

OXFORD, NORTH CAROLINA
May 4, 2015

The Members of the Honorable Board of Commissioners of Granville County, North Carolina met in a regular meeting on Monday, May 4, 2015 at 7:00 p.m. in the Auditorium, Granville Expo and Convention Center, 4185 US Highway 15 South, Oxford.

Present were:

Chairman: Tony W. Cozart

Commissioners: R. David Currin, Jr. Zelodis Jay
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*

MEETING CALLED TO ORDER

At 7:00 p.m., Chairman Tony W. Cozart called the meeting to order and recognized Commissioner Zelodis Jay for the invocation and Pledge of Allegiance.

BOARD APPROVED CONSENT AGENDA

Upon a motion by Commissioner Timothy Karan, 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:

General Contingency Balance	\$ 16,000
Environmental Disaster Contingency	\$ 10,000
General Fund Appropriated Fund Balance	\$ 4,399,453
- (B) Approved the Minutes of the April 20, 2015 Meeting as recorded.
- (C) Approved the Tax Releases as recommended by the Tax Administrator:

TAX RELEASES
May 4, 2015

ACCT	NAME	AMOUNT	REASON
73935-201	Jeff Mitchell	71.73	SW MH Listed in Error
74309-201	Jerry Wayne Tuck	16.85	Boat is Listed in Warren County
TOTAL		\$ 88.58	

- (D) Approved the Request to NCDPI for Lottery Distributions in the amount of \$848,359.23.
- (E) Approved the Request to NCDPI for ADM Fund Distribution in the amount of \$695.00.

- (F) Approved the Proclamation Recognizing May 7, 2015 as National Day of Prayer as follows:

PROCLAMATION RECOGNIZING MAY 7, 2015 AS NATIONAL DAY OF PRAYER

WHEREAS, because of the faith of our many founding fathers, public prayer and national days of prayer have a longstanding and significant history in American tradition; and

WHEREAS, since the first call to prayer in 1775, when the Continental Congress asked colonies to pray for wisdom in forming a nation, the call to prayer has continued through our history; and

WHEREAS, in 1988 legislation adopting the first Thursday in May of each year as National Day of Prayer was passed unanimously by both Houses of Congress and signed by President Ronald Reagan; and

WHEREAS, the National Day of Prayer belongs to all Americans and it is a day that transcends differences, bringing together citizens from all backgrounds and all faiths to join in united prayer to acknowledge our dependence on God, to give thanks for blessings received, to request healing for wounds endured, and to ask God to guide our leaders and bring wholeness to the United States and her citizens; and

WHEREAS, the 64th Annual National Day of Prayer will take place on Thursday, May 7, 2015 where millions will unite in prayer at thousands of events from coast to coast; and

WHEREAS, the theme for 2015 is LORD, HEAR OUR CRY, emphasizing the need for individuals, corporately and individually, to place their faith in the unfailing character of their Creator, who is sovereign over all governments, authorities and men, and was inspired by I Kings 8:28: *“Hear the cry and the prayer that your servant is praying in your presence today;”* and

WHEREAS, it is fitting and proper to give thanks to God by observing a day of prayer in Granville County when all may acknowledge our blessings and express gratitude for them, while recognizing the need for strengthening religious and moral values in our State and Nation;

NOW, THEREFORE, BE IT PROCLAIMED, that the Granville County Board of Commissioners does hereby proclaim May 7, 2015 to be designated as **“A DAY OF PRAYER IN GRANVILLE COUNTY”** and encourages the citizens of Granville County to observe ways appropriate to its importance and significance.

FISCAL YEAR 2015-2016 BUDGET PRESENTED TO THE BOARD

Chairman Cozart stated that in accordance with NCGS §159-10-13, the County Manager’s submitted budget must be presented to the Board no later than June 1st. The Manager must also file a copy with the Clerk to the Board to make it “available to all the news media in the County.” The Manager must submit a budget message to introduce and summarize the budget. He said that the County Manager will present an overview of the FY 2015-2016 Recommended Budget for the Board’s review and consideration. The Board will also need to set the date of the required public hearing, which has tentatively been scheduled for May 18, 2015 and Budget Work Sessions have been tentatively scheduled for May 11th-May 15th beginning at 6:00 p.m.

County Manager Felts then presented the following Manager's budget message to the

Board:

Mr. Chairman and members of the Board, the binder you were provided contains the County's recommended annual budget as required by North Carolina General Statute 159 and the *Local Government Budget and Fiscal Control Act*. Two general parts comprise the document. The first part is the continuation budget for all funds necessary to carry out the services authorized by the Granville County Board of Commissioners. This portion contains both the financial information and the narrative descriptions of each program in all funds for which the Board is responsible. In addition to the financial information, the continuation budget section also contains statistical information about the County, financial planning models and a fee manual that describes the user fees that attempt to recover some or all of the costs of services from the direct beneficiaries of the services, rather than taxpayers. The second part contains detailed information on 48 service expansions proposed by departments and outside agencies. These are "new and different" programs or activities that expand the current level of service to the County citizens and taxpayers. The budget is balanced and prepared in accordance with the policies and procedures outlined in the *Local Government Budget and Fiscal Control Act*.

This budget is a product of the Board's vision of what Granville County will strive toward in the coming year. The values communicated during individual budget work sessions, monthly meetings, and in the annual planning retreat are as follows:

- ❑ Continue to rely on financial plans and systems in the preparation of the proposed budget, including the Five Year Financial Forecast and E911 Funding Plan;
- ❑ Conservatively estimate revenues and expenditures to avoid expectations of performance that are not realistic;
- ❑ Create an atmosphere where efforts to "spend down" during the fiscal year are discouraged;
- ❑ Present a budget that maintains the current level of programs and services provided by County departments to the public, without a reduction unless those reductions are caused by the State or Federal Governments.
- ❑ Present a budget that re-evaluates all expenditures and allows for policy review and potential service reductions or expansions based on other policy directives.
- ❑ Present a budget that does not supplant funding cuts by the State or Federal governments, but instead reduces those programs and informs the public of the associated impacts.

The budget team prepared this document to meet these goals.

The service expansion section of the budget document consists of expenditures that generally "change" something about the operation. Examples include new positions, new equipment, new programs, acceptance of various grants, and initiatives to address employee compensation and cost of living adjustments. Funding all service expansions will require more than \$5.8 million dollars in additional General Fund revenue. The Board may wish to consider other sources of revenue to fund these additional services. Some of the initiatives may appropriately be considered for partial funding, future funding, or be incorporated into an overall plan, such as the capital improvement program or recreation master plan.

An Overview of the Budget:

The recommended budget reflects both the strength of the County from a financial perspective and the significant challenges that the Board faces.

- ⇒ Much of the work in preparing the budget focused on critically evaluating all revenues and expenditures in an effort to adjust to the current and predicted economic conditions.
- ⇒ The FY 15-16 recommended budget maintains the prior year's tax rate of \$0.83 for each \$100 of assessed valuation as directed by the Board. This level tax rate is accomplished by again decreasing expenditures and using fund balance to close the revenue/expenditure gap.
- ⇒ The recommended budget continues funding for Senior Services facility construction as well as all current County provided programs and services.
- ⇒ The estimated tax base of nearly \$4.3 billion for fiscal year 15-16 is projected to provide revenues of \$34.9M at the recommended tax rate of 83 cents assuming a 98.12% collection

rate. The tax collection rate compared to last year raised by nearly 1%. This was due to the Tax Department staff's continued efforts to collect tax revenues timely and the full implementation of the Tag & Tax program for motor vehicles.

- ⇒ The recommended budget appropriates a little over \$1M from fund balance in order to maintain current levels of County provided programs and services without an increase in the tax rate.

Within the General Fund Revenues,

Property taxes account for nearly 66% of the budgeted revenues;

Sales & Other Taxes account for 14%;

Intergovernmental & Grant revenues account for nearly 16%;

With licenses, Fees, & Investment Earnings making up the remaining 4% of budgeted revenues.

- ⇒ Sales and Other Related Taxes are expected to increase by a little over \$300k from the previous year. Sales tax revenues continue to improve and forecasts report continued growth over the next few years.
- ⇒ Licenses, Fees, and Other Revenues are expected to remain fairly consistent when compared with the previous year's budget.
- ⇒ Restricted and Intergovernmental Revenue is expected to decrease by \$172k from the FY 14-15 original budget due mostly to lower anticipated grant revenues from the Federal and State governments.

