

Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Meeting Date: December 3, 2018
Presenter: County Manager Kris Cahoon Noble
Attachment: Yes

ITEM TITLE: NOTICE OF REQUEST FOR PROPOSALS
GRANT ADMINISTRATION SERVICES FOR HYDE COUNTY HMGP &
FMA PROJECTS

SUMMARY: Hyde County is applying for Hurricane Florence Mitigation Grant Program (HMGP) and Flood Mitigation Assistance (FMA) grants funded through the North Carolina Department of Public Safety. The project is anticipated to include housing related activities as developed during the application process. The County will require application preparation, planning, general administration, housing inspection, and housing activities administration services from a private firm or non-profit agency. Professional services will be contingent upon successful award of the grant project.

RECOMMEND: NO ACTION

Motion Made By: Earl Pugh, Jr.
 Shannon Swindell
 James Topping
 Ben Simmons
 Tom Pahl

Motion Seconded By: Earl Pugh, Jr.
 Shannon Swindell
 James Topping
 Ben Simmons
 Tom Pahl

Vote: Earl Pugh, Jr.
 Shannon Swindell
 James Topping
 Ben Simmons
 Tom Pahl

**NOTICE OF REQUEST FOR PROPOSALS
GRANT ADMINISTRATION SERVICES
HYDE COUNTY HMGP & FMA PROJECTS**

Hyde County is applying for Hurricane Florence Hazard Mitigation Grant Program (HMGP) and Flood Mitigation Assistance (FMA) grants funded through the North Carolina Department of Public Safety. The project is anticipated to include housing related activities as developed during the application process. The County will require application preparation, planning, general administration, housing inspection, and housing activities administration services from a private firm or non-profit agency. Professional services will be contingent upon successful award of the grant project.

If your firm is interested in providing the services listed above to Hyde County for this program, please contact Rosemary Johnson, Administrative Assistant, at 252-926-4178, or in writing to Rosemary Johnson, Administrative Assistant, Hyde County, 30 Oyster Creek Road, PO Box 188, Swan Quarter, NC 27885. The County will mail detailed Instructions to Proposers of any firm contacting Rosemary Johnson, Administrative Assistant at 252-926-4178. The deadline for receipt of proposals is **2:00 p.m., December 17, 2018**. Hyde County is an equal opportunity employer and encourages proposals from minority, women-owned firms, and certified Section 3 businesses.

REQUEST FOR PROPOSALS FOR PROFESSIONAL SERVICES

Notice is hereby given that proposals will be received by Hyde County, North Carolina until **2:00 PM December 17, 2018**, for the following Professional Services to be provided to said jurisdiction:

HURRICANE FLORENCE HAZARD MITIGATION GRANT PROGRAM (HMGP) FLOOD MITIGATION ASSISTANCE (FMA) PLANNING AND MANAGEMENT SERVICES

Project Summary: Hyde County suffered significant damage to residential housing during Hurricane Florence in September 2018. The county is soliciting turnkey professional planning and project management services required to undertake the following activities:

- (1) Submit Letters of Interest and applications for, and manage proposed Hazard Mitigation Grant Program (HMGP) and Flood Mitigation Assistance (FMA) elevation, reconstruction and acquisition activities for all federally declared disasters and annual FMA application cycles occurring prior to December 1, 2021. These activities are to be conducted with FEMA funds pursuant to the Robert T. Stafford Disaster Relief Act, the National Flood Insurance Reform Act of 1994, and the State of North Carolina's Flood Mitigation Administrative Plan, as administered by the NC Division of Emergency Management.

Upon selection of a qualified consultant, Hyde County will enter into contractual agreements with the consultant, based upon the planning and management needs to be determined by the county and the prospective funding agencies. Following contract negotiations with the planning and management consultant, the county plans to undertake a similar effort to procure professional engineering services required for the elevation and reconstruction components of HMGP/FMA projects. This is not a request for professional engineering services.

