1 **Camden County Board of Commissioners** 2 **Regular Meeting** 3 November 1, 2010 4 6:00 P.M. - Closed Session 5 7:00 P.M. - Regular Meeting Historic Courtroom, Courthouse Complex 6 7 **Camden, North Carolina** 8 9 **MINUTES** 10 11 The regular meeting of the Camden County Board of Commissioners was held on 12 Monday November 1, 2010 in the Historic Courtroom, Camden, North Carolina. The 13 following Commissioners were present: 14 15 Chairman Phil Faison, Vice-Chairman Sandra J. Duckwall, 16 Commissioners Melvin Jeralds, Garry Meiggs, and Michael McLain. 17 18 Also attending were County Manager Randell Woodruff, Interim Clerk to the Board Amy 19 D. Barnett, and County Attorney Courtney Hull. Present for purposes of making a 20 presentation(s) or providing supporting information for agenda items were the following 21 Dan Porter, Director of Planning; Danielle Barco of Camden County persons: 22 Cooperative Extension Service, 4-H Horticulture Students Kayla Murphy, Sarah Bond, 23 Andy Bond, Sully Goetz, and Adam Lannon (Adam spoke to the Board), Horticulture 24 Team Coach Darlene Lannon was also present. 25 26 Chairman Phil Faison called to order the November 1, 2010 meeting of the Camden 27 County Board of Commissioners at 6:00 PM. 28 29 Closed Session, 6:00 P.M. Pursuant to G.S. 143-318.11(a)(3) - Consultation with 30 Attorney & Pursuant to G.S. 143-318.11(a)(6) - Personnel 31 32 Commissioner Michael McLain made a motion to go into closed session pursuant to G.S 33 143-318.11(a)(3) for consultation with attorney and pursuant to G.S 143-318.11(a)(6) for 34 personnel matters. The motion passed 5-0 with Chairman Phil Faison, Vice-Chairman 35 Sandra J. Duckwall, Commissioners Melvin Jeralds, Garry Meiggs, and Michael McLain 36 voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner 37 not voting. 38 39 The Commissioners entered closed session at 6:02 P.M. 40 41 Commissioner Michael McLain made a motion to come out of closed session at 6:25 42 P.M. The motion passed 5-0 with Chairman Phil Faison, Vice-Chairman Sandra J. 43 Duckwall, Commissioners Melvin Jeralds, Garry Meiggs, and Michael McLain voting 44 aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not 45 voting. 46 47 Chairman Phil Faison recessed the Board at 6:25. 48 49 **Regular Session**, 7:00 P.M. 50 51 Chairman Phil Faison re-convened the November 1, 2010 meeting of the Camden County 52 Board of Commissioners at 7:00 P.M. for the Regular Session. 53 54 **Invocation and Pledge of Allegiance** 55 56 Commissioner Melvin Jeralds gave the invocation and led those present in the Pledge of 57 Allegiance. 58 59 60 **Public Comments** - None 61 62

Consideration of Agenda

66 Chairman Phil Faison asked if there were any changes to the agenda. Not hearing any 67 changes, he called for a motion to approve the agenda.

69 Vice Chairman Sandra Duckwall made a motion to approve the agenda as presented. The 70 motion passed 5-0 with Chairman Phil Faison, Vice-Chairman Sandra J. Duckwall, 71 Commissioners Melvin Jeralds, Garry Meiggs, and Michael McLain voting aye; no 72 Commissioner voting no; no Commissioner absent; and no Commissioner not voting. 73

75 **Old Business**

76 77 **Old Business** *Item 3. A.*

78

74

79 80

81 82

83 84

88

89

90 91

92

93

94 95

96

97

98

99 100

101

102

103

104 105

106

107

108

109

110

111 112

113

114 115

116

117

118

119

Revised - Ordinance # 2010-09-01, An Ordinance Amending the Camden County Code of Ordinances, pertaining to Chapter 151: Unified Development, Table of Permissible Uses, Use Numbers 18.410, 18.420, and 18.430; Small, Medium, and Large Turbines utilized for wind energy.

Dan Porter made a brief introduction to this agenda item:

- 85 Public hearing on this ordinance was held on 10/18/2010, wherein the Board deferred the vote on this ordinance until this meeting to have some of the 86 87 ordinance language worked out.
 - Four changes have been made to the Ordinance Language:
 - 0 Ordinance Language: Line 399: (6) For medium and large scale wind energy facilities, application shall include documentation of compliance, and all studies and reports if required, from all applicable state and federal agencies, including, but not limited to NC Department of Environment and Natural Resources, Coastal Resources Commission, US Army Corps of Engineers, US Fish and Wildlife Service, and the NC Wildlife Resources Commission.
 - This language requires that the applicant provides us with information that they have been in contact with those agencies. If they don't have any compliance issues, we need a letter to that effect. If they do have to provide some type of report, they provide that to us. This does not mean there are any particular local environmental assessment requirements, only documentation.
 - Ordinance Language: Line 413: Documentation of an approved 0 Interconnection Feasibility Study.
 - We had required with the application a copy of the power purchase agreement between the wind energy facility company and the utility company and what we have done is changed that to read 'Documentation of an approved interconnection feasibility study', which they have to do. We just need documentation that this has been done, and we can get this from the service provider.
 - Ordinance Language: Line 438: Zoning Permits shall be valid for a 0 period of two years and may be renewable in the event that more data is needed by the applicant in order to determine the viability of a wind energy facility.
 - This deals with meteorological towers, we have said that we will make this a zoning permit and that the permit would be good for one year, then it would be renewable for one year increments. This change makes the zoning permit valid for two year periods and renewable in two year increments.