Overall departments decreased their operational budgets again this year as compared to the FY 2014-2015 amended budget while maintaining their current level of programs and services. Of departments that had increases, they were mostly due to increases in payroll and benefit costs and operational needs such as maintenance contracts. In departments with small budgets, the increase in personnel costs could not be offset enough by other cuts and sometimes resulted in an increase in the overall department budget.

Meetings were held with departments and each line item was reviewed with the department managers. Department managers did an excellent job of critically reviewing and evaluating each expenditure within their budget.

A summary of revenues and expenditures can be found in Section V of the document.

In Summary

Granville County continues to face many challenges in the coming year. This recommended budget continues current operations and maintains the Ad Valorem tax rate at the prior year's level, in accordance with the Board's directive at the annual planning session, despite the increasing costs of providing these services.

The local and state economies in FY 15-16 and the actions of the State and Federal government will be important factors in the performance of this budget. The North Carolina General Assembly continue to delve into local government issues that historically have been left to local elected officials to decide. This taking away of local elected officials' control and decision making, as well as the increasing shift of State funding from rural areas to urban areas, is continuing to change the landscape of North Carolina in a way that is not projected to be positive for Granville County.

The Granville County Board of Commissioners has prepared for tough times by managing its resources well and has acted responsibly in its efforts to maintain services to its citizenry. The County will continue to provide critical services to those in need and do so at the proposed tax rate unless actions by the State or Federal governments force changes that are beyond its control.

Department managers did an outstanding job of analyzing and compiling budgets that met the expectations of the Board of Commissioners. They deserve many thanks and tremendous admiration. The people working for Granville County are truly special people who care about their community and take pride in providing efficient and effective services that make life better for others.

Putting together a budget is a tremendous effort. The Finance Department, under the leadership of Steve McNally, did an outstanding job in creating an informative and functional document that serves as a management tool and an outline from which to debate policy. I

also want to express my thanks to Debra Weary and Patrice Wilkerson for making sure that the business of the County continued while everyone struggled through the budget process.

I want to thank you for the opportunity to present the FY 2015-2016 recommended budget. The next steps in the budget process are to set the Board of Commissioners Budget Work Sessions and set a date to hold a public hearing on the budget. I am happy to provide any additional information now or at the budget work sessions. Thank you.

BOARD SETS BUDGET PUBLIC HEARING DATE AND BUDGET WORKSHOPS

Upon a motion by Commissioner David T. Smith, seconded by Commissioner Ed Mims, and unanimously carried, the Board scheduled the public hearing on the proposed budget for FY 2015-2016 for Monday, May 18, 2015 at 7:00 p.m. or shortly thereafter in the Auditorium, Granville Expo and Convention Center, 4185 US Highway 15 South in Oxford, North Carolina.

Upon a motion by Commissioner David T. Smith, seconded by Commissioner Edgar Smoak, and unanimously carried, the Board set the Budget Workshops for Monday, May 11th through Friday, May 15th as deemed necessary, at 6:00 p.m. in the Meeting Room at the Granville Expo and Convention Center.

AFTER HOLDING PUBLIC HEARING, BOARD APPROVED PLAN CONSISTENCY STATEMENT AND REZONING OF 158 WEST OF OXFORD – SOLAR FARM (BAKER PROPERTY)

Chairman Cozart stated that a public hearing would be held to hear public comments on the zoning map amendment (rezoning) petition for Entropy Solar Integrators, LLC, applicant and property owner Allan Baker, Jr. located at US 158 West of Oxford. He stated that Entropy Solar Integrators, LLC was requesting to rezone 52.71 acres (area within Granville County zoning jurisdiction) of a larger tract off US 158 west of Oxford from Agricultural Residential 40 District (AR-40) to Agricultural Support Enterprises Conditional Zoning District (ASE-CZ). The property is owned by Mr. Allan Baker, Jr. and is a part of property identified as Tax Map #191300184272. The applicant proposes under the conditional zoning district that the property be used for a single-family dwelling and ground-mounted solar power energy system “Solar Farm” (NAICS 221119). A site plan illustrating the proposed layout of the project was a part of the application.

Chairman Cozart declared the public hearing open and recognized Barry Baker, Planning Director for a brief overview of the proposed amendment.

Barry Baker, Planning Director, 122 Williamsboro Street, Oxford, NC, stated that all public notices required by local and state law have been accomplished. He noted that the

North Carolina General Assembly enacted Planning legislation and referred to the information in the agenda packet. He noted that (1) Copy of rezoning petition and site plans; (2) Copy of letter dated March 25, 2015 from Josh Crumpler, PE regarding proposed rezoning; (3) Written and signed Planning Board Plan Consistency Statement and Small-Scale Rezoning Analysis; (4) Unapproved minute excerpts for agenda item from the April 16, 2015 Planning Board meeting; (5) Copy of approved amendment regarding Agricultural Support Enterprises Conditional Zoning District; and, (6) Copy of zoning district vicinity map prepared by zoning staff were included in the agenda packets.

He explained that this is a 52.71 acre site (area within Granville County zoning jurisdiction) and the applicant has illustrated a site plan that is in both Granville County and the City of Oxford's zoning jurisdiction. He noted that any action by Granville County is for the Granville County zoning jurisdiction. He explained that the Planning Board (7-0) recommended approval of the zoning map amendment (rezoning) with the following conditions that were mutually agreed upon by the applicant: (1) Property is partially located in the City of Oxford extraterritorial zoning jurisdiction (ETJ). Granville County does not have jurisdiction in the ETJ. If approval of the rezoning occurs, the developer must receive approval from the City of Oxford before beginning construction. (2) Proposed access is through the City of Oxford's ETJ. Oxford will have to jointly approve access. (3) 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). He added that the approved ordinance with the standards for solar farms was included in the agenda which states that "a 25 foot existing natural vegetative buffer and/or a berm shall be required around the entire solar farm. Either the buffer or berm shall be installed in such a manner that the solar farm shall not be visible from any adjacent property. In addition, the setback from all residential zones shall be 100 feet inclusive of the buffer. The maximum height of the structures shall be 25 feet." He noted that Granville County can only change the zoning map for what Granville County has jurisdiction over. He noted that a site visit will be made to assure that the standards are met.

Commissioner Currin noted that the proposed tree line on most of the perimeter of the property in Granville County does not exist and asked if that was correct.

Mr. Baker stated that his understanding is that the proposed tree line is to meet the buffer standard and that the applicant could answer. He said he has seen the property from the perimeter and that the proposed tree line is supposed to be a natural, vegetative, existing buffer.

Commissioner Currin asked how a proposed tree line could be a natural, existing buffer.

Mr. Baker noted that his understanding is that the tree line is existing, but the applicant could answer the question.

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

Josh Crumpler, Kleinfelder, Engineer for Entropy Solar, 3500 Gateway Center Boulevard, Suite 200, Morrisville, NC, 27560, stated that this is a 5 megawatt solar site that will power approximately 1,500 homes in the area. It is a 40 acre site on a larger 80 acre tract and that half of it is in the City of Oxford's jurisdiction and they are working through that process with Cheryl Hart of the City of Oxford's Planning Department to get that area approved as well. He explained that to answer the question about the proposed tree line, there is a tree line along the western side of the site that is adjacent to the property line. He noted that they will be screening that area with a berm to obstruct the project from the adjacent property owners and that it actually migrates off and goes around a pond on the northwest side of the site so that the screening will get wider as the site goes back to the parcel.

Commissioner Mims asked when the applicant would know a decision about approval from the City of Oxford.

Mr. Crumpler stated that Oxford is working on their solar ordinance now and that Ms. Hart with the City of Oxford believes that in May they will recommend a solar ordinance for approval in their June meeting.

Commissioner Currin asked why the berms are not on the maps.

