the natural stream as possible and make it available to the residents.

Mr. Hastings said that is correct.

Attorney Jordan said that the point was raised by the Planning staff that the side lot lines were on a typical lot were 115 feet and commented that some were less than 115 feet. He asked if there was any major difference on that.

Mr. Hastings said that the minimum required is 100 feet and they are showing 115 feet that works with their homes and lots, and were stating that it was more than what is required.

Attorney Jordan asked if all would exceed the minimum.

Mr. Hastings said that all of them will exceed the minimum.

Attorney Jordan said let's talk a little bit about the question of curb and gutter. It was stated that your application could not use curb and gutter because of the existing ordinance, but that you would prefer to use curb and gutter. He said can you talk a little bit about what that means in terms of treatment of water, handling of water, appearance and why you are in favor of a curb and gutter system even though it is not presently in the ordinance.

Mr. Hastings said he could but that was actually in a later section that Chad Abbott was planning on speaking to.

Attorney Jordan said at any time that you feel that either one of the parties could speak, don't hesitate to tell me that. He asked Mr. Hastings to give his background and who he is.

Mr. Hastings said as previously mentioned, my name is Matt Hastings and I am a Design Engineer and have 11 years of experience in water, waste water and land development. He said he graduated from Virginia Tech in 2005.

Attorney Jordan asked who he was employed by.

Mr. Hastings stated Summit Engineering.

Attorney Jordan asked if there was someone else here to speak to some of these issues as well from your company.

Mr. Hastings said Chad Abbott was also present.

Attorney Jordan said they could pause and have questions directly of Mr. Hastings or they could let Mr. Abbott make his presentation and then have questions on any of them.

Chairman Jay asked for the other person to speak.

Attorney Jordan said at this time he would like to bring Mr. Abbott up and then go on to further questions and that he might need to recall Mr. Wynn as well. He asked the next person to state their name for the record.

**Chad Abbott, Summit Design and Engineering Services 504 Meadowland Drive, Hillsborough, North Carolina,** said that he manages the Land Development Department there and had been employed since 2007. He said he holds a Professional Engineer's license in North Carolina as well as several other states. He said his North Carolina license number is 036242 and that he graduated in 2005 from N.C. State with a Bachelor of Science in Engineering and Construction Engineering.

Attorney Jordan asked if he was familiar with this application for a Special Use Permit (SUP) that is on the agenda and being considered at this time.

Mr. Abbott said he was very familiar and that they had worked with County staff, DOT (Department of Transportation), as well as the developer to come up with a product or application that is compliant with the County's ordinance. He said they had prepared a quick presentation that they did want to go through. He said he thought they got off on the formality of how the SUP process is working here tonight, now that they had been introduced by the attorney they have a presentation.

County Attorney Wrenn said the attorney did not have to ask every single question but needed to make sure presentation was flowing. He said if he has a general question about the development, let him ask it and you can go with it where you want to.

Attorney Jordan said to Mr. Abbott, that he had heard the presentation so far from Mr. Hastings and asked if there was anything he wanted to add to preliminary matters they had discussed in terms of comparison of the previously approved plat versus the current application.

Mr. Abbott said in reference to some of the previous comments by the commissioners, yes these lots are around 8,000 – 7,000 square feet but in keeping in accordance with the LDO for a village style and a cluster development which is to promote open space and protect environmentally sensitive areas, there are reasons and prescriptions in the ordinance why we have come to the plan and plat that they have arrived at. If you look at the previously approved plat that the Board so chose to approve in 2006, it pretty much developed the whole property. It listed three point some acres of open space and he said he did not know quite where all of that might have been, but mostly probably just exactly the stream buffer and maybe some of the greenway easements because if you look at the plan it does not look like half of what we have preserved. There was a previously approved subdivision, similar number of lots and that is why we provided the chart for the presentation tonight to show that indeed some of the dimensional standards are a little bit better with respect to side setbacks etc. the houses will be a little bit further apart for the proposed subdivision.

Attorney Jordan asked if there were some other elements within your proposal in terms of the lots, the greenways that you would like to touch on before we move on to the house plan issues.

Mr. Abbott said that as Mr. Wynn stated, we are providing sidewalks along the streets and then to get to the curb and gutter question, I have a separate matter to speak on there at which the sidewalks compound on the curb and gutter versus the ditch issues. But, we are providing a greenway whereas before it showed sidewalks along the right-of-ways, we try to remove people from the right-of-way and actually provide a greenway in a green space much like the other trails that the County and towns, Town of Butner have implemented throughout the jurisdictions. We are providing a greenway easement actually in the green space, in the open space where people can enjoy it and it also goes towards protecting the public's health, safety and welfare. We have provided sidewalks along the various roads and the greenway easement as additional amenities in addition to those in Applewood Village I and in keeping with some of the ones that were approved in the previous approval of this parcel plan.

Attorney Jordan asked Mr. Abbott to explain the house plans and what is being proposed for the development of this subdivision if approved.

Mr. Abbott said as Mr. Wynn mentioned, the products in this section (referred to slide) will be very similar to the products that he finished out Phase I with. Obviously as the housing market has changed throughout the years, so have his products. You can drive through Applewood and see that the houses he (Mr. Wynn) started with are not the houses he finished with. He referred to a slide showing the typical house that may be located in here as well as the entrance feature that is located at Phase I and noted that something similar will be proposed or provided on Phase II with just a little different signature block on there. He referred to a second slide showing some other houses and noted that on the houses where there may not have been standards, standards that Mr. Wynn is willing to agree to that may not have been agreed to previously or the fact that nine foot ceilings are typical of these upgrades. There are many upgrades with granite counter tops, hardwood flooring, custom trim work and other upgrades, all with two-car garages with glass in front of the garage door to provide some breakup in the façade and to provide a better look to the house versus just a plain garage door especially being that it is wide enough for two cars, it helps break that up. Most times where the setbacks permit, they try to include to include a screened-in porch on the rear of the houses. None of those are requirements prescribed in the ordinance, but are things that Mr. Wynn wants you to know that he offers as part of his product and part of this Special Use Permit and is willing to provide.

Attorney Jordan said these houses will be close to the street and asked if there will be restrictive covenants and requirements in terms of homeowner use of their product.

Mr. Abbott answered absolutely as with all of his developments there will be an HOA (Homeowners Association) and there will be restrictive covenants that governs the upkeep of the development as well as the neighborhood.

Attorney Jordan said it will include things such as keeping unused cars off the driveways and out of site and so on.

Mr. Abbott said that is typical of most of the current HOA documents that you see in developments such as this.

Attorney Jordan asked him to talk about the utilities that will be available to this project as was set out in the requirements read earlier. He said to talk about public water first of all.

Mr. Abbott said as mentioned by the County Attorney, one of the findings of a PUD development is that it be served by public sewer which this is. Much of the existing infrastructure, he pointed out was already installed by Mr. Wynn when he built the first phase in hopes that it would then spur the rest of the development for the second phase. Yes, it is served by approximately 2,700 linear foot of public water lines that will then be taken over by SGWASA. We have about 3,000 linear foot of public sewer lines proposed that will also be taken over by SGWASA which is one of the findings that it be provided public sewer. He said he thought a big item to note and one reason why they have smaller lots and went with a cluster development is because there was previously proposed, in order to develop this property in a like manner, a pump station. Pump stations are perpetual maintenance for whoever accepts it, which would be SGWASA and all of their members or all their customers would as maintenance costs them money over time, rates go up for everybody, so that is a burden that is off all of the customers for SGWASA as well as the maintenance burden that is now removed. He said not to mention the environmental impacts that pump stations can have in the constant monitoring that you must do to make sure it doesn't have an environmental impact or burden to the environment.