The contact person for this project is:

Rosemary Johnson, Administrative Assistant
Hyde County
30 Oyster Creek Road
PO Box 188
Swan Quarter, NC 27885
(252) 926-4178
rjohnson@hydecourtync.gov

Each proposer must submit complete proposals in the format provided in the RFP. Proposals must be in a sealed envelope and clearly marked ‘HURRICANE FLORENCE FLOOD MITIGATION ASSISTANCE AND HAZARD MITIGATION GRANT PROGRAMS, PLANNING AND MANAGEMENT SERVICES – SPECIAL PROJECT RFP’ in the lower left corner of the envelope. **Mailed, delivered, or e-mailed proposals must be received by no later than 2:00 PM December 17, 2018 to be considered. For more information, contact Rosemary Johnson, Administrative Assistant at 252-926-4178.**

Proposals will be rated by the County staff prior to award of any contract. Procurement of a planning/management firm will be accomplished in accordance with 2CFR200 and the North Carolina General Statutes relating to procurement of professional services.

Signature of Responsible Party/Contract

PROJECT DESCRIPTION

1. Name of Title of Project

**HYDE COUNTY
HMGP/FMA DISASTER RECOVERY PROJECTS
HURRICANE FLORENCE**

2. Name of Sponsor/Location of Project

Hyde County, North Carolina

3. Professional Services Required

Comprehensive administrative/management services of a professional consulting firm. These services will be procured by competitive proposals subject to 2CFR200.

4. Project Summary

The submitting firm(s) shall provide the County with planning services required to submit letters of interest and project applications to the NC Division of Emergency Management for HMGP and FMA acquisition, reconstruction, and elevation activities for all federally-declared disasters and annual FMA application cycles occurring prior to December 31, 2021. Upon receipt of individual grant agreements, the submitting firm(s) shall provide policies, procedures and guidelines, as well as management services, necessary for the successful implementation and completion of these hazard mitigation activities. The project is intended to eliminate or significantly reduce future flood risk through the acquisition, elevation, or reconstruction of flood-prone residences in the floodplain. The project includes the elevation of residences above base flood elevation, in accordance with the local Flood Damage Prevention Ordinance, reconstruction in accordance with the NC Residential Building Code, and the acquisition and demolition of substantially damaged flood-prone structures. The project requires extensive knowledge of Grant Financial Management, Construction Project Management, EEO and Environmental Compliance, Structural Elevation and Retrofitting Guidelines, National Flood Insurance Program (NFIP) Participation Requirements.

GENERAL SCOPE OF SERVICES REQUIRED

The planning/management consultant (Program Administrator) selected to manage the HMGP/FMA projects will provide all of the necessary planning and project management expertise, including provision of on-site personnel, for the

successful implementation and completion of the projects. **All on-site structural feasibility analysis and construction inspection will be supervised by the Building Inspection Department; however, the management consultant must provide a qualified resident housing inspector to assist the local building inspector with construction inspection and to act as the primary construction management liaison between the local building inspector and the Program Administrator.**

The Program Administrator shall provide the County and the State of North Carolina with rehabilitation/reconstruction/elevation/acquisition/relocation policies and procedures consistent with the approved grant agreements regarding a variety of residential properties in Hyde County, North Carolina. The Program Administrator shall possess a thorough working knowledge of the Stafford Act and related federal regulations provided for guidance of FEMA-funded hazard mitigation projects; reconstruction/acquisition/elevation/policies provided by the Federal Emergency Management Agency and the North Carolina Division of Emergency Management, FEMA structural elevation and retrofitting guidelines; National Flood Insurance Environmental Policy Act; procurement, audit, financial management, civil rights, and labor standards regulations pertaining to federally-funded grant projects as referenced in the grant agreement(s) to be executed by the County; and the Uniform Relocation and Real Property Acquisition Policies Act. Required services will include, but not necessarily be limited to, the following:

- Conduct public meetings for presentation of HMGP/FMA eligibility requirements.
- Prepare Letters of Interest for all proposed HMGP/FMA projects for submittal to NCDEM.
- Compile homeowner application data (Property Site Inventory Form, elevation certificate, photographs, etc.) from individual homeowners in the county who are interested in participating in HMGP-and FMA-funded reconstruction/acquisition/elevation activities.
- Prepare BCA-compatible property spreadsheets for submittal to NCDEM for benefit/cost analysis.
- Prepare on-line or printed applications (as required) for HMGP/FMA elevation, reconstruction, and acquisition activities.
- Develop comprehensive administrative guidelines for management of all HMGP-and FMA-funded reconstruction, elevation, and acquisition/demolition activity, including procedures for financial management, construction procurement, and construction management and inspection; coordinate required structural engineering and building inspection services; coordinate NFIP and NC State Building Code

compliance activities; review duplication of benefits procedures; prepare preconstruction and owner's certification documents; review structural feasibility procedures; prepare temporary relocation procedures and homeowner/contractor dispute resolution procedures; and prepare administrative guidelines and forms/documents for proper management of residential housing activities in accordance with HUD/FEMA disaster recovery and hazard mitigation requirements.