Mr. Crumpler stated that the berms should be shown and that he had previously provided a landscaping plan. He passed out a document with the landscaping plan and berm details. He referred to page 5 of the handout and noted the red square where the berm will be placed because the area does not meet the 25 feet of existing vegetation requirement. He then noted that the existing vegetation gets larger and greater on the right side of the map as the North Carolina Department of Environment and Natural Resources (DENR) required repairing and buffer which is a minimum of a 50 foot buffer. He noted that there are other pictures of

the buffer and a picture of him showing the existing vegetation and he is approximately 5 feet 9 inches. He noted that they will work with Mr. Baker on any areas that do not have existing vegetation and a berm will be added at that time.

With no one else wishing to speak, Chairman Cozart asked if the Board had any questions.

Commissioner Currin stated that he knew the landowners present and had emailed or spoken to other landowners pertaining to the public hearings tonight. He noted that he had done a lot of due diligence because he did not like to see people get taken advantage of and that as long as the adjacent landowners and people making the application are satisfied, then the only person at risk is the County. He said that he had spoken with someone at Duke Energy today and that they are not in this fight. He said if the landowners are willing to take the risk on something that is extremely shaky, it is their right and he wanted to make these comments in case something comes back about this later.

Chairman Cozart declared the public hearing closed.

Commissioner Smoak said that the Board had spent a great deal of time in the past year regarding solar farms and thanked the Planning Board and Board of Commissioners for their work on this matter. He noted that a good plan is in place if the landowners want solar farms and that he was ready to make a motion on the matter.

Upon a motion by Commissioner Edgar Smoak, seconded by Commissioner Timothy Karan, and unanimously carried, the Board approved the Plan Consistency Statement and the request from Entropy Solar Integrators, LLC, to rezone 52.71 acres (area within Granville County zoning jurisdiction) of a larger tract off US 158 west of Oxford, owned by Mr. Allan Baker, Jr., from Agricultural Residential 40 District (AR-40) to Agricultural Support Enterprises Conditional Zoning District (ASE-CZ) with conditions as follows:

AN ORDINANCE THAT AMENDS THE GRANVILLE COUNTY ZONING MAP FOR PROPERTY IDENTIFIED AS ALLAN BAKER, JR. PROPERTY ON US HIGHWAY 158 (PORTION OF TAX MAP #191300184272) 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 Entropy Solar Integrators, LLC for property owned by Mr. Allan Baker, Jr. as follows:

Z-1-2015 Entropy Solar Integrators, LLC, Applicant, Property Owner is Allan Baker, Jr., US 158 West of Oxford

Entropy Solar Integrators, LLC requested to rezone 52.71 acres (area within Granville County zoning jurisdiction) of a larger tract off US 158 west of Oxford from Agricultural Residential 40 District (AR-40) to Agricultural Support Enterprises Conditional Zoning District (ASE-CZ). The

property is owned by Mr. Allan Baker, Jr. and is a part of property identified as Tax Map #191300184272. The applicant proposes under the conditional zoning district that the property be used for a Single-Family Dwelling and Ground-Mounted Solar Power Energy System "Solar Farm" (NAICS 221119). A site plan illustrating the proposed layout of the project is approved as part of the application.

Whereas, the Granville County Planning Board held a public hearing on April 16, 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 May 4, 2015, 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 52.71 acres (area with Granville County zoning jurisdiction). 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 property within the Granville County Zoning Jurisdiction identified as a portion of Allan Baker, Jr. property on US Highway 158 (portion of Tax Map #191300184272) 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 and with the following mutually agreed-upon conditions: (1) Property is partially located in the City of Oxford extraterritorial zoning jurisdiction (ETJ). Granville County does not have jurisdiction in the ETJ. If approval of the rezoning occurs, the developer must receive approval from the City of Oxford before beginning construction. (2) Proposed access is through the City of Oxford's ETJ. Oxford will have to jointly approve access. (3) 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).

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 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 4th day of May, 2015.

AFTER HOLDING PUBLIC HEARING, BOARD APPROVED PLAN CONSISTENCY STATEMENT AND REZONING OF OLD NC 75 SOUTH AND WEST OF OXFORD – SOLAR FARM (CURRIN PROPERTY)

Chairman Cozart stated that a public hearing would be held to hear public comments on the zoning map amendment (rezoning) petition for Entropy Solar Integrators, LLC, Applicant and property owner Chandler T. Currin, Jr., located at Old NC 75 South and West of Oxford. He stated that Entropy Solar Integrators, LLC was requesting to rezone a 101.71 acre tract off Old NC 75 south and west of Oxford from Agricultural Residential 40 District (AR-40) to Agricultural Support Enterprises Conditional Zoning District (ASE-CZ). The property is owned by Mr. Chandler T. Currin, Jr. and identified as Tax Map #190200841364. The applicant proposes under the conditional zoning district that the property be used for a single-family dwelling and ground-mounted solar power energy system “Solar Farm” (NAICS 221119). A site plan illustrating the proposed layout of the project was a part of the application.

Chairman Cozart declared the public hearing open and recognized Barry Baker, Planning Director for a brief overview of the proposed amendment.

Barry Baker, Planning Director, 122 Williamsboro Street, Oxford, NC, stated that all public notices required by local and state law have been accomplished. He said that a copy of the rezoning petition and site plans was included in the agenda packet. He noted that the following items were included in the agenda packet: (1) Copy of rezoning petition and site plans; (2) Copy of Kleinfelder Currin Solar Farm Map dated 4-10-2015 recommended by Planning Board (smaller tract); (3) Copy of letter dated March 25, 2015 from Josh Crumpler, PE regarding proposed rezoning; (4) Written and signed Planning Board Plan Consistency Statement and Small-Scale Rezoning Analysis; (5) Unapproved minute excerpts for agenda item from the April 16, 2015 Planning Board meeting; (6) Copy of approved amendment regarding Agricultural Support Enterprises Conditional Zoning District; and, (7) Copy of zoning district vicinity map prepared by zoning staff. He stated that the Planning Board (7-0) recommended approval of the zoning map amendment (rezoning) for the smaller land area identified as Kleinfelder Currin Solar Farm Map dated 4-10-2015 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). (2) That prior to seeking a building permit that an illustration (site plan) be submitted to planning staff indicating compliance with the zoning setback. He said that the applicant was present and could address the issue of the zoning setback and that the applicant stated at the Planning Board public hearing that the 100 feet setback is met by their second site plan that the Planning Board recommended to approve.

Chairman Cozart asked if Mr. Baker felt he had sufficient staff to monitor and oversee that the setback requirements are met.

Mr. Baker stated that the condition would be that they illustrate a site plan prior to the issuance of the building permit that indicates compliance with the zoning setback. He said there is also the possibility to ask for a survey.

Commissioner Smoak asked for clarification about the original application and the decrease in acreage and what is the number of acres being considered.

Mr. Baker stated that the acreage has been reduced to a proposed 40 acres of the 101.71 tract and is identified on the Kleinfelder Currin Solar Farm Map dated April 10, 2015. He clarified that it was advertised as 101.71 acres because that number was on the original application form. He explained that decision makers have the ability to make stricter an approval and that a smaller land area is stricter and that is what the developer and property owner desired after the original application.

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

Josh Crumpler, Kleinfelder, Engineer for Entropy Solar, 3500 Gateway Center Boulevard, Suite 200, Morrisville, NC, 27560, stated that this is a 5 megawatt solar site on 40 acres of the 101 acre parcel of land. He said that the developer and the property owner agreed on the area and it is a site similar to the previous solar farm discussed and asked if there were any questions.

With no one else wishing to speak, Chairman Cozart asked if the Board had any questions.

Chairman Cozart declared the public hearing closed.