Attorney Jordan said, so summarized the arrangements are well in hand to provide both public water and public sewer to this facility without any pump stations or any other high maintenance items required.

Mr. Abbott answered "correct." He said currently the houses have been situated in a manner and the reason for clustering them was to maintain the density, put them in a section where they could all gravity flow in tying to the utilities for Phase I.

Attorney Jordan said we talked a little bit before about the amenities, so let's back up a little and talk more about the handling of stormwater and drainage, which is a major issue in any subdivision and one that I am sure you have addressed and if you could give us a little more detail as to how stormwater runoff will be addressed in this PUD if approved.

Mr. Abbott said as previously mentioned, the original development that was proposed and approved on this property had no stormwater treatment, that gets to the curb and gutter grass conveyance thing. At that time, 20 years ago Mr. Baker mentioned grass conveyances were thought to be the best way to help control runoff. As treatment devices have evolved over the years, they are now at the bottom of the list. Vegetative conveyances, such as swells

along roadsides, are more of a detriment to stormwater a lot of times because of several features or facts that I will go over in a few minutes. Currently this new subdivision or had it been built would have nothing but grass swells along roadside ditches or whatever, but no treatment. Now it will not have a stormwater wetland most likely, maybe in combination with some other items, to make sure they are in compliance with the Falls Lake Watershed. The wetlands probably will be best suited for this site because of the location of the open spaces near streams. Wetlands particularly work well around streams and are not required to have level spreaders and filter strips. You can also enhance the wetland such that it becomes an amenity to the site. As you can see on the slide that we have shown the greenway easement around the stream buffer where people can enjoy natural areas and it is also sandwiched between the wetland and the buffer – which is gray shown on the slide.

Attorney Jordan asked how the buffer area will be maintained over the long-term of the whole project.

Mr. Abbott said the goal is to conserve land, have a cluster of houses in one spot so you can conserve land. So the green space shown on this plat will not be graded anymore as was proposed previously and will not be contributing any kind of sediment to the buffer areas around the streams. We have taken the open space and not just put it somewhere in the development, where it was easy, we put it where it had the best impact for the environment which was along streams instead of backing houses up to the stream, we preserved the open space in the same location where the stream was so that it would preserve the environment. The buffers cannot be maintained, they must be left in the vegetative existing state, cannot be touched by homeowners or the HOA or contractors without a permitted variance through the state for any kind of utility crossings etc. The remainder of the green space and open space is to be left wooded and existing vegetation as well once the grading plan is complete for the lots that do back up to that area.

Attorney Jordan said we got a little bit out of order, but bring that up (a slide) and let everyone review it and let's talk a little bit more about that amenity of the walkways and so on.

Mr. Abbott said if you look at the slide it shows locations of the sidewalks roughly as well as the green line on the slide being the location of where the proposed greenway easement is. As far as the amenities, we look at these amenities of walkability, connectivity and

sustainability for people who want to live there, be able to exercise in their own environment and do not have to go to a gym. They can use the network of sidewalks and the greenway to provide their exercise activities. We are also showing connectivity to the roads, W. B. Clark and Joe Peed such that if sidewalks are ever extended and somebody sees fit to maintain them, most of times they don't get installed in the county because there is nobody to maintain them, but should that ever happen they can easily connect to our greenway and/or sidewalks. You can see as in notes we have also designed several greenways and river walks and in Hillsborough there is a prominent greenway that we have designed in the past and would use similar construction techniques etc. as needed in the wet areas or lowland areas when we designed this greenway. We have about 1,500 linear foot of greenway easements shown and we total about 3,000 linear foot of sidewalk to match the 3,000 linear foot of road. So we roughly have about a mile of exercise and walkability.

Attorney Jordan said I know you have some interesting opinions about the question of vegetative conveyances versus curb and gutter. However, I think it is important in discussing this with the commission, that the numbers here feel that this subdivision would be better served were it set up with curb and gutter versus the swells and culvert type situation that is required under the ordinance. He said the fact of the matter is that the ordinance is the ordinance and it was written perhaps before there were more scientific and better thought out reasons and ways to handle stormwater. But under the circumstances, we have to work with what we have and you have to work with what we have. He said he conferred briefly with County Attorney Wrenn and so he said I think what we would like to do at this point, is we would like for you to consider the application based on the ordinance as it exists and I am going to ask Mr. Abbott another couple of questions on that point. But, I want to make it clear that tonight we are not asking you as a commission to approve a curb and gutter arrangement in this Special Use Permit because we don't know if you are not authorized to do so by statute in any event. He asked County Attorney Wrenn if that was correct.

County Attorney Wrenn said that the ordinance stands until either a variance is requested and granted or the ordinance is changed, so he said he did not think they would have the authority to change that tonight if it is in the ordinance.

Mr. Abbott said he did not think they were looking to change it, just to bring or enlighten the Board as to requiring cluster developments with vegetative conveyances with respect to a maybe upcoming text amendment.

Attorney Jordan said he thought that was something for a future date. He said he would like to just clarify – approving this request as it exists and as the ordinance presently exists, is this a viable method of stormwater control which can make this subdivision work and provide adequate and appropriate stormwater even if it follows the existing ordinance.

Mr. Abbott said the subdivision will work with vegetative conveyances. He said it is a little more of probably a burden than it costs to the owner because you have swell pipe in the front yards which are maybe not as appealing to the homeowners, but it can be built, just a little more of a task to do so.

Attorney Jordan said he heard it said that the ordinance has got this thing a little bit 180 degrees out of phase, that in fact bigger lots would be better with vegetative conveyance and smaller lots with curb and gutter linked in with better management practices for handling stormwater. He asked Mr. Abbott how he would react to that comment.

Mr. Abbott said he believed that was correct. He said he had been to several stormwater seminars over the past years as they talk about low impact development and that is kind of hard to have a cluster and not have it confined by curb and gutter while trying to make ditches flow in the middle of smaller lots and yards. He said it also pushes the sidewalk further off the right-of-way because for safety reasons the sidewalk is supposed to be on the back side of the ditch. He said when you do it on short setbacks, it is better if you have curb and gutter that you can now bring three foot behind the curb with a utility strip.

Attorney Jordan asked if he would support a change in that ordinance if that were at the appropriate time.

Mr. Abbott said absolutely.

Attorney Jordan said to summarize, that in the application for the Special Use Permit which is for a PUD, they had gone over things so far and he asked Mr. Abbott to confirm that the development would be on a public sewer.

Mr. Abbott answered “yes sir.”

Attorney Jordan stated that the development will preserve a significant amount of open space which is located best to preserve and enhance the projection of natural resources and to protect water quality.

Mr. Abbott answered "yes sir." We are providing about 25% open space and as required it is located in a location to best preserve and enhance protection they provided it in a location adjacent to the stream to provide an additional buffer to the stream from all of the development.

Attorney Jordan said looking at this application and the subdivision as proposed, do you consider this to be a significant improvement over a development on the same tract of land that could be built under the base zoning.

Mr. Abbott answered "yes." He said under the base zoning there will be no requirement necessary to preserve a significant amount of open space and so therefore they felt that clustering the subdivision will provide a better product given the fact that it is served by public utilities and can take a more intense development than a standard R-25.

Attorney Jordan said in summary then, it is your opinion that the proposed development under the Special Use Permit complies with all of the criteria itself.