	Regular Meeting November 1, 2010
120 121 122	• Ordinance Language: Line 527: Applicant shall provide prior to approval of building permits, an irrevocable letter of credit in favor of the County in an amount equal to the estimated removal cost of the Wind
122	Energy Facility, less the salvage value of the equipment, which shall be
123	issued by a federally chartered bank with a branch office in northeastern
124	North Carolina at which the Letter of Credit may be drawn and paid in
125	full in immediately available funds in the event the Wind Energy Facility
120	Owner fails to decommission the Wind Energy Facility pursuant to the
127	requirements of this Section.
120	 We moved the requirement for providing an irrevocable letter of
130	credit for the decommission of the wind facility from the
131	application stage (special use permit) to the installation and design
132	stage. Prior to the application for building permit, we would
133	require that letter for the decommissioning rather than at the
134	special use permit application stage.
135	• ADDITIONAL CHANGE NOT LISTED IN ORDINANCE
136	LANGUAGE, BUT MENTIONED BY DAN PORTER AT MEETING
137	AND ADDED TO LANGUAGE AFTERWARDS: (a) Prior to issuance
138	of any building permits for medium and large scale wind energy facilities,
139	the applicant shall provide documentation of compliance, and all studies
140	and reports if required, from all applicable state and federal agencies,
141	including, but not limited to NC Department of Environment and Natural
142	Resources, Coastal Resources Commission, US Army Corps of Engineers,
143	US Fish and Wildlife Service, and the NC Wildlife Resources Commission.
144	• In a further conversation, regarding the documentation of
145	compliance with environmental issues (see first change), the state
146	is requiring information from us for their permit. What we have
147	done is moved the section from line 399 to line 495, right under
148	installation and design, and we will have a new paragraph (a) (see
149	above). We moved this from the application stage (special use
150 151	permit) to the project issuance of the permit (building permit).
151	Commissioner Michael McLain observed that the last change was not in the document.
152	Dan Porter responded that it was a last minute change, and that if the Board chose to
155	approve the ordinance, it would be approved as submitted with the last change that he
155	mentioned.
156	
157	
158	Ordinance No. 2010-09-01
159	
160 161	A Ordinance Amending the Camden County
162	Code of Ordinances
163 164	Camden County, North Carolina
165	Canden County, North Carolina
166	BE IT ORDAINED BY THE CAMDEN COUNTY BOARD OF COMMISSIONERS as follows:
167 168	
169	Article I: Purpose
$\begin{array}{c} 170\\171 \end{array}$	The purpose of this Ordinance is to amend the Title 15 of the Camden County Code of Ordinances of Camden County,
172	North Carolina, which was originally adopted by the County Commissioners on December 15, 1997, and subsequently
173 174	amended and as otherwise incorporated into the Camden County Code.
175	Article II. Construction
176	
177 178	For purposes of this Ordinance, underlined words (<u>underline</u>) shall be considered as additions to existing Ordinance language and strikethrough words (strikethrough) shall be considered deletions to existing language.
179	New language of proposed ordinance shall be shown in italics (<i>italics</i>) and underlined.
180	

CAMDEN COUNTY BOARD OF COMMISSIONERS Regular Meeting November 1, 2010

Article III.

CHAPTER 151: UNIFIED DEVELOPMENT

which shall read as follows:

50

§ 151.334 TABEL OF PERMISSIBLE USES.

USE#	DESCRIPTION	R-1	R-2	R-3	CCD	NCD	HC	MC	GUD	I-1	I-2
18.410	Small turbines	S	S	S	Ζ	Ζ	Ζ	Z	Z	<u>Z</u>	Z
18.411	Medium turbines	S	S	S	S	S	S	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>
<u>18.420</u>											
18.420	Large turbines				S	S	S	S	<u>S</u>	<u>S</u>	<u>S</u>
<u>18.430</u>	-										

§ 151.347 SPECIFIC STANDARDS.

(T) The following development standards and procedures shall apply to all Wind Turbines.

Amend Chapter 151 as amended of the Camden County Code

(1) The following definitions shall apply unless the context clearly indicates or requires a different

meaning:

LARGE WIND ENERGY SYSTEM. A wind energy conversion system consisting of one or more wind turbine(s), a tower(s), and associated control or conversion electronics, which has a rated capacity of more than 20 kW.

SMALL WIND ENERGY SYSTEM. A wind energy conversion system consisting of a single wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 20 kW and whose primary intent is to generate power to on-site consumption.

WIND TURBINE HEIGHT. The height as measured from the lowest adjacent grade to the tip of the turbine when it reaches its highest elevation.

(2) Small wind turbine systems shall be a permitted in accordance with '151.334 (Table of Permissible Uses) subject to the following standards:

(a) Height shall be limited to 150 feet.

(b) Setback. The base of the wind turbine shall not be closer to surrounding property lines than the height of the wind turbine unless a NC Registered Professional Engineer certifies the fall zone of the wind turbine and appurtenances will be within the setback area proposed. In addition, no wind turbine shall be located closer to an inhabited structure on adjacent property than 1.5 times the height of the wind turbine. Relief from this section may be granted if the applicant can secure a permanent easement from the adjoining property owner(s) providing for a fall zone.

(c) Building permit requirements. A building permit shall be required and building permit applications for small wind energy systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base and footings. An engineering analysis of the tower certified by a licensed professional engineer which includes standards for ice/wind loading shall also be submitted. This analysis may be supplied by the manufacturer. Wet stamps shall not be required.

(d) <u>Compliance with FAA regulations</u>. Small wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports. Evidence of compliance or non-applicability shall be submitted with the application.

(c) Utility notification. No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer=s intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

(f) Appearance. Small wind energy towers shall maintain a galvanized finish or be painted to conform with the tower color to the surrounding environment to reduce visual obtrusiveness. No wind tower should have any signage (except that of the manufacturer), or writing or pictures that may be construed as advertising placed on it at any time. In addition no flags, streamers, decorative items or lights may be attached to the wind energy system tower or turbine.