- Provide Federal- and state-required civil rights, environmental labor standards, audit, and general procurement compliance as mandated by the grant agreement(s) executed by the county.
- Procure a structural engineering firm, legal firm, appraiser, surveyor, and asbestos inspector. Provide scheduling and coordination of these additional professional services.
- Coordinate with the local building inspection department and consultant structural engineer during structural feasibility analysis; develop general elevation, reconstruction, and rehabilitation specifications, and prepare bid documents.
- Solicit local/regional general contractors to assure compliance with the project schedule.
- Manage the construction bid/award process.
- Assist with on-site inspection of all residential construction work (as outlined above).
- Authorize payment to other consultants and general contractors.
- Supervise the cost report process and coordinate project financial management with the county finance officer.
- Manage all acquisition and demolition activity in accordance with URA and FEMA requirements, and Standard Operating Procedures established by the North Carolina Division of Emergency Management.
- Develop a Citizen Participation Plan and coordinate an effective citizen participation process.
- Maintain detailed case files for each unit included in the project, as well as general project compliance and procurement files.
- Attend preconstruction conferences with homeowners and contractors; function as grantee/government/contractor liaison during construction.

- Provide complete homeowner construction contract administration services, including review of change orders, issuance of notices to proceed, review of construction schedule, and regular review of construction quality and cost control procedures with the local building inspector.
- Attend Hyde County Board of Commissioner meetings as required for approval of program guidelines, contract awards, etc.
- Function as liaison between the county and the NC Division of Emergency Management.

PROCUREMENT CRITERIA

1. The successful firm(s) must demonstrate a particular knowledge of all applicable policies and procedures, standard operating procedures, interim policy guidance and HMGP/FMA compendium provisions for successfully implementing the Hazard Mitigation Grant Program and Flood Mitigation Assistance Program as outlined under “SCOPE OF SERVICES” above, including definition of specific background in the management of FEMA- or state-sponsored elevation/retrofitting, reconstruction, and acquisition/demolition activities. The Administrator must be able to coordinate the procurement, work scope and work practices of other professional services including but not limited to attorneys, engineers, appraisers, surveyors, and contractors used in the elevations and acquisitions undertaken by project participants.
2. The Program Administrator must demonstrate a proven ability to review and make recommendations for permitting necessary for reconstruction or elevation/retrofitting of structures as required by state and local laws.
3. The Program Administrator must have a demonstrated ability to amend the grants to the benefit of those properties not technically feasible to acquire, retrofit, or reconstruct, or elevate, relative to cost effectiveness/cost reasonableness provided by benefit cost ratios.
4. The Program Administrator must have a demonstrated ability to provide guidance to local government officials and others involved in the decision-making process, e.g., a community task force, for the establishment of

sound practices which will affect the time, consistency, and organization of the jurisdiction's disaster recovery/flood mitigation process.

The following factors will be considered critical in the evaluation of those proposals prepared in response to this announcement (maximum 100 points available):

1. Specific Related Experience of Project Team Members.....35 points
2. Management Plan/Innovation.....20 points
3. Performance and Reputation of Participating Firm(s).....20 points
4. Team Capacity/Staff Availability/Project Schedule.....10 points
5. Cost-Effectiveness.....15 points

GENERAL CONTRACTUAL CONDITIONS

1. The selected firm shall certify that it has no knowledge of any circumstances which will cause a conflict of interest in providing professional services; and that no contingent fees have been paid for soliciting or securing this contract.
2. County shall select the proposal that ranks highest according to qualitative criteria set forth in the RFP and local federal procurement policies.
3. Each firm or individual submitting a proposal response shall include a certification that it does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or provision of services.