Mr. Abbott answered "yes sir." He said as well as those additional ones listed by County Attorney Wrenn at the beginning of the presentation with respect to the streets and access they have been reviewed by DOT as far as the access and that they have complied with their additional requests to shift their entrances. He said they actually had them in different places and said he would like to also point out that they have two accesses now for fire safety where before it was only one and for emergency personnel it provides better health safety, welfare for the emergency personnel and the emergency services to adequately make ingress and egress to the subdivision.

Attorney Jordan asked if he would like to add anything else.

Mr. Abbott answered "no sir."

Attorney Jordan thanked him and asked Mr. Wynn to come back to the microphone.

County Attorney Wrenn said that on page 90 of the agenda packet it states that you have sewer allocation for 64 lots and it appears that there are 71 lots. He asked if there had been change to the allocation or any technical requirement allowing you to meet the 71 lots.

Mr. Abbott said that he believed when he last checked it was actually 75 lots that they had allocation.

Commissioner Currin said SGWASA changed the reading on that which would make them in compliance.

Attorney Jordan asked Mr. Wynn to come back to the podium and to restate his name.

Mr. Wynn stated that he is Bill Wynn, resident of Granville County and owns Crosswind Development and Wynn Homes (applicant for the Special Use Permit).

Attorney Jordan said that Mr. Wynn had heard the testimony from Mr. Hastings and Mr. Abbott and asked if there was anything he would like to add for the benefit of the commissioners with regard to the application.

Mr. Wynn said he had nothing to add, that it had been well stated.

Attorney Jordan asked if there were any questions to any of the witnesses.

Commissioner Karan asked when the greenway would be constructed.

Mr. Wynn said it will be constructed when the streets are going in during the initial phase before any of the homes are built.

Commissioner Karan asked Mr. Baker, Planning Director, if a HOA is in place with proper conveyances for street maintenance agreements and if everything is in place.

Mr. Baker said they will have to meet the subdivision regulations and there will be street maintenance agreements, HOA covenants and stormwater control maintenance agreements. He said they will be subject to the subdivision regulations.

Attorney Jordan asked Mr. Wynn to state whether the roads will be privately maintained or maintained by DOT.

Mr. Wynn said that the roads will be turned over to DOT for state maintenance.

Attorney Jordan asked if the roads would be maintained by the developer until such time as they are dedicated.

Mr. Wynn answered that is correct. He said there will be a road maintenance agreement in place to maintain them until the time that they are accepted by NCDOT.

Chairman Jay asked if there were individuals present who wished to present evidence against the Special Use Permit.

**Steve Wheeler, 7928 Sutterton Court, Raleigh NC 27615,** said he owns the property adjacent to this that fronts on Joe Peed Road that has been in his family a good while. He said

his dad and his dad's family grew up there and it is currently agriculture use consisting of fenced pasture, cattle and planted pines. He said his concern is when he got the notice last week he was not aware of this use for the adjoining property. He said he felt it necessary that he appear to learn more about the plan, noting tonight was the first time he had seen this plan. He said that he felt there needs to be a substantial buffer between a dense residential area and existing agricultural use. He also expressed concerns regarding the control of stormwater and surface water. He said this plan may or may not fully address that, noting he had not seen the plan in detail so he was not sure. He said he would have to say until he was satisfied and had a time to view the plan in detail, he would not be in favor of it.

Attorney Jordan asked Mr. Wheeler to show where his property is in relation to the development.

Mr. Wheeler said the only thing he received was this here and showed where his property is. They then look at a map.

Attorney Jordan clarified that Mr. Wheeler said that his property adjoins it and by the best they could determine by looking at this, it is along the creek and the unimproved open space areas that are being dedicated under the application.

Mr. Wheeler said that probably some lots abut. (he pointed to map)

Attorney Jordan said with the possible exception of the lots at the lower right hand corner of the proposed plat which would be the southeastern corner of the property, but the predominant area would be along the part of the property that runs along the thread of the stream that then comes into the open space which is being dedicated.

Mr. Wheeler said the stream is a property line of part of his property.

Commissioner Currin asked if that was the Leland H. Wheeler property.

Mr. Wheeler said that is correct, that Leland Wheeler is his dad.

Attorney Jordan asked Mr. Abbott to make comments on how that might affect that adjoining property.

Mr. Abbott said that he is familiar with Mr. Wheeler's property and that the property is on the stream and is labelled. He said right next to the stamp block on the map you will see "Wheeler, Leland H et al" and if you go down above the typical lot layout you will also see the same label. There are only two lots shown currently to border the Wheeler property and those lots are significant in size – 25,000 plus or minus and another 25,865 – so they are rather

large lots. He said as they talked about earlier, the requirement for this development is that the house be at the front setback so there would be a significant portion of land at the rear of the lot that is not developed with a house. He said as far as the remaining portion of the Wheeler property, there is a 50 foot stream buffer from the center line of the stream which does act as the property line, plus or minus the center line of the stream so you automatically have 50 foot of a state required buffer. He continued by saying that all of this is open space where it previously was lots. All the way up against the stream, they have pulled the lots further away from the property to provide probably from initial 50 at Joe Peed Road upwards to probably 500 maybe or so feet as far as the distance from the property line. He pointed out a stormwater wetland pond that will treat the stormwater from the development prior to the stream and then another one. He said it collects all the runoff from the roadway and the lots to meet the Falls Lake Watershed Rules. He apologized that he had not seen the drawing prior to this.

Mr. Wheeler asked if this was the normal process or what part did he miss or if this is the only part where a landowner would get to see this.

Mr. Abbott said that when the notices go out, he was not speaking for the County, but the notices go out as public information that has been submitted to the County and you can request a copy at any time, per his knowledge.

Mr. Wheeler asked if a landowner does not get any further notice.

Mr. Abbott said he did not know about the County's requirements with respect to that.

County Attorney Wrenn asked Mr. Baker if all appropriate legal notices had been given.

Mr. Baker said that is correct and that it looks like proposed lots 34 and 33 at the end of the cul-de-sac would be adjacent to Mr. Wheeler's property. He stated that all legal notices as required by local and state law had been accomplished.

Commissioner Currin asked if Mr. Wheeler received notice.

Mr. Baker said he did receive something.

Mr. Wheeler said he did receive something last week. He said the letter directed him to go to 145 Williamsboro Street, Oxford and he went there and found out the meeting was in this location.

Mr. Baker said the notice said this is the hearing site at this address. If you want to come, come to their office which is at 145 Williamsboro Street.

Mr. Wheeler asked Mr. Baker if after the notice was served, if all of the records, drawings, plans and so on that were submitted were in the Planning office for Granville County and if they would have been available to anyone that would want to see them.

Mr. Baker answered “yes,” that once the application is submitted, it is public record. He said that the notice does say that the public hearing would be held here with the address of the Expo Center. He said at the bottom of the letter it says, once you receive the notice if you want to review the site plan or the application materials you could come to their address at 145 Williamsboro Street.