(g) Any wind energy system that is not functional shall be repaired by the owner or removed. In the event that the county becomes aware of any wind energy system that is not operated for a continuous period of six months, the county will notify the landowner by registered mail and provide 45 days for a written response. In such a response, the landowner shall set forth reasons for the operational difficulty and provide a reasonable timetable for corrective action. If the county deems the timetable for corrective action as unreasonable, the county shall notify the landowner and such landowner shall remove the turbine with 120 days of receipt of said notice.

(h) Landscaping/screening plan.

(i) — Removal guarantee required. A surety bond or other form of guarantee from a reputable financial institution for 120% of the cost of removal of the proposed wind energy system. The cost of removal of the wind energy system shall be determined by an engineer of sufficient expertise and agreed to by the Planning Director or Board of Commissioners.

	oject to the following standards:
	The height limit of 150 feet may be increased if recommended as necessary by the Planning tly approved by the Board of Commissioners.
height of the wind tur appurtenances will be	Setback. The base of the wind turbine shall not be closer to surrounding property lines than the bine unless a NC Registered Professional Engineer certifies the fall zone of the wind turbine and within the setback area proposed. Relief from this section may be granted if the applicant can asement from the adjoining property owner(s) providing for a fall zone. In addition, no wind
	ed closer to an inhabited structure than two times the height of the wind turbine.
	<i>Permit application.</i> A person seeking a site permit for a wind turbine over 20 kW shall file an Camden County Planning Department for review as follows:
regarding the applicar	1. An applicant for a site permit must provide the following background information nt:
applicant.	A. A letter of transmittal signed by an authorized representative or agent of the
and any authorized re	B. The complete name, address, telephone number and e-mail address of the applican presentative.
or consultant of the ap	C. The signature of the person who prepared the application, if prepared by an agent
	D. The role of the permit applicant in the construction and operation of the wind
power project.	E. The identity of any other wind power project located in the state in which the
	bal of the applicant, has an ownership or other financial interest; the operator of the wind power operator of the name of the person or persons to be the permittee if a site permit is
issued.	and the applicant, and the name of the person of persons to be the permittee if a site permit is
of public convenience	g the certificate. The county may ask the Utilities Commission to determine whether a certificate and necessity is required for a particular wind power project for which the county has received
issued by the Utilities	n. The county shall not approve a project requiring a certificate unless and until such certificate in Commission. If a certificate is not required from the Utilities Commission, the permit applicant application a discussion of what the applicant intends to do with the power that is generated.
issued by the Utilities shall include with the	Commission. If a certificate is not required from the Utilities Commission, the permit applicant application a discussion of what the applicant intends to do with the power that is generated. 3. The applicant shall describe in the application how the proposed wind power project
issued by the Utilities shall include with the furthers State policy t	Commission. If a certificate is not required from the Utilities Commission, the permit applicant application a discussion of what the applicant intends to do with the power that is generated. 3. The applicant shall describe in the application how the proposed wind power project
issued by the Utilities shall include with the furthers State policy t development, and the	 Commission. If a certificate is not required from the Utilities Commission, the permit applicant application a discussion of what the applicant intends to do with the power that is generated. 3. The applicant shall describe in the application how the proposed wind power project so site such projects in an orderly manner compatible with environmental preservation sustainable efficient use of resources.
issued by the Utilities shall include with the furthers State policy t development, and the	Commission. If a certificate is not required from the Utilities Commission, the permit applicant application a discussion of what the applicant intends to do with the power that is generated. 3. The applicant shall describe in the application how the proposed wind power project o site such projects in an orderly manner compatible with environmental preservation sustainable efficient use of resources. 4. The permit applicant shall include the following information about the site-proposed for
issued by the Utilities shall include with the furthers State policy t development, and the the wind power projec access roads) as it rela	 Commission. If a certificate is not required from the Utilities Commission, the permit applicant application a discussion of what the applicant intends to do with the power that is generated. 3. The applicant shall describe in the application how the proposed wind power project o site such projects in an orderly manner compatible with environmental preservation sustainable efficient use of resources. 4. The permit applicant shall include the following information about the site proposed for ct and any associated facilities:
issued by the Utilities shall include with the furthers State policy t development, and the the wind power project access roads) as it rela	 Commission. If a certificate is not required from the Utilities Commission, the permit applicant application a discussion of what the applicant intends to do with the power that is generated. The applicant shall describe in the application how the proposed wind power project o site such projects in an orderly manner compatible with environmental preservation sustainable efficient use of resources. The permit applicant shall include the following information about the site proposed for the any associated facilities: The surveyed boundaries of the site proposed for the wind power project. B. The survey map showing the proposed location of the wind turbines (including ates to the boundaries of the parcel, adjacent ownerships and existing residences, schools and
issued by the Utilities shall include with the furthers State policy t development, and the the wind power projec access roads) as it rela churches in the genera setback lines.	 Commission. If a certificate is not required from the Utilities Commission, the permit applicant application a discussion of what the applicant intends to do with the power that is generated. The applicant shall describe in the application how the proposed wind power project o site such projects in an orderly manner compatible with environmental preservation sustainable efficient use of resources. The permit applicant shall include the following information about the site proposed for the any associated facilities: The surveyed boundaries of the site proposed for the wind power project. The surveyed boundaries of the proposed location of the wind turbines (including aters to the boundaries of the parcel, adjacent ownerships and existing residences, schools and al area of the proposed wind power project. Survey shall show all structures, utility lines and The applicant=s land rights within the boundaries of the proposed site.
issued by the Utilities shall include with the furthers State policy t development, and the the wind power projec access roads) as it rela churches in the genera setback lines.	 Commission. If a certificate is not required from the Utilities Commission, the permit applicant application a discussion of what the applicant intends to do with the power that is generated. The applicant shall describe in the application how the proposed wind power project o site such projects in an orderly manner compatible with environmental preservation sustainable efficient use of resources. The permit applicant shall include the following information about the site proposed for and any associated facilities: The surveyed boundaries of the site proposed for the wind power project. The survey map showing the proposed location of the wind turbines (including ates to the boundaries of the parcel, adjacent ownerships and existing residences, schools and al area of the proposed wind power project. Survey shall show all structures, utility lines and The applicant=s land rights within the boundaries of the proposed site. The permit applicant shall provide the following information regarding the design of the project.
issued by the Utilities shall include with the furthers State policy t development, and the the wind power projec access roads) as it rela churches in the genera setback lines. proposed wind power proposed location of t	 Commission. If a certificate is not required from the Utilities Commission, the permit applicant application a discussion of what the applicant intends to do with the power that is generated. The applicant shall describe in the application how the proposed wind power project o site such projects in an orderly manner compatible with environmental preservation sustainable efficient use of resources. The permit applicant shall include the following information about the site proposed for ct and any associated facilities: The surveyed boundaries of the site proposed for the wind power project. The survey map showing the proposed location of the wind turbines (including ates to the boundaries of the parcel, adjacent ownerships and existing residences, schools and al area of the proposed wind power project. Survey shall show all structures, utility lines and The applicant=s land rights within the boundaries of the proposed site. The permit applicant shall provide the following information regarding the design of the project.
issued by the Utilities shall include with the furthers State policy t development, and the the wind power projec access roads) as it rela churches in the genera setback lines. proposed wind power proposed location of t	 application a discussion of what the applicant intends to do with the power that is generated. 3. The applicant shall describe in the application how the proposed wind power project o site such projects in an orderly manner compatible with environmental preservation sustainable efficient use of resources. 4. The permit applicant shall include the following information about the site proposed for ct and any associated facilities: A. The surveyed boundaries of the site proposed for the wind power project. B. The survey map showing the proposed location of the wind turbines (including at eas of the proposed wind power project. B. The survey map showing the proposed location of the wind turbines (including at eas of the proposed wind power project. Survey shall show all structures, utility lines and al area of the proposed wind power project. Survey shall show all structures, utility lines and at eas of the propiect shall provide the following information regarding the design of the project: A. A project layout, prepared by a design professional, including a map showing the turbine(s). B. A description of the turbine(s) and tower(s) and other equipment proposed to be er project, including the name of the manufacturers of the equipment.