Upon a motion by Commissioner David T. Smith, seconded by Commissioner Edgar Smoak, and unanimously carried, the Board approved the Plan Consistency Statement and the request from Entropy Solar Integrators, LLC, to rezone a smaller land area than originally applied for that is identified as Kleinfelder Currin Solar Farm Map dated 4-10-2015 off Old NC 75 south and west of Oxford, owned by Mr. Chandler T. Currin, Jr., from Agricultural Residential 40 District (AR-40) to Agricultural Support Enterprises Conditional Zoning District (ASE-CZ) with the following conditions:

AN ORDINANCE THAT AMENDS THE GRANVILLE COUNTY ZONING MAP FOR PROPERTY IDENTIFIED AS CHANDLER T. CURRIN JR. PROPERTY OFF OF OLD 75 HIGHWAY (PORTION OF TAX MAP #190200841364) FROM AGRICULTURAL RESIDENTIAL 40 (AR-40) TO AGRICULTURAL SUPPORT ENTERPRISES CONDITIONAL ZONING DISTRICT (ASE-CZ) WITH MUTUALLY AGREED-UPON CONDITIONS AND SITE PLAN (IDENTIFIED AS KLEINFELDER CURRIN SOLAR FARM MAP DATED 4-10-2015) 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 the Entropy Solar Integrators for property owned by Mr. Chandler T. Currin, Jr. as follows:

Z-2-2015 Entropy Solar Integrators, LLC, Applicant, Property Owner is Chandler T. Currin, Jr., Old NC 75 South and West of Oxford

Entropy Solar Integrators, LLC requested to rezone a 101.71 acre tract off Old NC 75 south and west of Oxford from Agricultural Residential 40 District (AR-40) to Agricultural Support Enterprises Conditional Zoning District (ASE-CZ). The property is owned by Mr. Chandler T. Currin, Jr. and is identified as Tax Map #190200841364. The applicant proposes under the conditional zoning district that the property be used for a Single-Family Dwelling and Ground-Mounted Solar Power Energy System "Solar Farm" (NAICS 221119). A site plan illustrating the proposed layout of the project is approved as a part of the application.

Whereas, the Granville County Planning Board held a public hearing on April 16, 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 May 4, 2015, 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 agricultural-residential.

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

The proposed rezoning encompasses 101.71 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 land area identified as Kleinfelder Currin Solar Farm Map dated 4-10-2015 off of Old 75 Highway (portion of Tax Map #190200841364) 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 (identified as Kleinfelder Currin Solar Farm Map dated 4-10-2015) 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) That prior to seeking a building permit that an illustration (site plan) be submitted to planning staff indicating compliance with the zoning setback.

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 (identified as Kleinfelder Currin Solar Farm Map dated 4-10-2015) and with 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 4th day of May, 2015.

AFTER HOLDING PUBLIC HEARING, BOARD APPROVED PLAN CONSISTENCY STATEMENT AND GRANVILLE COUNTY LAND DEVELOPMENT CODE TEXT AMENDMENT REGARDING MAJOR SUBDIVISION ROAD MAINTENANCE

Chairman Cozart stated that the purpose of the public hearing was to hear public comments on the Granville County Land Development Code Text Amendment Petition as follows: Amendment to the Land Development Code (LDC) that would establish that a subdivider is the primary party responsible for maintenance of subdivision streets until the North Carolina Department of Transportation (NCDOT) accepts maintenance responsibilities of subdivision roads. The amendment also establishes guidelines for road maintenance agreements, creation of property owners' associations and their responsibilities, changes to performance guarantee bonding and maintenance guarantee bonding sections, and establishes that roads shown on recorded phases of subdivisions must be taken over maintenance by the NCDOT prior to the next phase receiving final plat approval.

Chairman Cozart declared the public hearing open and recognized Barry Baker, Planning Director for a brief overview of the proposed amendment.

Barry Baker, Planning Director, 122 Williamsboro Street, Oxford, NC, stated that all public notices required by local and state law have been accomplished. The Planning Board (7-0) recommended approval of the land development ordinance text amendment. He explained that the amendments have been reviewed by the County Attorney's office. Subdividers are most successful in getting roads taken over when they take responsibility and work with NCDOT. He noted that the text amendments have what is called "built to standard" requirement that was mentioned to staff during research regarding what NCDOT will do to go inspect the roads prior to final plat. He noted that this will be key in determining what amount a bond would be. He added that the amendment codifies maintenance agreements and it provides specific responsibilities of home owners' associations. He said that the amendment makes the subdivider the primary person responsible for maintenance and getting roads taken over and makes the home owners' association secondary.

Commissioner Smoak asked for clarification because he said that previously the developer was responsible until 51% of the lots were sold.

Mr. Baker said that the maintenance agreement would be entered into by the subdivider and said he was unaware of the 51% requirement in the ordinance. He said there is a requirement for roads to be taken over that NCDOT follows.

Attorney Wrenn said that this issue is not being regulated in the covenants.

Commissioner Mims asked at what point would the homeowners' association (HOA) take responsibility if the developer owns 51% or if doing a project in phases when does the HOA become responsible.

Commissioner Smoak also asked if a subdivision is done in phases, when does the developer take responsibility.

Attorney Wrenn stated that he believed the question is when the developer can turn over the responsibility for roads and such to the HOA. He said that this is governed in the North Carolina General Statutes Chapter 47C and this will not be changed, but can be addressed in the covenants. He said that HOA covenants are private contracts.

Commissioner Smoak mentioned concerns with "establishes that roads shown on recorded phases of subdivisions must be taken over maintenance by the NCDOT prior to the

next phase receiving final plat approval.” He said that there have been problems across the state and in Granville County with NCDOT taking over the roads even when they meet standards.

County Attorney Wrenn said this will be an incentive to get roads taken over early on before additional issues crop up.

Mr. Baker explained that if the developer intends to have a larger subdivision, then they get it approved, then the whole subdivision is put in, maintenance agreements are required and the whole subdivision is platted and there are less problems with building in different phases.

Commissioner Smoak said that he likes this, but it still scares him when subdivisions are being built in phases. He said sometimes it is hard to get NCDOT to move on phase I, so they never get started on phase II.

Mr. Baker said if the developer chooses to do a subdivision in phases when they record them, they have the opportunity to have the entire subdivision approved. They can then bond the roads, maintain the roads and get them taken over by NCDOT in entirety.

Commissioner Mims asked for clarification if there is a phase I and the roads are brought up to NCDOT standards will the HOA dictate or guide what goes on in other phases.

Mr. Baker said he may have misspoken, but it is intended to have all the roads done at once. He explained it also allows for review by NCDOT of the entire subdivision.

Commissioner Mims said he likes the direction that this is going and that there are issues that need to be addressed. He said he is leery because subdivisions are usually built in phases.

Mr. Baker said developers have the option of building in phases if they wish to do so. He referred to the Comprehensive Plan Statement Justification that says, “the Granville County Comprehensive Land Use (the Plan) on page V-7 states as an objective to ‘ensure that streets in new developments are properly designed, built, and maintained’” and that is the intent of all of these amendments.

Commissioner Karan stated that he had not been part of this process, but he appreciated the work of Mr. Baker, Mr. Mike Turner and the Planning Board and commended them for moving forward with future solutions to the problem we are in currently. He noted that this is not a retroactive fix, but there is a petition process for subdivisions that want to have roads taken over by NCDOT. He said that he did not believe that HOA’s were intended to be the

owners and maintainers of roads in subdivisions in Granville County unless a prior road maintenance agreement existed. He mentioned the Preserve subdivision as an example of developing a subdivision in phases and getting roads turned over to NCDOT.

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

Cassandra Hargrove, 6103 Wild Cherry Lane, Keller Pond Subdivision, said that she is the president of her subdivision's HOA. She said that she is interested in this matter because she has lived in Keller Pond Subdivision since 2008 and their roads are starting to get in bad condition. She said the developer has turned the maintenance of the roads over to the HOA. She said that she is not a road developer or a civil engineer, so when she walks her streets in her neighborhood she is very concerned when she sees the large cracks in the roads. She said she reached out to Commissioner Jay and thanked him for his help. She said that right now the roads are considered privately held, so she feels like they are stuck unless they go through the punch list and provide the information that NCDOT needs to take them over as public roads. She said she is not sure what direction they can go in at this point, but she feels like that each year as they are talking the roads are getting worse and worse. She mentioned that several homes have been for sale for a year or so and she believes it is because of the condition of the roads. She said as president of the HOA she is particularly concerned and interested in this topic.

There was no one else wishing to speak. Chairman Cozart asked if the Board need clarification.

Commissioner Currin asked where "the teeth" are in this amendment.

Mr. Baker stated that the maintenance requirements, the maintenance agreements and the "built to standards" letter from NCDOT before final platting which determines if the 15% bond or the 150% bond is required are additional subdivision requirements. He noted that he believes that the subdividers are the key people in getting roads taken over by NCDOT.

County Attorney Wrenn said that the maintenance agreement that will be a template that will be used if this is passed gives the County the leverage to make a lot of this happen and hold the developer's "feet to the fire." He said that if this is passed, documents will be brought back for review and that this may not be a perfect solution, but will move this in the right direction.