**James Branigan, 2044 W. B. Clark Road, Creedmoor,** said he is the adjacent land owner on W. B. Clark Road and the CEO of Bright Wolf Software Company based in Durham, North Carolina. He said as a point of clarification to Mr. Baker that the notice they received actually does not have the Expo Center address, but found it from a web search. He said the letter mentions 122 Williamsboro Street and also 145 Williamsboro Street, Oxford. He showed Mr. Baker the copy he received and noted that there is no detail on the map. He said he was travelling on business last week and did email Mr. Baker to get a digital copy of the plan ahead of time, but apparently it is not available. He mentioned that for future consideration in ordinances since the internet has been around 20 years, it would be awesome if people could get a digital copy to print instead of being required to come in if they are travelling or something like that. He said he hoped that none of the other neighbors were waiting when Mr. Wheeler and he did googling on their phones and came to the Expo Center. He said that he is in opposition to the plan as it is drawn up. He said he was around in 2006 and that he and his wife have lived at their home for about 10 years. He said in the 2006 plan (that he had a copy of), there was a buffer of 25 feet that was agreed upon with the prior land owner on the entire length of his property. He had printed copies of a google map of an aerial view of his property. He noted that the house he owns is very old and is actually the Clark family home that the road is named after and said it is very close to the property line. He said that is the reason that a 25 foot undisturbed buffer was requested and granted as a condition by the commissioners in 2006 with the 64 unit plan. He said that Mr. Baker emailed him a cell phone photo of this plan since there was no digital version (he noted it was very fuzzy) and he was travelling and he noticed that the buffer was omitted. He said a large portion of his opposition to the plan today is because he has livestock – horses, sheep, chickens, guineas, and ducks – and noted that those

animals are not used to be next to something that is so dense that really belongs in Brier Creek or some populated neighborhood. He said that this will put nine new neighbors right up next to what is currently pastures and riding rings. He said he is concerned about the animals getting spooked, causing a hazardous condition for themselves, potentially riders or the folks that are living next door in the event that they jump the fence due to the density of the development right up against a livestock area. He said in reading the code, in other zoning districts, there are mandatory 25 foot undisturbed buffers between discontinuous zoning districts, but there is not a mandatory one between an R-25 and his current zoning district. He said that he thought that was another reason why the initial buffer went in at 2006.

He said he wanted to give some feedback as to how it was to live next to Applewood Phase I as it has been in development, noting it has been 10 years since it started and it is still not complete. He said there are three townhome lots that are still muddy and have pipes sticking up out of the ground 10 years later. As the stock market is crashing, he said it is very likely that we may go into another recession and his concern is that the development will get started and it will take an additional 10 years to complete and will not be a quick turnaround, but will drag out like Applewood Phase I did. He said he would like to mention a couple of the other issues that have happened. He said that he has horses and a pasture near the road and that a lot of people that live in the neighborhood, or he said he shouldn't say they live in the neighborhood because he could not prove that, but they turn into the neighborhood and pull their cars up and let their kids yell out the window at the horses, try to give them feed like carrots or apples and they think they are being friendly. He said they are people that live in subdivisions and are not used to livestock and this is in the front of the road where all of the neighbors can see them. He said he generally goes up and talks to them if he sees this happening and they will stop. He said he was concerned with this kind of density and nine new neighbors on the side where he has animals and what is going to happen where he cannot see it or it is not out in front of everybody. He said that is another reason he is requesting the buffer zone because they have had this experience with people who just do not think of livestock and they think of it as a petting zoo. He said it is not their petting zoo and they need to behave differently and that he tries to educate them, but that he is concerned about what is going to happen down at the lots in the far corner of the plan. He said the last item he would like to mention is the issue of a light pollution issue regarding lights that were selected in Phase

I. He said they are way far across the street, beyond another neighbor, but since the lights have come in, he can walk around his entire house at night with the new moon and see everything going on. He said they are not lights that shine down, but shine way out. He said another concern about this development being much closer to his house is that if they go with the same style lights it is not going to be the country life style that was there when they bought the property and moved in when there was no Phase I or Phase II development, but a very rural life style. He said that now they are looking at something that potentially belongs in Raleigh or Durham in terms of density and the amount of light being thrown off and it is a concern of his of how it impacts their use of the land. He would request that the Board consider, if they are going to consider approval, that they consider making a buffer along his entire property line as a condition of that approval.

He said he would also like to mention relating to the curb and gutter discussion that came up that he has seen multiple posts in the Butner-Creedmoor News where the Joe Peed water pump station has had to post notice that they had affluent that was let out into the stream. He said that there were some instances that he called them when it was running in the mornings that did not get posted because there was not enough volume released. He said his concern is if that is already happening with Applewood Phase I, multiple times, then you add 71 new homes onto that development and what is going to happen when you get rain like we did these last couple of years that goes into a potential gutter system. He said if you do not do a gutter system, 71 new homes alone will create a lot more sewage that is going to cause problems on that same run and go down into the creek. He said at some point you can only get so many of those before you get in trouble with the state and federal water quality and Falls Lake. He said he would like to ask the Board to consider that if there is increased density along with curb and gutter going into those pipes, there appears to be a capacity issue already and that it will only exacerbate that going forward.

There were no others to present evidence against the Special Use Permit.

Chairman Jay asked Attorney Jordan if he had any further evidence to present in rebuttal.

Attorney Jordan said he understood Mr. Branigan's concerns and said he is in a neighborhood where there is some transition and they understood. He said they are talking about neighbors who will be neighbors and not some that drive up to Mr. Branigan's property

on a Sunday afternoon, but people who will be living there. He said he thinks that most of us know that most of our neighbors are people who will understand and be sensitive to situations and will do what is best to be good neighbors with Mr. Branigan and his family. He said having said that however, he had just been authorized by Mr. Wynn to advise the Board that in consideration of Mr. Branigan's request that he is willing for the Board to attach a condition on the approval that there be a 25 foot buffer along the southeast portion of the property to essentially provide a buffer and for better isolation for the animals and other interests that the adjoining landowner may have. He said as far as the procedure, he could not really comment other than to assume that as Mr. Baker testified that all necessary legal requirements were carried out. He said in summary, that the application for the Special Use Permit is consistent with not only the prior application, but in fact the new application meets other requirements. It meets the water treatment requirements, meets the sewage treatment requirements and the stormwater drainage requirements better than the prior approved subdivision. He said it is important that the owner of the property, Crosswind represented by Mr. Wynn, be allowed to reasonably develop their property and the testimony that you have heard indicates that this is not only the best use of the land from his standpoint, but is a best use of the land from the community standpoint taking into account the balance between the rights of the landowner to develop his property and the adjoining neighbors and the community at large. He said that Mr. Branigan commented about the street lights and he said he thinks it is fair to state that this development will be in compliance with all current lighting plans. He said I am not testifying to that, but the trend has been in the newer subdivisions that light sources are directed more downwards than outwards and that he was sure Mr. Wynn and Crosswind folks will use reasonable state of the art in terms of whatever lighting is required and is approved in their permit application for that development. He said at this point everyone had been very patient, they had gone through a lot of things, the Board heard the testimony and he believed that all of both the legal requirements and more importantly the community requirements are being met by the Special Use Application. He said that they would strongly urge and request the favorable consideration and approval of the Special Use Permit and the consent of his client to insert the requirement of the 25 foot buffer that Mr. Branigan referenced in his statements to the Board. He thanked the Board.

Chairman Jay asked if any individuals had further rebuttal or opposition.

Mr. Wheeler asked if the buffer would adjoin his property also.

Attorney Jordan said he believed there is a buffer existing there on the stream. He said he had been advised that at the area where the two lots are, Mr. Wheeler would also get a 25 foot buffer. He clarified that lots 33 and 34 would also have a 25 foot buffer.

Chairman Jay asked the Board if they had any questions.

There were no further questions.

Upon a motion by Commissioner R. David Currin, Jr., seconded by Commissioner Edgar Smoak, and unanimously carried, the Board closed the quasi-judicial hearing.

Attorney Wrenn summarized the evidence that was presented. There were no objections to the Attorney's summary of evidence.

Chairman Jay opened the floor for discussion before voting on each finding of fact.

Commissioner Currin asked Mr. Baker to confirm if the address in the letter of where the meeting was to be held was incorrect.