potential impacts of th	6. An applicant for a site permit shall include with the application an analysis of the e wind power project, proposed mitigative measures, and any adverse environmental effect
cannot be avoided, in	the following areas:
	A. Demographics, including people, homes, and businesses;
	B. Noise;
	C. Visual impacts;
	D. Public services and infrastructure;
	E. Recreational resources;
	F. Cultural and archaeological impacts;
traffic;	G. Public health and safety, including air traffic, electromagnetic fields, and see
tranic,	H. Hazardous materials;
	I. Land-based economics, including agriculture, forestry and mining;
	J. Tourism and community benefits;
	K. Topography;
	L. Soils;
	M. Geologic and groundwater resources;
	N. Surface water and floodplain resources;
	O. Wetlands;
	P. Vegetation;
birds that are known o	Q. Avian impact assessment that includes an indication of the type and number r suspected to use a project site and the area surrounding that site;
birds that are known o	
	R. Wildlife; and
	S. Rare and unique natural resources.
	7. The permit applicant shall describe all the following:
	A. The manner in which the wind power project, including associated facilities,
be constructed;	
including a maintenan	B. How the wind power project will be operated and maintained after construct ce schedule:
mendung a mantenan	
identify the expected (C. The anticipated schedule for completion of the wind power project, and shal late of commercial operation; and
5 1	
	D. The energy expected to be generated by the wind power project.
of the wind power pro	 The permit applicant shall include the following information regarding decommiss ject and restoring the site:
or the wind power pro	
	A. The anticipated life of the wind power project;
	B. The estimated decommissioning costs in current dollars;
	C. The method and schedule for updating the costs of decommissioning and
restoration;	
	D. The method of ensuring that funds will be available for decommissioning an
restoration; and	
and the site restored.	E. The anticipated manner in which the wind power project will be decommiss
and the site restored.	
	9. The permit applicant shall include in the application a list of all known federal, sta

 10. State and National Parks and Forests. If a proposed wind energy site is within the viewsheds of a State National Park or Forest, the applicant shall inform the National Park Service, the US Forest Service or appropriate State Park System of the proposed wind turbine siting. Recommendations from reviewing departments and agencies shall be given reasonable consideration, and documentation of this consideration shall be provided to the county. Reviewing departments and agencies shall be afforded 30 days to respond to the applicant=s written intention to crect a wind turbine. No answer to the notification within the 30 days shall be considered as an affirmation of the site proposed. Viewshed shall be determined by the county using maps and documents prepared for that purpose by the Design Research Laboratory at NC State University with consultation with the appropriate national or state department of agency.

Applicant. The person or entity filing an application under this Section.

Environmental Assessment. A detailed examination of the Applicant's proposal and its local environmental context with an emphasis on avoiding, minimizing, and mitigating adverse impacts.

Facility Operator. The entity responsible for the day-to-day operation and maintenance of the Wind Energy *Facility.*

Facility Owner. The entity or entities having controlling or majority equity interest in the Wind Energy Facility, including their respective successors and assigns.

Force Majeure. Any event or act resulting from acts of God; terrorism; fire; explosion; vandalism; local, state, or federal governmental action; unusual shortage of materials; labor strikes or other unusual labor unavailability; riots; war; or any other similar cause beyond the Facility Owner and/or Facility Operator's reasonable control that delays, hinders, or prevents the generation of electricity from the Wind Energy Facility.

Non-Participating Landowner. A landowner not under agreement with the Applicant, Facility Owner or Operator.