Commissioner Karan said that one of the issues in the past, is that developers were not up-front with people buying lots in their subdivisions. The road maintenance agreement is a clear-cut requirement that says that they have to inform the new purchasers of the lots that the road may not necessarily be a NCDOT approved street. He said that some developers have gone belly-up and this does not prevent that from happening but at least our citizens will be informed.

Commissioner Currin said that in Ms. Hargrove's subdivision lots have been advertised as half-price and he went to look at the subdivision. He said the roads are coming up and there are houses and lots for sale. He said that he does not see where this does anything for someone coming in and he feels we have gone backwards on road requirements.

Commissioner Smoak said that he is looking at this for "the teeth" also and referred to the wording in the amendment. He said he felt the only thing the Board can do is to increase the bonds. He said the HOAs pushing NCDOT is not working so maybe the developers pushing NCDOT will get it done.

Attorney Wrenn said that this requires that the bond be in place and the developer gets the road taken over by NCDOT.

Commissioner Smoak said that the bond needs to be high enough to entice the developer to get the roads taken over by NCDOT because they are not listening to HOAs.

Commissioner Mims asked if the bond needed to be specified.

County Attorney Wrenn said the bond was specified on pages 60-61 in the agenda packet that lists the maintenance guarantees and the graduated scale starts at 20% after four years of initial posting, going up to 25% after eight years of initial posting and then at least 25% after 10 years. He said that this would be the place to make the numbers more aggressive if the Board was not comfortable with the numbers.

Mr. Baker referred to page 59 of the agenda regarding performance guarantees under sub-section (a) that says "Roads that are to be dedicated to the public will not be considered completed until a "built to standards" letter has been received from NCDOT for such roads. He said if they do not submit that, they have to put up 150% bond. He said this "built to standards" letter from NCDOT will differentiate what bond that staff asks for.

Attorney Wrenn said this will not do anything retroactive for a subdivision such as Keller Pond, but other actions recently taken may help. He said this was designed with as

much “teeth” put in as we thought we could going forward. He said they looked at ordinances from other counties and tried to put as much “teeth” in it as possible.

Commissioner Smoak said he wished that more “teeth” could be put in it to take care of the roads, but he does not think it is possible and this is a step in the right direction. He noted that subdivision roads have been a problem for many years.

Chairman Cozart declared the public hearing closed.

Commissioner Edgar Smoak thanked the Planning Board and the County Attorney for their work on this matter and that he wanted to make a motion.

Commissioner Edgar Smoak made a motion to approve the Plan Consistency Statement and amendment to the Land Development Code (LDC) that would establish that a subdivider is the primary party responsible for maintenance of subdivision streets until the North Carolina Department of Transportation (NCDOT) accepts maintenance responsibilities of subdivision roads. Commissioner Timothy Karan seconded the motion.

Commissioner Mims said for the record that this will not do anything for the subdivision Ms. Hargrove mentioned in her public comments or for any existing subdivision.

When Chairman Cozart called for the vote on the motion, it passed by a vote of 6-1 as follows:

Ayes: Commissioners Cozart, Jay, Karan, Mims, Smith and Smoak
Nays: Commissioner Currin

AMENDMENT REGARDING MAJOR SUBDIVISION ROAD MAINTENANCE

Whereas, the Granville County Board of Commissioners found it necessary to adopt the Granville County Land Development Code on July 12, 1999, to provide for the orderly, planned, and efficient growth of Granville County; and,

Whereas, the need to amend and/or change this same code from time to time exist to provide for its efficient administration and enforcement or to address changing conditions of the growth and development of the County; and,

Whereas, the Granville County Planning Board held a public hearing on the proposed amendment on April 16, 2015 and after a study of evidence presented, made a favorable recommendation on the adoption of the proposed amendment; and,

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 Text Amendment and a public hearing was held by the Board of Commissioners on May 4, 2015, at which, evidence was presented at the public hearing.

Whereas, the Granville County Board of Commissioners hereby adopts the following Plan Consistency Statement:

GRANVILLE COUNTY BOARD OF COMMISSIONERS' PLAN CONSISTENCY STATEMENT:

The Granville County Comprehensive Land Use Plan (the Plan) on page V-7 states as an objective to “ensure that streets in new developments are properly designed, built, and maintained.”

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

SECTION 1. Amend Section 32-672 of the Granville County Land Development Code (**bold** denotes new language and ~~strike-through~~ denotes deleted language):

Sec. 32-672. - Public streets.

Design standards for streets shall comply with the minimum construction and paving standards for secondary roads as required by **NCDOT** ~~the state department of transportation, division of highways~~. All public roads shall be named. Proposed road names shall be submitted to the planning department for approval, and a fee will be charged for each sign to be ordered and installed by the county. **Prior to the approval and recordation of a record plat, A a** property owners' association shall be established to be responsible for the maintenance of ~~the public any road that is to be dedicated to the public as provided in section 32-675, the same as private roads~~ until such time the public road is accepted for state maintenance by the state department of transportation. **The property owners' association's responsibility for maintenance of any such road shall be secondary to that of the subdivider and shall be exercised when the subdivider fails to meet its obligations under this ordinance and any maintenance agreement required by this ordinance.**

SECTION 2. Amend Section 32-675 of the Granville County Land Development Code (**bold** denotes new language and ~~strike-through~~ denotes deleted language):

Sec. 32-675. - Maintenance of private roads.

All private roads shall be for the use and benefit of the lot owners in the subdivision and shall be deeded to a ~~trust to be administered by property owners' association which shall comply with the following, before approval of the final plat:~~ **established as set out in this ordinance and in accordance with applicable law before the approval and recordation of a record plat.**

~~(1) A property owners' association shall be established before the lots are sold. A trust shall be created at the same time, the sole purpose of which shall be to hold title to the private road and assist in its repair and maintenance and, as so desired by the board of trustees, its dedication for public use. The board of directors of the property owners' association shall serve as the trustees of the trust and be responsible for the administration of its affairs.~~

~~(2) Membership in the association shall be mandatory for each buyer and successive buyers of lots shown on a submitted plat.~~

~~(3) The association shall be responsible for the maintenance and upkeep of the private street or road.~~

~~(4) Any sums levied by the association that remain unpaid shall become a lien on the individual owner's property that shall be subordinate to tax and mortgage liens. The owners of each lot shall have voting rights in the association. The following information shall also be provided:~~

- ~~a. The name of the association.~~
- ~~b. The manner in which directors of the association are to be selected.~~
- ~~c. The post office address of the initial registered office.~~
- ~~d. The name of the city and county in which the registered office is located.~~
- ~~e. The number of directors constituting the initial board of directors.~~

SECTION 3. Amend Section 32-1056 of the Granville County Land Development Ordinance (LDO) by amending the following language (**bold** denotes added language):

- (6) *Time limits for preliminary plats.* Following approval of a preliminary major subdivision, a final major subdivision plat may be obtained within two years. Failure to gain final plat approval within this time period shall cause the preliminary plat approval to expire and application for new preliminary plat approval under the current requirements of this chapter shall be required. If the subdivision is to be developed in phases, final major subdivision plat approval

must be obtained for the first phase within two years from the date of preliminary approval. The remaining phases of the subdivision must obtain final plat approval within five years of the preliminary approval. **Roads shown on recorded phases must be taken over by the North Carolina Department of Transportation prior to the next phase receiving final plat approval.** A vested right for a major preliminary subdivision may be changed or revoked as authorized by G.S. 153A-344.1 as it may be from time to time amended.

SECTION 4. Amend Section 32-1057 of the Granville County Land Development Code (**bold** denotes new language and ~~strike-through~~ denotes deleted language):

Sec. 32-1057. - Final plat.