REQUIREMENTS FOR PROPOSALS

1. All proposers must submit complete proposals in the format provided in this RFP. All proposals and copies must be received by the date, time and at the location as specified in this RFP. County reserves the right to waive any informality or reject all proposals submitted.
2. There is no expressed or implied obligation for the county to reimburse responding firms for any expense incurred in preparing or responding in any informality or reject all proposals submitted.

3. All proposer responses to the RFP shall remain valid for a period of not less than ninety (90) calendar days from the due date of this RFP.
4. Submission of a proposal indicates acceptance by the proposer of the terms, conditions and requirements described in this FP unless clearly and specifically noted in the submittal.
5. Proposal Format: Proposals are to be prepared in the following format:
 - Letter of Interest from Principal(s) of Submitting Firm(s)
 - General Qualifications Statement (summary of firm's ability to perform "General Scope of Services Required" outlined above, and proven ability to meet requirements 1.-4, outlined under "Procurement Criteria," also outlined above).
 - Summary of Firm(s) Related Experience, including references
 - Resumes of Key Personnel
 - Management Plan/Technical Approach/Project Schedule
 - Staff Availability
 - Cost-Effectiveness (Provide a description of hourly rates, including all travel and per diem reimbursement, of all key personnel and technical/clerical support staff. Provide an estimated percentage of total work to be performed by each pay classification listed).
 - Non-Discrimination Certification

Hyde County is an Equal Opportunity Employer and invites the submission of proposals from minority and women-owned firms. Hyde County invites the submission of proposals from a certified Section 3 business concern.

This information is available in Spanish or any other language upon request. Please contact Rosemary Johnson at 252/926-4178 or at 30 Oyster Creek Road, Swan Quarter, NC 27885 for accommodations for this request.

Esta información está disponible en español o en cualquier otro idioma a petición. Póngase en contacto con Rosemary Johnson en 252/926-4178 o en NC 30 Oyster Creek Road, cuarto cisne, 27885 alojamiento para esta solicitud.

**Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET**

Meeting Date: December 3rd, 2018
Presenter: Kris Cahoon Noble
Attachment: Yes

ITEM TITLE: Ocracoke Occupancy Tax Board Recommendations

SUMMARY: During the October 11, 2018 Ocracoke Occupancy Tax Board meeting the board voted to recommend the following appropriations from the Ocracoke Occupancy Tax Fund. All of these were previously approved by the board during the last fiscal year but not submitted in time to be reimbursed. This is a reappropriation.

- Ocracoke School - Funds to complete the Outside Court Project \$6,430
- Ocracoke Preservation Society- Funds to support the Celebration of the 300th anniversary of Lt. Maynards victory over Blackbeard. \$1,000
- Ocracoke Community Center-Maintence Bills for Landscaping and Website Hosting. \$839.76

RECOMMEND:

APPROVE THE ABOVE APPROPRIATIONS OF OCRACOKE OCCUPANCY TAX BOARD FUNDS.

Motion Made By: Earl Pugh, Jr.
 Barry Swindell
 Dick Tunnell
 Ben Simmons
 Tom Pahl

Motion Seconded By: Earl Pugh, Jr.
 Barry Swindell
 Dick Tunnell
 Ben Simmons
 Tom Pahl

Vote: Earl Pugh, Jr.
 Barry Swindell
 Dick Tunnell
 Ben Simmons
 Tom Pahl



Kris Noble <knoble@hydecourtnc.gov>

Recommendations to the Board of Commissioners

2 messages

Bob Chestnut <bob@surfocracoke.com>

Tue, Oct 16, 2018 at 11:37 AM

To: Corrinne Gibbs <cgibbs@hydecourtnc.gov>, Kris Noble <knoble@hydecourtnc.gov>

During our 10/11/18 Occupancy Tax Board meeting the board voted to recommend the following appropriations from the Ocracoke Occupancy Tax Fund. All of these were previously approved by the board during the last fiscal year but not submitted in time to be reimbursed.

Ocracoke School - Funds to complete the Outside Court Project \$6,430

Ocracoke Preservation Society-Funds to support the Celebration of the 300th anniversary of Lt Maynards victory over Blackbeard. \$1,000

Ocracoke Community Center-Maintenance Bills for Landscaping and Website Hosting. \$839.76

Please add these items to the Commissions monthly meeting. Thanks for your consideration.