Occupied Building. A business, school, hospital, church, public library or other permanent structure used regularly for public gathering that is occupied or in use and connected to water, sewer and electric utilities when the permit application is submitted pursuant to this Section. For purposes of this Section, an Occupied Building shall not include Residences (as defined below), barns, sheds, grain bins, and any similar farm structure or accessory structure.

Participating Landowner. A landowner under lease or agreement with the Facility Owner or Operator pertaining to the Wind Energy Facility. For the purposes of this Section, a waiver of setback, sound, and/or Shadow Flicker provisions constitutes an agreement with the Facility Owner or Operator.

Public Road. A full passage right-of-way.

Residence. A permanent dwelling that is continuously occupied and is connected to water, electric, and sewer utilities when the permit application is submitted pursuant to this Section.

Shadow Flicker. The visible flicker effect when rotating turbine blades cast shadows causing the repeating pattern of light and shadow.

Wind Energy Facility. An electric generating facility, whose main purpose is to supply electricity, consisting of one or more Wind Turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities. For the purposes of this Section, the term does not apply to roof-mounted or building integrated roof-mounting systems.

Wind Energy Facility, Small. A single system designed to supplement other electricity sources as an accessory use to existing buildings or facilities, wherein the power generated is used primarily for on-site consumption. A small wind energy conversion system consists of a single Wind Turbine, a tower, and associated control or conversion electronics, which has a total rated capacity of 20 kW or less.

Wind Energy Facility, Medium. A wind energy conversion system consisting of one or more Wind Turbine(s), a tower(s), and associated control or conversion electronics, which has a total rated capacity of more than 20 kW but not greater than 100 kW.

Wind Energy Facility, Large. A wind energy conversion system consisting of one or more Wind Turbine(s), a tower(s), and associated control or conversion electronics, which has a total rated capacity of more than 100 kW.

Wind Turbine. A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and may include a nacelle, rotor, tower, guy wires and pad transformer.

Wind Turbine Height. The distance measured from grade at the center of the tower to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation.

(2) Permit Requirement

(a) No Wind Energy Facility, or addition of a Wind Turbine to an existing Wind Energy Facility, shall be constructed unless a permit has been issued to the Applicant, Facility Owner, or Facility Operator approving construction of the facility under this Section. Permitting of an expanded Wind Energy Facility shall be based on the total rated capacity of the expanded Wind Energy Facility, including the existing Wind Energy Facility, but excluding like-kind replacement.

NOTH COLDIENT DO ADD OF COLD COLOURD

CAMDEN CO Regular Meet	ing Noven	nber 1, 2010			
(3) Pern	nit Application	<u>l</u>			
<u>(a) Per</u>	mit Applicatio	n Materials. An d	application for a permit shall c	ontain the following:	
<u>(1)</u>	A narrative d	escribing the prop	posed Wind Energy Facility, in	cluding an overview of th	<u>ne project.</u>
<u>(2)</u>	The proposed	total rated capac	rity of the Wind Energy Facility	<u>, </u>	
			ntative types and height or ranges sions and respective manufactu		
<u>facilities.</u>	ung men raiet	i capacity, aimen	sions and respective manufaction	trers, and a description of	<u>j ancillar y</u>
<u>(4)</u> Facility will be loc		and location of t	he property or properties on wl	hich the proposed Wind E	<u>Energy</u>
		owing the planne	d logation of all Wind Turbing	nonante linas sathaak	lines access
			d location of all Wind Turbines 7 June 2015 Internation of all with the set of		
			he site plan must also include t		
<u>kesiaences, ana oi</u>	<u>ner jeatures si</u>	Incient to demon	strate compliance with the set	backs required by this Sec	<u>:non.</u>
include the followi		ility will transfer	power back to a power service	provider <u>,</u>	
			ng from the wind energy facility	to the substation indicat	ted on the site
	<u>pla</u> - <u>Do</u>		n approved Interconnection Fe	asibility Study.	
			escribe the anticipated life of th		
<u>decommissioning o</u> Wind Energy Faci			age value of the equipment, an the site restored.	d the anticipated manner	in which the
<u>(8)</u> Owner, or Operate		o <u>n of agreement b</u>	etween Participating Landown	er(s) and the Applicant, 1	<u>Facility</u>
	(9) Signature	e of the Applicant			
	(10) Ann nol	i di a anno	nta antifications and more	la as man ha	
reasonably reques			rts, certifications and approva e compliance with the ordinanc		
	1 1	•			C
			Applicant shall promptly notif the permit application that wo		
project.					
(c) Cha	inves to the an	proved application	on that do not materially alter th	he initial site plan may be	e adonted
administratively by			<u>n nar de net materian</u> , anter n		<u>- uuoprou</u>
$(d) \wedge ton$	nnorary anemo	meter or meteor	ological tower, for the purpose	of gathering data on win	d speeds and
directions, may be	installed with	the issuance of a	zoning permit and must be setl	back from all property lin	ies at a
			fheight. Zoning permits shall l		
<u>energy facility.</u>	<u>in îne evenî în</u>	ai more data is n	eeded by the applicant in order	to determine the viabilit	<u>y oj a wina</u>
(A) South and	1				
<u>(4) Setbac</u>	<u>KS</u>				
(a)	<u>Minimum Se</u>	etback Requireme	<u>nts</u>		
The setback shall i	be calculated h	ov multiplying the	required setback number by th	e Wind Turbine Height a	and measured
from the center of	the Wind Turb	ine base to the pr	operty line, nearest point on th		
point on the found	<u>ation of a Resi</u>	<u>dence or Occupie</u>	ed Building.		
Wind Enorgy	Decuried	Pasidanaas	Property Line of Non	Dublic Poads	
<u>Wind Energy</u> Facility Type	<u>Occupied</u> Buildings	<u>Residences</u>	<u>Property Line of Non-</u> Participating Landowner	<u>Public Roads</u>	
<u>Small</u>	0.0	<u>1.5</u>	<u>1.1</u>	<u>1.5</u>	
<u>Medium</u>	<u>1.1</u>	2.0	<u>1.5</u>	<u>1.5</u>	
<u>Large</u>	<u>1.1</u>	<u>2.5</u>	<u>1.5</u>	<u>1.5</u>	
<u>(b)</u> Setl	back requireme	ents may be waive	ed if the following conditions a	<u>re met:</u>	
	(1) Fach	property owner(s) affected by the applicable set	ack requirements may w	vaive the
setback requireme			forth the applicable setback p		
	(2) Array or	ah mainan ah all 1	a in multing and signed her the	A 12 . 1.1 CC .	-
			n County Register of Deeds.	Applicant and the affecte	<u>ed property</u>