Mr. Baker confirmed that the address in the letter for the meeting place was incorrect.

Commissioner Currin apologized for that. He asked Mr. Wheeler if his farm is pasture up to the property line now.

Mr. Wheeler said that the pasture borders the stream and it is fenced.

Commissioner Currin asked Mr. Branigan if his property was fenced.

Mr. Branigan said his property is fenced.

Commissioner Currin asked what exists between where your fence is and where Mr. Wynn's property is. He asked if that was cleared land or wooded land or what.

Mr. Branigan said if you look at the map you will see trees on adjacent property and most of those are pines and a few are hardwoods. He said they did some thinning. He said his riding ring and the back of his third pasture abut the entire side there and those are fenced.

Attorney Wrenn read the first required finding of fact.

*The Board must find that all applicable specific conditions pertaining to the proposed use contained in article III of Chapter 32 of the Ordinance have been or will be satisfied. Ordinance § 32-195 states that "All planned unit developments must meet the following:"*

*(1) The development must be on public sewer.*

*(2) The development must preserve a significant amount of open space which is located to best preserve and enhance the protection of natural resources and to protect water quality.*

*(3) The design shall be found to be a significant improvement over development that could be built under the base zoning.*

Upon a motion by Commissioner Edgar Smoak, seconded by Commissioner Tony W. Cozart, and unanimously carried, the Board voted unanimously that the first finding of fact was met.

Attorney Wrenn read the second required finding of fact.

*The Board must find that Access roads or entrance and exit drives are or will be sufficient in size and properly located to ensure automotive and pedestrian safety and convenience, traffic flow, and control and access in case of fire or other emergency.*

Commissioner Currin said he would make the motion to approve the second finding of fact and asked that lights that will be used in the subdivision be done so it does not put a negative impact on adjoining landowners. Commissioner Edgar Smoak seconded the motion and the Board voted unanimously that the second finding of fact was met with the condition of the lights be added.

Attorney Wrenn read the third required finding of fact.

*The Board must find that off-street parking, loading, refuse and other service areas are located so as to be safe and convenient, allow for access in case of emergency, and to minimize economic, glare, odor and other impacts on adjoining properties in the general neighborhood.*

Upon a motion by Commissioner Edgar Smoak, seconded by Commissioner David T. Smith, and unanimously carried, the Board voted unanimously that the third finding of fact was met.

Attorney Wrenn read the fourth required finding of fact.

*The Board must find that Utilities, schools, fire, police, and other necessary public and private facilities and services will be adequate to handle the proposed use.*

Upon a motion by Commissioner R. David Currin, Jr., seconded by Commissioner Ed Mims, and unanimously carried, the Board voted unanimously that the fourth finding of fact was met.

Attorney Wrenn read the fifth required finding of fact.

*The Board must find that the location and arrangement of the use on the site, screening, buffering, landscaping and pedestrian ways harmonize with adjoining properties and the general area and minimize adverse impact.*

Commissioner R. David Currin, Jr. made a motion to approve the finding of fact with the conditions that along the Wheeler and Branigan properties, a 25 foot buffer be maintained that includes screening vegetation, and that all fees be waived for the applicant in the pursuit

of putting in curb and gutter at this development at a future time, in order to encourage this to be done so it does not impose a problem of runoff in the area and that it be maintained if feasible in the development. Commissioner Ed Mims seconded the motion.

Attorney Wrenn asked that in respect to the curb and gutter matter, would it be satisfactory if staff asked the Planning Board to bring an amendment instead of waiving the fee.

Commissioner Currin asked for clarification and said that the applicant presented evidence that the curb and gutter is a better plan.

Commissioner Currin amended his motion to approve the finding of fact with the conditions that along the Wheeler and Branigan properties, a 25 foot buffer be maintained that includes screening vegetation and directed staff to work with the Planning Board on a text amendment to encourage curb and gutter for developments. Commissioner Mims seconded the motion and it passed unanimously.

Attorney Wrenn read the final required finding of fact.

*The Board must find that the type, size and intensity of the proposed use, including such considerations as the hours of operation and number of people who are likely to utilize or be attracted to the use, will not have significant adverse impacts on adjoining properties or the neighborhood.*

Upon a motion by Commissioner Ed Mims, seconded by Commissioner Tony W. Cozart, and unanimously carried, the Board voted unanimously that the final finding of fact was met with the agreed upon changes by the applicant.

Chairman Jay stated that he would entertain a motion to approve or deny the special use permit.

Upon a motion by Commissioner R. David Currin, Jr., seconded by Commissioner Edgar Smoak, the Board approved with conditions the Special Use Permit by Crosswinds Development, Inc., for the Village at Applewood Planned Unit Development.

GRANVILLE COUNTY  
BOARD OF COMMISSIONERS  
ORDER GRANTING SPECIAL USE PERMIT

On the date listed below, the Board of Commissioners for Granville County (the "Board") met and held a quasi-judicial public hearing to consider the following application.

Applicant:	Crosswind Development, Inc.
Owners of record	Crosswind Development, Inc. (as of date of hearing)
Property Location:	Intersection of Joe Peed Road and W.B. Clark Road, Dutchville Township, Granville County, NC

Tax Parcel Id. Number: 088603228968  
Legal Description: See attached Exhibit "A"  
Proposed Use of Property: Planned Unit Development  
Meeting Date: January 19, 2016

Having heard and reviewed all the evidence and arguments presented at the hearing, the Board finds that the application is complete and that, based upon the evidence presented, the proposed Planned Unit Development complies with all of the applicable requirements of the Granville County Land Development Ordinance (the "Ordinance") for the use proposed, specifically including, but not limited to, the Standards in Chapter 32 of the Ordinance. Therefore, the Board grants the application to make use of the above-described property for the purpose indicated herein and the same is hereby approved, subject to all applicable provisions of the Ordinance and to the Conditions (as defined below) hereinafter set forth.

In making this decision, the Board reviewed the six standards in Ordinance § 32-1101, including the specific requirements for the proposed use set out in Ordinance § 32-195. After having heard all of the evidence presented at this quasi-judicial hearing, the Board makes the following **FINDINGS OF FACT** (collectively the "Findings of Fact"):

1. That the following documents and exhibits were submitted into evidence: (i) Applicant's Granville County Special Use Permit Application dated October 21, 2015, said application being captioned as "Case #: SU-1-2015"; (ii) Subdivision Preliminary Plat Site Plan for The Village at Applewood prepared by Summit Design and Engineering Services shown as "Drawing Name: Applewood\_S" and "Sheet No. P-1" (the "Site Plan"); (iii) Letter from Granville County School Administration dated November 19, 2105; (iv) Applicant's Granville County Environmental Disclosure Checklist; (v) Letter from North Carolina Department of Transportation commenting on application dated November 13, 2015; and (vi) Final Allocation Approval letter from the South Granville Water and Sewer Authority dated April 16, 2016 (the "SGWASA Letter").
2. That the following persons provided sworn testimony to the Board concerning the application for special use permit: (i) Attorney James (Jim) F. Jordan on behalf of the Applicant; (ii) William (Bill) Wynn, President of Applicant; (iii) Matt Hastings, P.E., engineer for the Applicant; and (iv) Barry Baker, Granville County Planning Director.
3. That the Applicant is requesting a special use permit to allow a Planned Unit Development in property that is zoned R-25 and AR-40, which use is allowed under the Ordinance but only by special use permit.
4. That the Applicant is seeking a special use permit to develop a Planned Unit Development on the Property herein described in accordance with the Site Plan submitted into evidence by the Applicant and the Conditions herein imposed.
5. That public water and sewer is available for the Planned Unit Development through the South Granville Water and Sewer Authority as evidenced by the SGWASA Letter referenced above.
6. That the Planned Unit Development preserves a significant amount of open space and that such open space is located in a manner to best preserve and enhance the protection of natural resources and to protect water quality.
7. That the design of the Planned Unit Development is a significant improvement over development that could be built under the base zoning.
8. That the design of the Planned Unit Development minimizes the overall disturbance to the environment by utilizing densely placed lots that require less grading and road surface and preserve more natural forest land and green space as shown on the Site Plan.
9. That the size, location, and condition of all access roads, entrances and exits shown on the proposed Site Plan will meet or exceed NCDOT minimum standards and specifications.
10. That the individual residential units will be served by individual refuse containers, which should eliminate harmful odors from negatively impacting neighbors or neighboring properties.
11. Parking within the Planned Unit Development will be typical of other residential developments and the development will not contain any mass parking facilities.