Bob Chestnut, Chairman
Ocracoke Occupancy Tax Board
bob@surfocracoke.com

Kris Noble <knoble@hydecourtnc.gov>

Tue, Oct 16, 2018 at 8:22 PM

To: Bob Chestnut <bob@surfocracoke.com>

Cc: Corrinne Gibbs <cgibbs@hydecourtnc.gov>

Thanks Bob. You all had a great meeting last week. I was happy to attend. I will get these recommendations into the BOC agenda and see no problems with getting your recommendations approved. Thanks again - Kris

Kris Cahoon Noble
Hyde County Manager
PO Box 188
30 Oyster Creek Road
Swan Quarter, NC 27885
(cell) 252.542.0802
www.hydecourtnc.gov



[Notice: Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.]

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**Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET**

Meeting Date: December 3, 2018
Presenter: Chair, Vice-Chair, Commissioners, Manager
Attachment: Yes

ITEM TITLE: MANAGEMENT REPORTS

SUMMARY: This is a time for each Commissioner to give reports on their work representing the County.

Additionally, Commissioners may wish to bring up issues they wish to have followed up by the Board or by the County Manager.

The County Manager will give an oral update on various projects and other administrative matters.

RECOMMEND: Receive reports. Discussion and possible action as necessary.

MOTION MADE BY: ___ PUGH
___ SIMMONS
___ PAHL
___ SWINDELL
___ TOPPING

MOTION SECONDED BY: ___ PUGH
___ SIMMONS
___ PAHL
___ SWINDELL
___ TOPPING

VOTE: ___ PUGH
___ SIMMONS
___ PAHL
___ SWINDELL
___ TOPPING

Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Meeting Date: December 3, 2018
Presenter: Citizens
Attachment: No

ITEM TITLE: PUBLIC COMMENTS

SUMMARY: The public is invited to use this time to make comments to the County Commissioners on items discussed during this meeting and/or matters not discussed earlier in the meeting.

RECOMMEND: Receive comments.

Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Meeting Date: December 3, 2018
Presenter: Board of Commissioners

ITEM TITLE: CLOSED SESSION

SUMMARY: The County Manager may request entering Closed Session in accordance with **NCGS143A-318.11 (a)**

- 1) To prevent the disclosure of information that is privileged or confidential pursuant to the law.
- 2) To prevent the premature disclosure of an honorary award.
- 3) To consult with an attorney employed or retained by the public body in order to preserve the attorney client privilege.
- 4) To discuss matters relating to the location or expansion of industries or other businesses.
- 5) To establish or instruct the public body's staff or agent in negotiating the price or terms of a contract for the acquisition of real property by purchase; or compensation and terms of an employment contract.
- 6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee.
- 7) To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct.
- 8) To formulate plans by a local board of education relating to emergency response to incidents of school violence.
- 9) To discuss and take action regarding plans to protect public safety.

RECOMMEND: Enter into Closed Session if required.

MOTION MADE BY: ___ PUGH (ENTER) ___ SIMMONS ___ PAHL ___ SWINDELL ___ TOPPING	MOTION SECONDED BY: ___ PUGH ___ SIMMONS ___ PAHL ___ SWINDELL ___ TOPPING	VOTE: ___ PUGH ___ SIMMONS ___ PAHL ___ SWINDELL ___ TOPPING
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MOTION MADE BY: ___ PUGH (EXIT) ___ SIMMONS ___ PAHL ___ SWINDELL ___ TOPPING	MOTION SECONDED BY: ___ PUGH ___ SIMMONS ___ PAHL ___ SWINDELL ___ TOPPING	VOTE: ___ PUGH ___ SIMMONS ___ PAHL ___ SWINDELL ___ TOPPING
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ACTION TAKEN IN OPEN SESSION:

MOTION MADE BY: ___ PUGH (ACTION) ___ SIMMONS ___ PAHL ___ SWINDELL ___ TOPPING	MOTION SECONDED BY: ___ PUGH ___ SIMMONS ___ PAHL ___ SWINDELL ___ TOPPING	VOTE: ___ PUGH ___ SIMMONS ___ PAHL ___ SWINDELL ___ TOPPING
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Department Reports