(5) Sound and Shadow Flicker

(a) This Section shall apply to Large Wind Energy Facilities. Sound and Shadow Flicker issues for Small and Medium Wind Energy Facilities are addressed by setbacks.

(b) Audible sound from a Large Wind Energy Facility shall not exceed fifty-five (55) dBA, as measured at any Occupied Building or Residence on the property of a Non-Participating Landowner.

(c) Shadow Flicker on any Occupied Building or Residence of a Non-Participating Landowner caused by a Large Wind Energy Facility must not exceed thirty (30) hours per year.

(d) Sound and/or Shadow Flicker provisions may be waived if the following conditions are met:

(1) Each property owner(s) affected by the sound and/or Shadow Flicker provisions of this Section may waive the sound and/or Shadow Flicker provisions by signing a waiver that sets forth the applicable sound and/or Shadow Flicker provision(s) and the proposed changes.

(2) Any such waiver shall be in writing and signed by the Applicant and the affected property owner(s) and recorded in the office of the Camden County Register of Deeds.

(6) Installation and Design

(a) <u>Prior to issuance of any building permits for medium and large scale wind</u> <u>energy facilities, the applicant shall provide documentation of compliance, and all studies and reports if required, from</u> <u>all applicable state and federal agencies, including, but not limited to NC Department of Environment and Natural</u> <u>Resources, Coastal Resources Commission, US Army Corps of Engineers, US Fish and Wildlife Service, and the NC</u> <u>Wildlife Resources Commission.</u>

(b)The installation and design of the Wind Energy Facility shall conform to applicable industry standards, including those of the American National Standards Institute, and take into consideration local conditions.

(c) All structural, electrical and mechanical components of the Wind Energy Facility shall conform to relevant and applicable local, state and national codes.

(d) Any on-site collector system shall, to the extent commercially reasonable, be placed underground.

(e) The visual appearance of a Wind Turbine shall at a minimum:

(1) Be a non-obtrusive color such as white, off-white or gray;

(2) Not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety; and

(3) Not display advertising (including flags, streamers or decorative items), except for identification of the Wind Turbine manufacturer, Facility Owner and Operator.

(7) Decommissioning

(a) The Wind Energy Facility Owner shall have twelve (12) months to complete decommissioning of the Wind Energy Facility if no electricity is generated for a continuous period of twelve (12) months. For purposes of this Section, this twelve (12) month period shall not include delay resulting from Force Majeure.

(b) <u>Decommissioning shall include removal of Wind Turbines, buildings, cabling, electrical</u>

components, roads, and any other associated facilities down to thirty-six (36) inches below grade.
 (c) Applicant shall provide prior to approval of building permits, an irrevocable letter of credit in favor of the County in an amount equal to the estimated removal cost of the Wind Energy Facility, less the salvage value of the equipment, which shall be issued by a federally chartered bank with a branch office in northeastern North Carolina at which the Letter of Credit may be drawn and paid in full in immediately available funds in the event the Wind Energy Facility Owner fails to decommission the Wind Energy Facility pursuant to the requirements of this Section.

(d) <u>Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the</u> <u>access roads or other land surface areas not be restored.</u>

Adopted by the Board of Commissioners for the County of Camden this 1st day of November, 2010

County of Camden

Phillip Faison, Chairman

Board of Commissioners

ATTEST:

Clerk to the Board

CAMDEN COUNTY BOARD OF COMMISSIONERS Regular Meeting November 1, 2010

Commissioner Garry Meiggs made a motion to approve Revised - Ordinance # 2010-09-01, An Ordinance Amending the Camden County Code of Ordinances, pertaining to Chapter 151: Unified Development, Table of Permissible Uses, Use Numbers 18.410, 18.420, and 18.430; Small, Medium, and Large Turbines utilized for wind energy, with the additional change as stated by Dan Porter, Director of Planning. The motion passed 5-0 with Chairman Phil Faison, Vice-Chairman Sandra J. Duckwall, Commissioners Melvin Jeralds, Garry Meiggs, and Michael McLain voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

638 <u>Consent Agenda</u>639

Item 4. (A.-E.)

Vice-Chairman Sandra J. Duckwall made a motion to *approve the Consent Agenda*. The
motion passed 5-0 with Chairman Phil Faison, Vice-Chairman Sandra J. Duckwall,
Commissioners Melvin Jeralds, Garry Meiggs, and Michael McLain voting aye; no
Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Consent Agenda

A. Draft Minutes - September 7, 2010

B. Budget Amendments - 2010-11-BA015 through 2010-11-BA017

2010-11-BA015 CAMDEN COUNTY BUDGET AMENDMENT

BE IT ORDAINED by the Governing Board of the County of Camden, North Carolina that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2011

Section 1. To amend the Dismal Swamp Welcome Center Fund as follows:

ACCT NUMBER	R DESCRIPTION OF ACCT	AMO INCREASE	
Expenses:			
606000-502000	Salaries	\$3,096.00	
606000-505000	FICA	\$ 237.00	
606000-507000	Retirement	\$ 202.00	
606000-507100	401K	\$ 155.00	
606000-599900	Fund Reserves		\$3,690.00

Section 2. Copies of this budget amendment shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Officer for their direction. Adopted this 1st day of November, 2010.