12. That in an effort to reduce any potential glares from the windshields of parked cars or car lights to cars traveling along the Joe Peed Rd. and W.B. Clark Rd., the proposed lots are configured so that the existing public right of way adjoins the rear of such adjoining lots.
13. That utilities have been allocated for the proposed Planned Unit Development by SGWASA and no additional changes for school, fire, police, ambulance, or other necessary public and private facilities are currently needed to accommodate the proposed use.
14. That the screening, buffering, landscaping, and pedestrian ways shown on the Site Plan are equivalent to or better than those existing within the Applewood Phase I development located immediately adjacent to the W.B. Clark right of way.
15. That the type, size, and intensity of the proposed Planned Unit Development will be in harmony with the single family residential growth and other existing high density residential properties located in the immediate vicinity of the property.

**Based on the foregoing Findings of Fact, the Board makes the following conclusion as to each standard set forth in Section 32-1101 of the Ordinance:**

1. All applicable specific conditions pertaining to the proposed use contained in article III of Chapter 32 have been or will be satisfied. For the instant case, Ordinance § 32-195 states that planned unit developments must meet the following:
  - (1) The development must be on public sewer.
  - (2) The development must preserve a significant amount of open space which is located to best preserve and enhance the protection of natural resources and to protect water quality.
  - (3) The design shall be found to be a significant improvement over development that could be built under the base zoning.

**The Board unanimously finds, based on the testimony and other evidence presented, including but not limited to Findings of Fact 1, 5, 6, 7, and 8 set forth above, which are hereby incorporated by reference as if fully set forth herein, that the applicant's proposed use of the property will conform to the standards set out above and in Ordinance § 32-195. No competent evidence, as defined in § 160A-393, was presented in opposition to this finding. The Board unanimously finds that the evidence shows that this finding has been met.**

2. Access roads or entrance and exit drives are or will be sufficient in size and properly located to ensure automotive and pedestrian safety and convenience, traffic flow, and control and access in case of fire or other emergency.

**The Board unanimously finds, based on the testimony and other evidence presented, including but not limited to Finding of Fact 9 set forth above, which is hereby incorporated by reference as if fully set forth herein, that the proposed access and exit drives will be sufficient to meet this requirement. No competent evidence, as defined in § 160A-393, was presented in opposition to this finding. The Board unanimously finds that the evidence shows that this finding has been met.**

3. Off-street parking, loading, refuse and other service areas are located so as to be safe and convenient, allow for access in case of emergency, and to minimize economic, glare, odor and other impacts on adjoining properties in the general neighborhood.

**The Board unanimously finds, based on the testimony and other evidence presented, including but not limited to Findings of Fact 10 and 11 set forth above, which are hereby incorporated by reference as if fully set forth herein, that the parking, loading and service areas of the proposed use will comply with all requirements of the Ordinance. No competent evidence, as defined in § 160A-393, was presented in opposition to this finding. The Board unanimously finds that the evidence shows that this finding has been met.**

4. Utilities, schools, fire, police, and other necessary public and private facilities and services will be adequate to handle the proposed use.

**The Board unanimously finds, based on the testimony and other evidence presented, including but not limited to Finding of Fact 13 set forth above, which is hereby incorporated by reference as if fully set forth herein, that the proposed use will not present an unreasonable increased burden on the above-mentioned services. No competent evidence, as defined in § 160A-393, was presented in opposition to this finding. The Board unanimously finds that the evidence shows that this finding has been met.**

5. The location and arrangement of the use on the site, screening, buffering, landscaping and pedestrian ways harmonize with adjoining properties and the general area and minimize adverse impact.

**The Board unanimously finds, based on the testimony and other evidence presented, including but not limited to Finding of Fact 14 set forth above, which is hereby incorporated by reference as if fully set forth herein, the proposed use will harmonize with the adjoining properties. No competent evidence, as defined in § 160A-393, was presented in opposition to this finding. The Board unanimously finds that the evidence shows that this finding has been met.**

6. The type, size and intensity of the proposed use, including such considerations as the hours of operation and number of people who are likely to utilize or be attracted to the use, will not have significant adverse impacts on adjoining properties or the neighborhood.

**The Board unanimously finds, based on the testimony and other evidence presented, including but not limited to Finding of Fact 15 set forth above, which is hereby incorporated by reference as if fully set forth herein, that the proposed use will not have significant adverse impacts on adjoining properties or the neighborhood. No competent evidence, as defined in § 160A-393, was presented in opposition to this finding. The Board unanimously finds that the evidence shows that this finding has been met.**

The Applicant accepts the following as conditions of approval of this Special Use Permit (collectively the "Conditions"):

- (1) Lot #34: Applicant agrees to provide a twenty-five (25) foot undeveloped natural vegetative buffer between the lot shown on the Site Plan as Lot #34 and that certain tract of land located to the west of Lot #34, said tract being presently or formerly owned by Leland H. Wheeler et al., described at Deed Book 202, Page 424 of the Granville County Registry, and identified as Tax Map 088603422613 (the "Wheeler Tract").
- (2) Lot #33: Applicant agrees to provide a twenty-five (25) foot undeveloped natural vegetative buffer between the lot shown on the Site Plan as Lot #33 and the following tracts of land: (i) the Wheeler Tract; and (ii) that certain tract of land located to the west of Lot #33, said tract being presently or formerly owned by James P. Branigan as described at Deed Book 1151, Page 17 of the Granville County Registry, and identified as Tax Map 088603322335 (the "Branigan Tract").
- (3) Lots #26-32: Applicant agrees to provide a twenty-five (25) foot undeveloped natural vegetative buffer between the lots shown on the Site Plan as Lots #26-32 and the Branigan Tract.
- (4) The Planning Director shall have the discretion to allow stormwater conveyance devices utilizing curb and gutter if such devices are allowed by ordinance or applicable law at the time the devices are installed without regard to whether such devices are allowed as of the date hereof.

Based upon the evidence presented, the Board unanimously finds that the proposed use meets the requirements set out in the Ordinance for the reasons stated above and, as a result, grants the applicant's application for a special use permit, subject those Conditions hereinabove set forth.

**IN WITNESS WHEREOF**, the Board has caused this special use permit to be issued in its name, and the undersigned, being the Applicant and the owners of the Property above described, do hereby accept this Special Use Permit as binding on them and their successors in interest.

### **BREAK**

At this point, the Board took a break. Commissioner Tony W. Cozart left the meeting due to a death in the family.