The procedural requirements for procuring major final subdivision plat approval are as follows:

- (1) *Submittal to the land development administrator.* The subdivider shall submit to the land development administrator or his designated agent an application in accordance with appendix 5 to this chapter. If all required elements in the checklist are not submitted, the plan will be returned to the applicant. Presentation of the major final plat shall be accompanied by a check made payable to the county register of deeds in the amount being charged at such time for recordation services.
- (2) *Land development administrator review and decision.* The proposed major final plat shall be reviewed by the land development administrator for compliance with the approved preliminary plat. If the major final plat is in substantial compliance with the chapter or the planning board approves any amendments made to the approved preliminary plat, the land development administrator shall approve the final plat. If a plat is disapproved, any revised plat submission shall constitute a new review and the time frames noted in this section shall apply in full.
- (3) *Appeals.* If the land development administrator does not render a decision within 45 days after the final plat is received, the applicant may appeal to the board of adjustment for a decision on the final plat. A decision by the land development administrator to disapprove a major subdivision plat may also be appealed to the board of adjustment.
- (4) *Required improvements or bonding.* No major final plat shall be approved until all improvements are installed **and/or** meet ~~the any~~ requirements, **including but not limited to requirements for the execution of a maintenance agreement, the posting of a performance guarantee, and/or the performance of a maintenance guarantee** as established in ~~section 32-1058~~ **Article XVII**, and the certificates as depicted on the plat have been signed. **Further, no final plat shall be approved until all roads shown on previously recorded phases of the subdivision have been accepted for maintenance by NCDOT.**
- (5) *Recordation of final plat.* Upon approval of the final ~~minor~~ **major** subdivision plat by the land development administrator, he shall sign the plat for recordation. It shall be the responsibility of the developer to submit the plat for recordation to the county register of deeds.

SECTION 5. Amend Section 32-1058 of the Granville County Land Development Code (**bold** denotes new language and ~~strike-through~~ denotes deleted language):

Sec. 32-1058. – ~~Bonding requirements~~ Performance Guarantees.

(a) *Guarantees of required **subdivision** improvements.* If required **subdivision** improvements have not been completed prior to the submission of the major final plat, the ~~developer~~ **subdivider** shall guarantee the completion of the required improvements in a subdivision by means of a **performance bond, irrevocable letter of credit, cash deposit, or other** surety ~~or other guarantees~~ satisfactory to the county manager in an amount equal to 150 percent of the estimated cost of the required improvements (**the “Performance Guarantee”**). **Roads that are to be dedicated to the public will not be considered completed until a “built to standards” letter has been received from NCDOT for such roads.** In reviewing the proposed ~~surety or guarantee~~ **Performance Guarantee**, the county manager ~~may~~ **shall** solicit recommendations from the planning director and the county attorney. Improvements shall be made and utilities installed within the time indicated in the ~~surety~~ **Performance Guarantee**. ~~One of the following methods may be pursued by the developer to ensure the installation of such improvements:~~

- ~~(1) Filing a performance bond with the developer/property owner as principal and a surety approved by the county manager;~~
- ~~(2) Depositing or placing in escrow a certified check or cash; or~~
- ~~(3) Furnishing an irrevocable letter of credit guaranteeing payment to the county in the event of its expiration prior to completion of improvements.~~

No ~~surety~~ **Performance Guarantee** shall be required **with respect to a required utility extension or installation** if the ~~developer~~ **subdivider** proves that ~~he~~ **it** has paid the utility ~~company~~ **provider** the amount of money needed to install the ~~utilities~~ **applicable utility infrastructure** or the utility ~~companies~~ **provider** states in writing that utilities will be installed at no cost to the ~~developer~~ **subdivider** or the county; ~~the company will~~ in a timely manner following the issuance of a building permit for the subdivision. This arrangement shall be noted in a conspicuous location on the final plat prior to approval and recordation.

(b) *Completion of required improvements; default by ~~developer~~ subdivider.*

(1) When the required improvements have been completed, the ~~developer~~ **subdivider** shall notify the land development administrator. The land development administrator may request comments relative to those improvements from ~~the state department of transportation~~ **NCDOT** or private registered civil engineer, the ~~state department of natural resources~~ **NCDENR**, ~~Land & Quality Section~~, and the ~~county health department~~ **Granville Vance District Health Department**, ~~Environmental Health Section~~. When the land development administrator has received reports that the improvements have been installed in accordance with this chapter and to the satisfaction of **any agencies or entities having jurisdiction**, the land development administrator shall make a request in writing to the county manager to release the ~~surety~~ **Performance Guarantee**.

(2) **Should a developer fail to properly install required improvements within the term of the Performance Guarantee, the Performance Guarantee will be deemed in default. In the case of default, the county is authorized to use the guarantee funds to complete the required subdivision improvements or to let a contract for installation of the required improvements.** ~~In the event of default by the developer, the county manager is authorized to make demand for surety to utilize the funds to the extent they are sufficient for the completion of improvements.~~

(c) *Approval of final plat not to constitute acceptance by county, etc.* The approval of a final plat pursuant to regulations adopted in this division shall not be deemed to constitute or affect the acceptance by the county, any governmental unit or public body of the dedication of any street or other ground, public utility line, or other public facility shown on the plat.

SECTION 6. Amend Section 32-1063 of the Granville County Land Development Code (**bold** denotes new language and ~~strike-through~~ denotes deleted language):

Sec. 32-1063. - Dedicated public road ~~repair performance bond~~ **maintenance guarantee**.

~~A subdivider of any development containing streets intended for public dedication shall post a letter of credit or other sufficient surety (see subsection 32-1058(a)) that guarantees that such streets will be properly maintained until the offer of dedication is accepted by the North Carolina Department of Transportation. The amount of the surety shall constitute 15 percent of the cost of all improvements relating to road construction (including, but not limited to, grading, ditching, culverts, stone base, asphalt, seeding, etc.). The developer shall provide information sufficient to determine the cost of the improvements. The guarantee or other surety shall be held until such time as the streets are accepted for maintenance by the North Carolina Department of Transportation.~~

- (a) **Maintenance guarantees are required for the purpose of ensuring that roads that are to be dedicated to the public are properly maintained, free from defects, between the time of their construction and the time of formal acceptance for maintenance by NCDOT. Maintenance guarantees will be allowed only for roads for which a “built to standards” letter has been issued by NCDOT. Until a “built to standards” letter is issued by NCDOT, a performance guarantee shall be maintained in accordance with Section 32-1058.**
- (b) **A maintenance guarantee must be in place before any required performance guarantee is released or before any building permits are issued for subdivisions containing public road improvements.**
- (c) **Required maintenance guarantees for public road facilities must stipulate that the subdivider will maintain all required public road improvements, drainage improvements, and sedimentation and erosion control improvements to the standards of this ordinance until the public road improvements are added to the state-maintained road system. It must also state that the subject developer will be responsible for correcting any defects that may**

arise during the maintenance period and remove temporary sedimentation and erosion control measures.

- (d) Initial posting of required maintenance guarantees must be in the form of a performance bond, letter of credit, or cash deposit. The amount of the guarantee must be at least 15 percent of the total cost of constructing the public road improvements. The estimated cost of the required improvements must be itemized and certified by the applicant's licensed professional engineer or other licensed professional as authorized by North Carolina General Statute. Cost estimates must be based on industry norms within Granville County. The Planning Director or Planning Board may require a higher guarantee amount when deemed necessary to address higher potential correction costs due to the subdivision's size and site characteristics, but in no event may the amount of the initial posting exceed 25 percent of estimated construction costs.
- (e) Maintenance guarantees may be renewed by adhering to the tiered schedule below:
 - (1) After four years of initial posting, the maintenance guarantee may be renewed by posting 20 percent of the original total cost estimate.
 - (2) After eight years of initial posting, the maintenance guarantee may be renewed by posting 25 percent of the original total cost estimate.
 - (3) After 10 years of initial posting, the maintenance guarantee may be renewed by submitting a new total cost estimate and a maintenance guarantee of at least 25 percent of that estimate.
 - (4) After 12 years of initial posting, and every two years thereafter, a new total cost estimate and maintenance guarantee of 25 percent of that estimate, will be required for renewal.
- (f) The maintenance guarantee agreement must have a term of two years and may be renewed provided the terms of subsection (e) above have been met. The agreement must also provide that the subdivider pay a fee to cover the County's administrative costs. The fee will be required at the time of the initial posting and when the required documents for renewal have not been received by the County at least two weeks prior to expiration of the current agreement and guarantee.

SECTION 7. Amend by adding new Section 32-1064 to the Granville County Land Development Code by adding the following new language:

Sec. 32-1064 Maintenance Agreement

(a) Purpose. A maintenance agreement is required for the purpose of ensuring that roads that are to be dedicated to the public are properly maintained, free from defects, between the time of their construction and the time of formal acceptance for maintenance by NCDOT.