Clerk to Board of Commissioners

Chairman, Board of Commissioners

686 687 688 2010-11-BA016 CAMDEN COUNTY BUDGET AMENDMENT 689 690 691 BE IT ORDAINED by the Governing Board of the County of Camden, North Carolina that 692 the following amendment be made to the annual budget ordinance for the fiscal year ending 693 June 30, 2011 694 695 Section 1. To amend the Social Services Fund as follows: 696 697 AMOUNT 698 ACCT NUMBER DESCRIPTION OF ACCT **INCREASE DECREASE** 699 700 **Expenses:** 701 526100-502000 Salaries \$4,615.00 526100-505000 FICA 353.00 \$ 526100-507000 \$ 302.00 704 Retirement 705 526100-507100 401K \$ 231.00 706 707 **Revenues:** 70852390610-439900 Fund balance appropriated 709 \$2.751.00 71052330610-434802 Administration \$2,750.00 711 712 $\overline{713}$ 714 Section 2. Copies of this budget amendment shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Officer for their direction. Adopted this 1st 715 716 717 718 day of November, 2010. 719 720 Clerk to Board of Commissioners Chairman. Board of Commissioners 721 722 723 2010-11-BA017 $7\overline{24}$ 725 CAMDEN COUNTY BUDGET AMENDMENT 726 727 727 BE IT ORDAINED by the Governing Board of the County of Camden, North Carolina that <u>7</u>28 the following amendment be made to the annual budget ordinance for the fiscal year ending 729 June 30, 2011 730 Section 1. To amend the General Fund as follows: 732 733 AMOUNT 734 ACCT NUMBER DESCRIPTION OF ACCT INCREASE DECREASE 735 736 Expenses: 737 738 104400-502000 Salaries \$1,001.00 739 104400-505000 FICA 77.00 \$ 740 104400-507000 Retirement \$ 66.00 741 104400-507100 401K \$ 50.00 104410-502000 Salaries \$1.217.00 743 104410-505000 FICA \$ 93.00 104410-507000 \$ 80.00 Retirement 745 104410-507100 401K \$ 61.00 746 104500-502000 Salaries \$3,272.00 747 104500-505000 FICA \$ 251.00 748 104500-507000 Retirement \$ 214.00 749 104500-507100 401K \$ 164.00 750 751 104800-502000 Salaries \$1,063.00 104800-505000 FICA 82.00 \$ 752 753 104800-507000 Retirement \$ 70.00 104800-507100 401K \$ 54.00 754 104900-502000 Salaries \$1.721.00 755 104900-505000 \$ FICA 132.00 756 757 104900-507000 Retirement \$ 113.00 104900-507100 401K \$ 86.00 <u>7</u>58 105000-502000 Salaries \$ 268.00 759 105000-505000 FICA \$ 21.00 760 105000-507000 Retirement \$ 18.00 105000-507100 401K 761 \$ 14.00 105100-502000 Salaries \$4,125.00 105100-505000 FICA \$ 316.00 105100-507000 Retirement 270.00 \$ 105100-507100 \$ 207.00 401K 106120-502000 Salaries \$1.351.00 /6/ 106120-505000 FICA \$ 104.00 768

CAMDEN COUNTY BOARD OF COMMISSIONERS Regular Meeting November 1, 2010

This will result in a decrease of 0.00 in the Contingency of the General Fund.

Balance in Contingency \$71,466.00

Section 2. Copies of this budget amendment shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Officer for their direction. Adopted this 1st day of November, 2010.

Clerk to Board of Commissioners

Chairman, Board of Commissioners

C. Camden County School Budget Amendments:

a. Capital Outlay Fund

 $\begin{array}{c} 769\\ 770\\ 771\\ 772\\ 773\\ 774\\ 775\\ 776\\ 777\\ 778\\ 779\\ 780\\ 781\\ 782\\ 783\\ 784\\ 785\\ 786\\ 787\\ 788\\ 789\\ 790\\ \end{array}$

791 792

793

794

Budget Amendment

Camden County Schools Administrative Unit

Capital Outlay Fund

The Camden County Board of Education at a meeting on the 14th day of October, 2010, passed the following resolution.

Be it resolved that the following amendments be made to the Budget Resolution for the fiscal year ending June 30, 2011.

Code Number	Description of Code	Ато	unt
		Increase	Decrease
9100 9200 8100	Category I Projects Category II Projects Transfer to Other Gov't Entities	11,000.00 1,500.00	11,000.00
	and Equity - Voc Ed 1,500.00	•	
	propriation in Current Budget of Increase / (Decrease) of	\$	491,535.00
	Amendment		1,500 .00
	propriation in Current Amended		-
Budge	it		493,035.00

Passed by majority vote of the Board of Education of Camden County Schools on the 14 th day of October, 2010.	We the Board of County Commissioners of Camden County hereby approve the changes in the County School Funds Budget as indicated above, and have made entry of these changes in the minutes of said Board, this day of 2 Chairman, Board of County Commissioners
Secretary, Board of Education	Clerk, Board of County Commissioners

795 796 797 798

b. Local Current Expense Fund

Budget Amendment

Camden County Schools Administrative Unit

Local Current Expense Fund

The Camden County Board of Education at a meeting on the 14th day of October, 2010, passed the following resolution.

Be it resolved that the following amendments be made to the Budget Resolution for the fiscal year ending June 30, 2011.