### **BOARD APPROVED CLASSROOM FURNISHINGS FOR SENIOR SERVICES**

County Manager Felts stated that Granville County Senior Services is in need of classroom tables and chairs for their new space. Three prices were requested for twenty-five (25) flip-top tables and fifty (50) chairs and listed are the firms that provided pricing;

- Thrifty Office Furniture \$16,000.22
- Staples Business Interiors \$17,930.00
- Taylor Business Products \$17,073.60

The recommendation from Construction Administration was to award the purchase to the low bidder Thrifty Office Furniture and funds are included in the planned and approved project budget.

Upon a motion by Commissioner R. David Currin, Jr., seconded by Commissioner David T. Smith, and unanimously carried, the Board approved the purchase of 25 flip-top tables and 50 chairs from Thrifty Office Furniture for the new Granville County Senior Center for a price not to exceed \$16,000.22 from the project budget.

**BOARD APPROVED REQUEST FOR QUALIFICATIONS FOR ROAD ENGINEERING SERVICES**

County Manager Felts stated that Granville County received eight (8) responses to the Request for Qualifications for On-Call Engineering Services and Construction Administration/Inspection for Subdivision Roads. Following is a list of firms who submitted responses.

- A. Morton Thomas & Associates, Inc. (AMT)
- S&ME, Inc
- Coulter Jewell Thames P.A.
- McGill Associates
- Wetherill Engineering, Inc.
- Stewart, Inc.
- DRMP, Inc.
- Bateman Civil Survey Company, PC (BCSC)

County Development Services Staff reviewed the responses and identified the following four (4) firms for the Board's consideration. Development Services staff applied a matrix to the following four firms and, based on the matrix scoring, recommended A. Morton Thomas & Associates, Inc. (AMT). A copy of the AMT response was included in the agenda packet along with the RFQ Proposal Scoring Matrix prepared by staff.

1. A. Morton Thomas & Associates, Inc. (AMT)
2. S&ME, Inc
3. Coulter Jewell Thames P.A.
4. McGill Associates

Upon a motion by Commissioner Edgar Smoak, seconded by Commissioner Timothy Karan, and unanimously carried, the Board approved authorizing the County Attorney and the County Manager to execute a contract for On-Call Engineering Services and Construction Administration/Inspection for subdivision roads to A. Morton Thomas & Associates, Inc. (AMT).

**BOARD APPROVED UTILITY AUDIT SERVICES CONTRACT**

County Manager Felts stated that Granville County advertised and received three responses for Utility Audit Services. A copy of the Request for Qualifications (RFQ) was included in the agenda for reference. Responses were received from Cost Control Alliance, Inc., Cost Analysts and Troy and Banks. The three responses were reviewed by the Internal Auditor and Finance Director and based on the combination of experience with North Carolina governmental clients, proposed procedures and proposed fees, they recommended awarding the service contract to Cost Control Alliance.

Upon a motion by Commissioner R. David Currin, Jr., seconded by Commissioner Edgar Smoak, and unanimously carried, the Board approved awarding the Utility Audit Services contract to Cost Control Alliance.

**BOARD APPOINTED MICHAEL ALLEN (DISTRICT 1) AND REAPPOINTED RONNIE BOYD (DISTRICT 2) AND ALLAN STRICKLAND (DISTRICT 6) TO THE GRANVILLE COUNTY VETERANS AFFAIRS COMMITTEE**

Upon a motion by Commissioner Zelodis Jay, seconded by Commissioner Ed Mims, and unanimously carried, the Board approved the appointment of Michael Allen (District 1) to the Granville County Veterans Affairs Committee.

Upon a motion by Commissioner David T. Smith, seconded by Commissioner Ed Mims, and unanimously carried, the Board approved the reappointment of Ronnie Boyd (District 2) to the Granville County Veterans Affairs Committee.

Upon a motion by Commissioner Timothy Karan, seconded by Commissioner Edgar Smoak, and unanimously carried, the Board approved the reappointment of Allan Strickland (District 6) to the Granville County Veterans Affairs Committee.

**BOARD REAPPOINTED JUDY TAYLOR (DISTRICT 7) TO THE ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE**

Upon a motion by Commissioner Edgar Smoak, seconded by Commissioner Timothy Karan, and unanimously carried, the Board reappointed Barbara Harris (District 2) to the Adult Care Home Community Advisory Committee.

**BOARD APPOINTED CHAIRMAN ZELODIS JAY TO THE CAPITAL AREA METROPOLITAN ORGANIZATION (CAMPO)**

Upon a motion by Commissioner Timothy Karan, seconded by Commissioner David T. Smith, and unanimously carried, the Board appointed Chairman Zelodis Jay to the Capital

Area Metropolitan Organization (CAMPO). Commissioner Karan noted that he would serve as back-up for meetings if available and Chairman Jay could not attend.

**BOARD APPROVED WAIVER OF TERM LIMIT FOR THIS YEAR FOR THE GRANVILLE COUNTY LIBRARY SYSTEM BOARD OF TRUSTEES**

Chairman Jay stated that the Granville County Library System Board of Trustees was requesting that the term limits for the Library Board be waived this year. At this time, members may serve two three-year terms and then must rotate off. He said that several Library Board members have terms that expire, but with a new Library Director and review of Board policies currently underway, the Library Board was requesting to waive term limits one time.

Upon a motion by Commissioner R. David Currin, seconded by Commissioner Edgar Smoak, and unanimously carried, the Board approved waiving the term limits for the Granville County Library System Board of Trustees for this year.

**BOARD REAPPOINTED MARTHA E. MORTON (DISTRICT 1), MILDRED C. GOSS (DISTRICT 5 APPOINTED BY DISTRICT 3) AND WILLIAM D. PITTARD (DISTRICT 7) TO THE GRANVILLE COUNTY LIBRARY SYSTEM BOARD OF TRUSTEES**

Upon a motion by Commissioner Zelodis Jay, seconded by Commissioner David T. Smith, and unanimously carried, the Board reappointed Martha E. Morton (District 1) to the Granville County Library System Board of Trustees.

Upon a motion by Commissioner R. David Currin, Jr., seconded by Commissioner Timothy Karan, and carried by a vote of 5 - 1, the Board reappointed Mildred C. Goss (District 5 appointed by District 3) to the Granville County Library System Board of Trustees. Commissioner Ed Mims voted against the motion.

Upon a motion by Commissioner Edgar Smoak, seconded by Commissioner R. David Currin, Jr., and unanimously carried, the Board reappointed William D. Pittard to the Granville County Library System Board of Trustees.

**BOARD REAPPOINTED SARAH GABEL (DISTRICT 2), BEVERLY EATON (DISTRICT 4) AND ABIGAIL CROWNSHAW (DISTRICT 3 APPOINTED BY DISTRICT 6) TO THE ANIMAL CONTROL ADVISORY COMMITTEE**

Upon a motion by Commissioner David T. Smith, seconded by Commissioner R. David Currin, Jr., and unanimously carried, the Board reappointed Sarah Gabel (District 2) to the Animal Control Advisory Committee.

Upon a motion by Commissioner Ed Mims, seconded by Commissioner R. David Currin, Jr., and unanimously carried, the Board reappointed Beverly Eaton (District 4) to the

Animal Control Advisory Committee. Commissioner Cozart had asked that she be reappointed before he left the meeting.

Upon a motion by Commissioner Timothy Karan, seconded by Commissioner Edgar Smoak, and unanimously carried, the Board reappointed Abigail Crownshaw (District 3 appointed by District 6) to the Animal Control Advisory Committee.

**BOARD REAPPOINTED STEWART HARRIS, ALTERNATE (DISTRICT 1) TO THE OXFORD ZONING BOARD OF ADJUSTMENT**

Upon a motion by Commissioner Zelodis Jay, seconded by Commissioner Edgar Smoak, and unanimously carried, the Board reappointed Stewart Harris, Alternate, (District 1) to the Oxford Zoning Board of Adjustment.