Human Resources Department Report – December 2018:

- Verified information for vacation/sick leave for employees
- Completed monthly payroll
- Generated the Human Resources employee newsletter
- Completed and processed monthly vouchers to pay employees' insurances, tax garnishments, child support payments, retirement, etc.
- Daily Tasks - Assisted employees as necessary concerning hours worked, salary, insurance, benefits, retirement, deposit changes, etc.
- Attended the quarterly meeting of the Advisory Council for the Local Government Federal Credit Union in Greenville
- Enrolled three employees - two full-time and one part-time
- Requested Longevity information from Department Heads
- Compiled and keyed data for Longevity checks

Respectively submitted,
Tammy Blake

Health Department Monthly Summary Report – October 2018

CLINICAL SERVICES	Current Month	Year To Date
Family Planning	15	66
Maternal Health	12	35
Adult Health: Wellness/Primary Care/Chronic Disease/Telemedicine	77	247
BCCCP	4	22
Immunizations	10	25
Seasonal Flu Shots/Flu Mists		
Adults	6	7
Children	152	152
STD Treatments	7	14
Communicable Disease Cases/Investigations	2	7
TB Treatments (Latent) & Skin Tests	4	13
Child Health (Wellness)	11	81
Child Health (Sick Care)	25	51
Rabies Treatments/Investigations**	2	4
Dental Varnishing	1	11
Lab Services	47	153
WIC (Women, Infant & Child Nutrition Assistance)		
WIC – Mainland		
Certifications	15	41
Mid-Certification Assessments	6	25
Pick-ups	10	44
Vendor Trainings		1
WIC – Ocracoke (Quarterly)		
Certifications	7	
Mid-Certification Assessments	6	6
Pick-ups	2	2
Vendor Trainings		0
PREGNANCY/EARLY CHILDHOOD SERVICES		
Pregnancy Care Management (for healthy pregnancies and births)		
Current Case Load	6	////////////////////
Contacts this Month		////////////////////
Attempts (No Contact)		////////////////////
Care Coordination for Children (for healthy children 0-5 years)		
Current Case Load	5	////////////////////
Contacts this Month		////////////////////
Attempts (No Contact)		////////////////////
BEHAVIOR HEALTH AND SUBSTANCE ABUSE SERVICES		
Behavior Health Services		
Licensed Clinical Counselor visits		
Psychiatrist Visits	1	1
Substance Abuse Services		
Educational Programs in the Community		
Navigated Services		
Media Events		
Needle Exchange Pick Ups		
Narcan dispensed		

FOREIGN INTERPRETER/OUTREACH WORKER		
Outreach programs		
Home visits:	0	////////////////////
Phone calls:	18	////////////////////
Letters sent:	0	////////////////////
Patients served in clinic:	46	////////////////////
Community work:		////////////////////
Request for transportation:		////////////////////
Other: Ocracoke E.H.; NNO; Focus Groups; Matt Seafood		////////////////////
ENVIRONMENTAL HEALTH		
Food and Lodging		
F&L Inspections	15	42
F&L Visits	3	15
F&L Pre-Opening Visits		1
F&L Permits Issued	1	2
F&L Permits Suspended		1
F&L Suspensions Lifted		0
F&L Complaint Investigations		1
F&L Consults	20	63
General Sanitation		0
Vector Control	6	6
Animal Control		2
Health Education		1
On-Site Wastewater		0
Sites Visited/Evaluated	10	37
Improvement Permits Issued	4	13
Construction Authorizations	4	14
Other Authorizations	2	11
Consultative Contacts	36	127
Operation Permits Issued		5
Migrant Housing Inspections		0
On-Site Wells		0
Well Site Evaluated	1	1
Grouting Inspections		0
Well Site Construction Visits		0
Well Construction Permits Issued		0
Well Certificate of Completion		0
Bacteriological Samples Collected	2	2
Other Sample Collected		0
Well Consultative Contacts	9	13

Supplemental Information

11/06/2018 OFFICIAL GENERAL ELECTION RESULTS - HYDE

Text Size: A A | Options | Downloads

Precincts Reported: 7 of 7

Criteria

Election:	11/06/2018
County:	HYDE
Office:	ALL LOCAL
Contest:	ALL
<input type="button" value="Display Results"/>	<input type="button" value="Refresh"/>