Code Number	Description of C	Code	Amo	unt
5100 6300 6500 6900	Regular Curricular Alternative Program Operational Suppor Policy, Ldrshp & Po	ns & Services t Services	Increase 29,939.17 5,634.00 163,741.92	Decrease 5,634.00
Amount of Above Am	opriation in Current H Increase/Decrease of endment ropriation in Current.	Budget	\$ 2,44 +19	surance 48,072.00 93,681.09 41,753.09
Passed by majority vote of Education of Camden Cour of October 2010.	Camden Cou in the Count indicated abd changes on t this d Chairman,	d of County Comm anty hereby approv y School Funds Bu ove, and have made he minutes of said ay of Board of County Comm ard of County Comm	e the changes dget as e entry of these Board, 20	

799 800

800 801

802 803

820

D. Set Public Hearing for Conditional Use Permit (UDO 2010-08-17) Camden Plantation PUD Master Plan - Set Public Hearing for November 15, 2010

804 E. Tax Refunds, Pickups, & Releases

Name	Amount	Туре	Reason	No.
Williams Farms	\$877.15	Adjustment	Adjustment	12872
Kevin Old	-\$121.27	Adjustment	Adjustment	12860
John E. Jerebee Farming	g Inc \$864.18	Adjustment	Value Adjustment	12886
TR Tarkington Jr.	\$148.17	Adjustment	Adjustment	12866
George Wood Farms	-\$230.72	Adjustment	Adjustment	12847
Old Mill Farm	\$178.23	Adjustment	Adjustment	12859
K & G Farming Inc.	\$587.00	Adjustment	Adjustment	12854
Shelby Mansfield	-\$440.51	Adjustment	Adjustment	12856
Calvin Mercer	+\$135.94	Adjustment	Adjustment	12858
K & A Farms	-\$161.96	Adjustment	Adjustment	12851
Wade Allan Nevins	\$164.58	Pick Up	Listed in Currituck County	12869
		-	-	

13

821 822 New Business	
323	
24 New Business 25 Item 5. A. Presentation: Follow-up to You	d All Trin to National Logica
1	th 4-H Trip to National Junior Competition in Cleveland Ohio on
7 October 7-12, 2010.	competition in Clevelana Onto on
Danielle Barco, of the Camden County Cooperat	ive Extension Service, gave a brief
introduction to this agenda item:	
 On October 4th, the 4-H Horticulture Team fill Board to seek support for their trip to the An which they attended on October 7-12, 2010. They achieved many honors at the competition 	nual Competition in Cleveland Ohio,
• Ms. Barco showed a slide show depicting	
some of the many horticulture items they h competition.	· · · · · · · · · · · · · · · · · · ·
• Adam Lannon, one of the 4-H team members	s, is here to speak about the trip
At this point, Adam Lannon spoke and gave a bri earned by the Camden County team:	ief run down of some of the awards
 The Camden County 4-H team competed i first place nationally. 	in the performing arts, and achieved
• In the Artist Design competition, Kayla Mu	urphy and Sarah Bond were national
winners	Coatz was a notional winner
In the Extempore Speech competition, SullyAndy Bond was the Grand National Winner	
 Andy Bond was the Grand National Winner In the IDE Competition, the Camden Competition 	
 In the IDE Competition, the Canden Connationally, (I - Adam Lannon - did not com 	
competed in individuals and came in 3 rd plac	
 On awards night, "Camden County" was hea 	
Danielle Barco thanked Ms. Darlene Lannon for bei Team, and for her efforts with these amazing young	
Chairman Faison thanked them and said how proud	Camden is of their achievements.
Commissioner's Report	
Commissioner Michael McLain had the following to	-
• Veteran's Day Flag Raising Ceremony on No	ovember 11, 2010, begins at 7:30 AM
County Manager's Report	
County Manager, Randell Woodruff had the following	•
Reviewed schedule for Board of Commission	6
	of New Commissioners, Election of
Chair and Vice Chair, and Appointme	•
	ners meeting by 8:15 or 8:20, hope to
conclude by 11:00 AM	School for a Joint Masting with the
	School for a Joint Meeting with the including a lunch; hope to conclude
board of Education to start at 11.50, by 2:30 PM	, meruaning a ranen, nope to conclude
• We have been included in the Federal P	residential Declaration to assist the
residents of the Bunker Hill area of the S	
notification that Camden County has bee	-
declared counties for Tropical Storm Nicole	
-	

_

Dismal Swamp State Park for their new board walk.

their expenses in connection with this conference.

881

882

883

884

885

886

887 888

889

•

•

On Friday, November 12, 2010, at 10:00 AM, there will be a dedication at the

We have received a request for funding support from Students Against

Destructive Decisions (SADD) at Camden High School. Three members of this

group have come and met with me last Friday morning. There is a group from the

High School that will be going later this month to a SADD State Conference in

Raleigh for three days. These three students have asked for a donation to offset

_

2010 Camden County Board of Commiss the South Camden Water and Sewer Dist passed with Chairman Phil Faison, Vice-	Lain made a motion to recess the November 1, sioners meeting for the purposes of convening trict Board of Directors meeting. The motion Chairman Sandra J. Duckwall, Commissioners el McLain voting aye; no Commissioner voting missioner not voting.
Water and Sewer District Board of Director Board of Commissioners meeting. The m Chairman Sandra J. Duckwall, Commis	as made a motion to adjourn the South Camden ors meeting and reconvene the Camden County otion passed with Chairman Phil Faison, Vice- ssioners Melvin Jeralds, Garry Meiggs, and ioner voting no; no Commissioner absent; and
Information from Board and Staff	
None	
the Board of Commissioners, hearing none Commissioner Michael McLain made a m of Commissioners meeting. The motion Chairman Sandra J. Duckwall, Commis	if there were any other matters to come before e, he called for a motion to adjourn the meeting. notion to adjourn the November 1, 2010 Board passed 5-0 with Chairman Phil Faison, Vice- ssioners Melvin Jeralds, Garry Meiggs, and ioner voting no; no Commissioner absent; and
	Chairman Phil Faison
ATTEST:	Camden County Board of Commissioners