(b) Timing. A maintenance agreement and the maintenance guarantee required by Section 32-1058 must be in place before any building permits are issued for subdivisions containing public road improvements.

(c) Maintenance of Required Improvements. The subdivider is responsible for maintenance of all required improvements, including rights-of-way, to the standards of this ordinance until such time as the NCDOT assumes formal, legal responsibility for maintenance of the improvements. The record plat must include the subdivider's signed and notarized acknowledgement of this responsibility. The subdivider must also provide each prospective buyer of any lot shown on the record plat with written disclosure of:

(1) the subdivider's responsibility for maintaining required improvements as set out herein; and

(2) the provisions of this ordinance prohibiting the issuance of building permits such time as (i) the subdivider has entered into a maintenance agreement with the County and posted a maintenance guarantee as required by Section 32-1063 or (ii) the NCDOT or a municipality has accepted any public road improvements for maintenance.

(d) Agreement. The required maintenance agreement for roads that are to be dedicated to the public must stipulate that the subdivider will maintain all required public road improvements including, but not limited to, grading, ditching, culverts, stone base, asphalt, seeding, drainage improvements, and sedimentation and erosion control improvements to the standards of this ordinance until the public road improvements are added to the state-maintained road system. It must also state that the subject developer will be responsible for correcting any defects that may arise during the maintenance period and removing temporary sedimentation and erosion control measures. The maintenance agreement shall contain all of the conditions required by this ordinance and such other terms and conditions deemed necessary by the County Attorney to protect the County's interests.

(e) Term. The agreement must have a term of a minimum of 2 years with automatic renewal terms until the roads have been accepted by the NCDOT or a municipality for public maintenance. The subdivider must arrange for the annual inspection of the improvements by an engineer licensed in the State of North Carolina and must submit to the County an estimate of the costs necessary to bring the roads into such a condition as to meet the requirements for acceptance by NCDOT for public maintenance. If the County is not satisfied with the estimate, it may have the improvements inspected by an engineer of its choice. The amount of the posted maintenance guarantee shall be increased to cover any increase in the estimated costs of bringing the roads into such a condition as to meet the requirements for acceptance by NCDOT for public maintenance.

SECTION 8. Amend by adding new Section 32-1065 to the Granville County Land Development Code by adding the following new language:

Sec. 32-1065. Property Owners' Associations

(a) Establishment. A property owners' association must be created for any subdivision that has private roads or roads that have not yet been accepted by NCDOT for maintenance or common areas or facilities, including but not limited to open space, recreational facilities, and stormwater control and management facilities. The property owners' association shall be responsible for the maintenance and control of private roads and for maintenance or common areas or facilities, including but not limited to open space, recreational facilities, and stormwater control and management facilities. The property owners' association also shall be responsible for the maintenance free from defects and control of roads that are to be dedicated to the public between the time of their construction and the time of formal acceptance for maintenance by NCDOT in the event that the subdivider fails to meet its obligations under this ordinance including any maintenance agreement required by this ordinance. Any such property owners' association must have legal authority to maintain and exercise control over any such roads and common areas and facilities, including the power to compel contributions from property owners to cover their proportionate share of the costs associated with the maintenance and control of any applicable roads or common areas and facilities.

(b) Documentation. Documents providing for the establishment of a property owners' association must be submitted to the Planning Director before approval and recordation of a record plat. The county's review is limited to ensuring that the property owners' association has clear legal authority to maintain and exercise control over the common areas and facilities, including the power to compel contributions from residents and property owners to cover their proportionate share of the costs associated with the maintenance of the common areas and facilities. The County's review shall not constitute an approval or endorsement of the documents and shall not create any rights in any party.

SECTION 9. Should any provision of this Ordinance amendment be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall have no effect to the validity of the Granville County, North Carolina Land Development Code as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 10. This Ordinance shall take effect and be in force upon the date and time of adoption.

SECTION 11. This Ordinance duly adopted by the Board of Commissioners of the County of Granville, North Carolina, this the 4th day of May, 2015.

Commissioner Karan asked if the Planning Board has a schedule as to when they will possibly look at a petition format for the policy recently approved regarding existing subdivision roads.

Mr. Baker said that a petition form has been worked on and can be brought to the Planning Board. He said the model policy was fashioned after a policy in Pitt County.

Commissioner Karan said if people are informed of what the Board is looking for, it will make the review process easier if any come forward.

AFTER HOLDING PUBLIC HEARING, BOARD APPROVED ECONOMIC DEVELOPMENT INCENTIVE

Chairman Cozart stated that Granville County served notice that a hearing would be held to obtain the views of the public on aiding and encouraging the location or expansion of industrial facilities in Granville County specifically as follows: the renovation and expansion of an existing manufacturing facility in Granville County to manufacture a new product line.

He then declared the public hearing open and recognized Harry Mills, Director of Economic Development, to provide an overview of the project.

Mr. Mills stated that Project Shaft is the expansion of an existing manufacturing company to produce a new product line. The company will invest approximately \$5,750,000 and employ potentially 20 new employees. The maximum cost of the County-funded improvements will not exceed \$158,250. He noted that the company will apply for a State Building Reuse Grant and any required match will come from these funds if approved. He stated that North Carolina General Statute 158-7.1 requires a public hearing prior to any final action of the Board and also requires a public notice requirement which has been met.

Chairman Cozart asked for anyone wishing to speak to come to the podium.

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

Upon a motion by Commissioner David T. Smith, seconded by Commissioner Zelodis Jay, and unanimously carried, the Board approved an economic incentive for an existing manufacturing facility in Granville County to manufacture a new product line with the maximum cost of the County-funded improvements to be \$158,250 in accordance with the County's funding policy.

BOARD APPROVED SCATTERED SITE PROJECT #12-C-2418 CONTRACT AWARD FOR 230 LANIER STREET, OXFORD

Chairman Cozart stated that a memorandum and a bid tabulation from Karen Foster, Community Development Consultant with the Kerr Tar Council of Government, regarding a Scattered Site Project contract for work at 230 Lanier Street, Oxford, NC was included in the agenda packet. Ms. Foster recommended the low bidder Herman Rouse, LLC with a bid amount of \$89,500.

Vendor	Price (each)
Herman Rouse, LLC	\$89,500.00
Clement Construction	\$115,700.00

**Please note that this is a second bid.

Upon a motion by Commissioner Edgar Smoak, seconded by Commissioner Zelodis Jay, and unanimously carried, pending verification of licensing and insurance, the Board approved awarding the bid to Herman Rouse, LLC in the amount of \$89,500 for project work at 230 Lanier St, Oxford, NC, with funding from the 2012 Community Development Block Grant.

CHAIRMAN COZART ASKED CREEDMOOR CITY COMMISSIONER DEL MIMS TO SEEK RECOMMENDATION FOR CREEDMOOR PLANNING BOARD – EXTRATERRITORIAL MEMBER

Chairman Cozart asked Creedmoor City Commissioner Del Mims to seek a recommendation from the City of Creedmoor to fill the Creedmoor Planning Board – Extraterritorial Member.

BOARD APPOINTED BOBBY TALLEY, JR. (DISTRICT 1) AND REAPPOINTED JOHN L. BRYANT (DISTRICT 5) TO THE GRANVILLE COUNTY ECONOMIC DEVELOPMENT ADVISORY BOARD

Upon a motion by Zelodis Jay, seconded by Commissioner David T. Smith, and unanimously carried, the Board appointed Bobby Talley, Jr. (District 1) to the Granville County Economic Development Advisory Board.

Commissioner Ed Mims made a motion to reappoint John L. Bryant (District 5) to the Granville County Economic Development Advisory Board. Commissioner Edgar Smoak seconded the motion.