**BOARD APPOINTED SARAH MAYFIELD (DISTRICT 1) AND REAPPOINTED WILLIAM O. BETTS (DISTRICT 3 APPOINTED BY DISTRICT 1) AND ETHEL ANDERSON (DISTRICT 1) TO THE GRANVILLE COUNTY HUMAN RELATIONS COMMISSION**

Upon a motion by Commissioner Zelodis Jay, seconded by Commissioner David T. Smith, and unanimously carried, the Board appointed Sarah Mayfield (District 1) to the Granville County Human Relations Commission.

Upon a motion by Commissioner Zelodis Jay, seconded by Commissioner Ed Mims, and unanimously carried, the Board reappointed William O. Betts (District 3 appointed by District 1) to the Granville County Human Relations Commission.

Upon a motion by Commissioner Zelodis Jay, seconded by Commissioner David T. Smith, and unanimously carried, the Board reappointed Ethel Anderson (District 1) to the Granville County Human Relations Commission.

**BOARD TABLED DISPOSITION OF MCCLANAHAN STREET PROPERTY**

County Manager Felts said that in lieu of the earlier vote regarding the disposition of the McClanahan Street property, he asked that this item be held until a future meeting so staff could do due diligence.

**BOARD APPROVES IN-KIND MATCH FOR CUB SCOUT DISTRICT TWILIGHT CAMP**

The County Manager's office received a request from Adam Stedum, District Director for the Awahili District of Boy Scouts, for an in-kind match for their annual District Twilight Camp for Cub Scouts. The Cub Scouts would like to use the Granville Athletic Park in June to provide this opportunity for cub scouts in the District. Traditionally they have held this camp at either Aycock Recreation Center in Henderson or at Hill King United Methodist

Church in Louisburg. The Scout District only charges a small fee for each youth in order for them to be able to participate in the camp and are unable to pay for a site for this camp. Cub Scouts from the entire Awahili District are invited to camp which includes boys from all of Granville, Franklin, Vance, Warren Counties as well as Wendell, Zebulon and Rolesville in Wake County. The camp is run from Monday-Friday for a one week time period from 6:00 – 9:00 p.m. in the evenings with the staff usually arriving at 5:00 p.m. to begin setting up. Boys learn Character, Physical Fitness and Citizenship in an outdoor setting during this Twilight Camp. The request was for the use of two soccer fields and the pavilion on Monday – Friday and the amphitheater on Friday evening. The estimated value of the in-kind match is \$1,150 and noted that these fields are not usually utilized during weekdays in June.

Upon a motion by Commissioner Edgar Smoak, seconded by Commissioner Timothy Karan, and unanimously carried, the Board approved the County Manager's recommendation for an in-kind match for Cub Scout District Twilight Camp for a week in June 2016. The request includes the use of 2 soccer fields and the pavilion on Monday – Friday and the amphitheater on Friday evening.

**BOARD APPROVED AUTHORIZING ACTION ON PROPERTY AT 6556 HUNTSBORO ROAD, OXFORD**

County Manager Felts stated that this item is for discussion and noted that property located at 6556 Huntsboro Road as an example of an abandoned and damaged structure. He said that Commissioner Smith brought this matter to the attention of staff.

Discussion ensued about the possibility of a public nuisance ordinance already in place that could address the matter. County Attorney Wrenn recommended not passing another ordinance, but to proceed with action under the current ordinance. He said the owners have been located and a new house has been built. He recommended sending a letter to have them remove the structure from the lot.

Upon a motion by David T. Smith, seconded by Commissioner R. David Currin, Jr., and unanimously carried, the Board approved authorizing action under the public nuisance ordinance on the property at 6556 Huntsboro Road to have it removed.

**COUNTY MANAGER'S REPORT**

County Manager Felts stated that he had an economic development matter for closed session.

## **COUNTY ATTORNEY'S REPORT**

County Attorney Wrenn stated that he had a few matters for closed session. He noted that he wanted to report that a settlement was reached with H. G. Reynolds and the liquidated damages would be split as discussed. He added that the settlement is available for viewing.

## **BOARD PRESENTATIONS**

Commissioner Currin stated that he appreciated the Board's support regarding the issues of safety for solar farms.

Commissioner Mims stated that the Veterans Affairs Committee met tonight at 7:00 p.m. and they decided to postpone the upcoming Veterans Appreciation Day due to the weather. He also stated that the Juvenile Crime Prevention Council (JCPC) needs a Recreational Professional as part of the Council. He asked if the County Recreation Committee would have a recommendation or should we look to the municipalities for a recommendation. He noted that it makes sense to have someone who is part of an organized Recreation Committee. He stated that he did not need an answer now but he would like feedback from the Board as to who they would like to serve as a Recreational Professional on the JCPC. He also reported that the JCPC had a briefing on last Friday and they had their first report on bullying in Granville County Schools. He added that the report was very enlightening. He also mentioned that Tracey Dreibelbis, District 5 Representative on the Animal Control Advisory Committee, has been selected as a scholarship recipient for an eight week Missing Animal Response Training Course offered through Missing Pet Partnership. He stated that she was one of only nine recipients for the 2016 National Scholarship.

Commissioner Karan stated that he not only attended the North Carolina Association of County Commissioners (NCACC) Board of Directors meeting last week but also specific to one of the topics they handled at that meeting was the Connect NC Bond Forum. He noted that the Connect NC Bond is a 2 billion dollar bond package that is coming before the Board on March 15<sup>th</sup>. He then shared with the Board the details of the bond package. He stated that he will be presenting the Board with a resolution in support of the Connect NC Bond. He also discussed with the Board the details of Senate Bill 581 regarding Department of Transportation. He also informed the Board of the Legislative Goals for the NCACC.

Commissioner Currin asked how the Connect NC Bond will be financed.

Commissioner Karan stated that the General Assembly over the last three years have accelerated the level of payments that they have been making on our current debt service. He noted that the pay down on the current debt that the State has in five years will 75% retire most of their debt. He added that the increase of 2 billion dollars next year will have the same net effect as this year's debt service. He stated that we are just replacing expiring debt at a rapid pace.

Commissioner Smoak stated that he had one personnel matter for closed session.

Commissioner Smith stated that it's always good when we have small businesses open up. He noted that Leroy Honeycutt reopened a store in Bullock and the grand opening was on Thursday, January 14<sup>th</sup>.

Chairman Jay stated that the Environmental Affairs Committee is still trying to find a way to get trash off of the roads. He noted that they have invited the House Representatives and Senators to their next meeting on February 8<sup>th</sup> at 8:00 a.m. to discuss this issue. He added that they will also discuss House Bill 675. He invited the Board to attend the meeting.

**BOARD WENT INTO CLOSED SESSION**

Upon a motion by Commissioner Edgar Smoak, seconded by Commissioner R. David Currin, Jr., and unanimously carried, the Board went into closed session as allowed by G. S. 143-318-11(a)(3), (4) and (6) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged; to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations; and to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy issues may not be considered in a closed session.

Upon a motion by Commissioner Edgar Smoak, seconded by Commissioner Ed Mims, and unanimously carried, the Board returned to regular session.

**BOARD ADJOURNED**

Upon a motion by Commissioner David T. Smith, seconded by Commissioner Ed Mims, and unanimously carried, the Board adjourned.

Respectfully submitted,  
Debra A. Weary, NCCCC, CMC  
Clerk to the Board