When Chairman Cozart called for a vote on the motion, it passed by a vote of 6-1 as follows:

Ayes: Commissioners Cozart, Currin, Jay, Karan, Mims, and Smoak
Nays: Commissioner Smith

BOARD APPROVED FINANCIAL AUDIT CONTRACT WITH WINSTON, WILLIAMS, CREECH, EVANS, & COMPANY, LLP

County Manager Felts stated that the audit contract for fiscal year 2014 with Winston, Williams, Creech, Evans, & Company, LLP completed the third year under a three year audit fee agreement approved by the Granville County Board of Commissioners. The three year agreement completed in 2014 was based on a 5% annual increase with the fiscal year 2014 base fee set at \$49,700. Winston, Williams, Creech, Evans, & Company, LLP has provided the County with a three-year audit fee plan for consideration. This plan is based on an annual increase of 3% and maintains an audit cost below the state average for units of Granville County's population size. Winston, Williams, Creech, Evans, & Company, LLP has provided audit services to Granville County since fiscal year 2000.

Fiscal Year	Base Rate
2014-2015	\$49,700
2015-2016	\$51,200
2016-2017	\$52,800

Upon a motion by Commissioner Timothy Karan, seconded by Commissioner Edgar Smoak, and unanimously carried, the Board approved the three year audit agreement plan with Winston, Williams, Creech, Evans & Company, LLP and authorized County Administration to contract for the fiscal year 2015 audit period in the amount of \$49,700.00, fiscal year 2016 in the amount of \$51,200.00 and fiscal year 2017 in the amount of \$52,800.00.

BOARD APPROVED RESOLUTION REGARDING THE SOUTH GRANVILLE WATER AND SEWER AUTHORITY (SGWASA)

County Attorney Wrenn stated that he had worked with Lindsay Mize, Executive Director of the South Granville Water and Sewer Authority, on Creedmoor's request to join SGWASA. He noted that Creedmoor has gone through the appropriate process of under General Statute 162A-4 to join the authority. He said that in reviewing the statute, it appears that the best practice would be for the County to adopt a resolution consenting to the joinder of Creedmoor and confirming that the County consented as well to the joinder of Butner and Stem when they joined since Granville County created the SGWASA. He added that SGWASA Board will have to review and approve Creedmoor's joinder as well. The resolution will be sent to the North Carolina Secretary of State's office.

Upon a motion by Commissioner Ed Mims, seconded by Commissioner Timothy Karan, and unanimously carried, the Board approved adopting a resolution consenting to the

joinder of Creedmoor to SGWASA and confirming it consented to the joinder of Butner and Stem to SGWASA.

County Attorney Wrenn stated that he had three attorney-client matters for closed session.

DURING BOARD PRESENTATIONS, BOARD APPROVED FUNDING FOR THE SECOND CHANCE PROGRAM

Commissioner Mims reported that he attended the farewell reception on Friday for Rebecca Troutman at the North Carolina Association of County Commissioners. He reported he also attended the Second Chance Program graduation service. He said that the Veterans Display cabinet in the foyer of the Granville Expo and Convention Center will be changed out tomorrow with items from Camp Butner and with other items from Purple Heart recipients and Medal of Honor recipients. He also noted that he read an article about Duke University and the Veterans Administration working together to provide training to 52 North Carolina Veterans Services Officers as it relates to mental health issues.

Commissioner Karan reminded the Board of the walk to school event on Wednesday, May 6th at Creedmoor Elementary School and noted that the group will meet at 6:45 a.m. at the Creedmoor Gym. The event is sponsored by the Granville-Vance District Health Department, the Granville County Greenways, the City of Creedmoor and Creedmoor Elementary School and the students will receive goody bags. He also reported that he attended the Recycle Event hosted by Teresa Baker, Granville County Public Schools Recycle and Sustainability Coordinator, and commended her for her efforts to reduce the amount of trash that comes from our schools and into our landfill. He then said that he came with a very heavy heart to read the following statement that he prepared for the Board. He said he considered himself to be an open and sunshine kind of person and when things happen in the dark of night it really bothers him. He said that being an elected official, he does not take that hat off, but tries to act in an ethical manner at all times and all cases. He then read the following statement and presented a copy to the Clerk:

On Election Day 2014 an anonymous sign was placed at Mount Energy Elementary School, the signs contain false, derogatory and misleading information about me. My wife being upset by the immorality of the sign at our daughter's school attempted to take it into the Chief Election Judge at that location. She was stopped and accosted by the owners of the sign, Del and Ed Mims who came forward to claim the anonymous sign. The sign was then replaced in the ground by Del where it remained until the end of the night. It was later collected by Tom Jackson.

On April 3rd, 2015 my wife received a certified blackmail letter from Del and Ed Mims informing her that she was guilty of violating General Statute 14-384. She was directed that

she was to publicly admit to the violation with an approved letter placed in three newspapers and pay \$25.49 or else be charged in criminal court with a Class 3 misdemeanor.

I immediately contacted an attorney and NCSBE to pursue a complaint against the owners of the sign which was placed at the poll. On 4/23 I received notice from NCSBE that the sign violated General Statute 163-274. Certain acts declared misdemeanors. number 7 and 8 which reads: "For any person to publish in a newspaper or pamphlet or otherwise, any charge derogatory to any candidate or calculated to affect the candidate's chances of nomination or election, unless such publication be signed by the party giving publicly to and being responsible for such charges;". And "For any person to publish or cause to be circulated derogatory reports with reference to any candidate in any primary or election, knowing such report to be false or in reckless disregard of its truth or falsity, when such report is calculated or intended to affect the chances of such candidate for nomination or election;". To support my true position on fracking I supplied transcripts of public meetings where both Del and Ed were in attendance in both their official and unofficial capacities, showing that they were well aware of the truth. I also have two newspaper ads restating my true position on this topic as well.

On 4/24 I spoke with DA Mike Waters and informed him of this information and background. At this time because of this harassment, I am prepared to have two Class 2 misdemeanor charges placed against both Del and Ed Mims for their actions on Election Day 2014. I will also contact the North Carolina Ethics Commission as well as local media sources to inform them of the actions of our local elected officials. For good measure this information will also be transmitted to the NCACC, NACO, NCLM and NLC to show them how some of their members act at home.

Commissioner Smoak invited everyone to the Butner Chicken Pickin the first Saturday in June. He also mentioned the Got to be NC Festival that will be held May 15-17 at the North Carolina State Fairgrounds and noted that the Granville County Agricultural Heritage Association has been selected as the premier presenter and exhibitor of the antique agricultural equipment.

Commissioner Jay thanked Teresa Baker, Granville County Public Schools Recycle and Sustainability Coordinator, on her work promoting recycling in Granville County. He noted that four counties were represented at her recent Recycling Event to learn about recycling. He reported that he had spoken with Representative Nathan Baskerville regarding the trash situation and asked for his help to get crews from the North Carolina Department of Transportation to help pick up trash.

Chairman Cozart reported that he saw Teresa Baker working on recycling firsthand when he worked with the school system and said that she works hard to promote recycling in our community. He stated that he and County Manager Felts attended Monique Heggie's graduation from the 2014-2015 Municipal and County Administration Course at UNC School of Government and commended her for her achievement. He also reported that he attended the Second Chance Graduation. He said that it is gratifying to see the accomplishments of the graduates and that this program makes economic sense. He explained that there have been 150 graduates since the inception of the program and that they would like to add a second program to help additional people at a cost \$3,200. He asked the Board for consideration of the matter with funding from the Service Option Reserve.

Upon a motion by Commissioner David T. Smith, seconded by Commissioner Zelodis Jay, and unanimously carried, the Board approved funding for the Second Chance Program in the amount of \$3,200 for the addition of a second class, with funding from the Service Option Reserve.

ANY OTHER MATTERS

Commissioner Jay stated that he had received an invitation inviting the Board to participate in the Virgilina Summerfest parade on Saturday, May 23rd and asked those interested to let the Clerk know.

Commissioner Mims said that in response to Commissioner Karan's remarks, that he contacted the Granville County Board of Elections, the North Carolina State Board of Elections, the Granville County Sheriff, and the District Attorney who all said that what was witnessed on election day was a violation of North Carolina General Statute. He said he guess we will see how the matter plays out legally.

BOARD WENT INTO CLOSED SESSION

Upon a motion by Commissioner Edgar Smoak, seconded by Commissioner Zelodis, and unanimously carried, the Board went into closed session as allowed by G.S. 143-318.11(a)(3) 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.

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

BOARD ADJOURNED

Upon a motion by Commissioner Timothy Karan, seconded by Commissioner Edgar Smoak, and unanimously carried, the Board adjourned.

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