NAME ON BALLOT	PARTY	BALLOT COUNT	PERCENT
Michael (Shannon) Swindell	UNA	1,309	72.68%
Ken Collier	REP	492	27.32%

Precincts Reported: 7 of 7

HYDE County Info

Last County Submit:
November 16, 2018 2:06 pm

Last County Upload:
November 16, 2018 2:04 pm

Precincts Reported:
100.00% (7 out of 7)

100.00%

Ballots Cast:
58.50% (2,002 out of 3,422)

58.50%

NAME ON BALLOT	PARTY	BALLOT COUNT	PERCENT
James (Little Brother) Topping	DEM	896	52.37%
CHRIS WILLIAMS (Write-In)		787	46.00%
Write-In (Miscellaneous)		28	1.64%

Precincts Reported: 7 of 7

NAME ON BALLOT	PARTY	BALLOT COUNT	PERCENT
Aleta Cox	REP	1,055	37.91%
Lindsey Mooney	DEM	955	34.32%
Myra Chandler	DEM	773	27.78%

[Display Large Map](#)

Precincts Reported: 7 of 7

NAME ON BALLOT	PARTY	BALLOT COUNT	PERCENT
Angela Todd	DEM	1,395	100.00%

Precincts Reported: 7 of 7

NAME ON BALLOT	PARTY	BALLOT COUNT	PERCENT
Brandy C. Pugh	DEM	1,649	100.00%

Precincts Reported: 7 of 7

NAME ON BALLOT	PARTY	BALLOT COUNT	PERCENT
E. Merita Lewis-Spencer	DEM	1,635	100.00%

Precincts Reported: 7 of 7

NAME ON BALLOT	PARTY	BALLOT COUNT	PERCENT
Carl (Guire) Cahoon	DEM	1,545	80.72%
Larry Weston	UNA	369	19.28%

Precincts Reported: 7 of 7

NAME ON BALLOT	PARTY	BALLOT COUNT	PERCENT
J.W. Spencer		1,312	54.55%
Daren Hubers		1,028	42.74%
Write-In (Miscellaneous)		47	1.95%
WILLIE SHAW (Write-In)		18	0.75%

Precincts Reported: 1 of 1

NAME ON BALLOT	PARTY	BALLOT COUNT	PERCENT
Charles Gibbs, Jr.		87	50.58%
Tommy Etheridge		65	37.79%
Write-In (Miscellaneous)		14	8.14%
BEADIE GIBBS (Write-In)		6	3.49%

Precincts Reported: 1 of 1

NAME ON BALLOT	PARTY	BALLOT COUNT	PERCENT
Ronnie T. O'Neal		397	33.76%
William Caswell		390	33.16%
Flavia Burton		374	31.80%
Write-In (Miscellaneous)		15	1.28%

Precincts Reported: 1 of 1

NAME ON BALLOT	PARTY	BALLOT COUNT	PERCENT
Jeffrey Stotesberry		129	38.39%
J.C. Williams		106	31.55%
Seldon Taylor		87	25.89%
Write-In (Miscellaneous)		14	4.17%

Beaufort County, North Carolina Solar Energy Facilities Ordinance

Section 1. Current local Ordinance repealed.

The Beaufort County “Solar Farms (Setbacks) Ordinance”, which was adopted on September 9, 2013, is hereby repealed in its entirety and replaced with this Ordinance.

Section 2. Purpose

The purposes for which this “Solar Energy Facilities” Ordinance is passed are as follows:

- 2.1. To facilitate the siting, construction, installation and operation of solar energy facilities in Beaufort County in a manner that ensures the protection of the health, safety and general welfare of its citizens, while also avoiding adverse impacts to adjacent land uses and property owners.
- 2.2. To protect and enhance the economic viability and interests of the citizens and residents of Beaufort County who have made substantial financial investments in homes, businesses, and industry in Beaufort County.
- 2.3. To preserve the dignity and aesthetic quality of the environment of Beaufort County.
- 2.4. To preserve the physical integrity of land in close proximity to residential areas.
- 2.5. This Ordinance is not intended to abridge safety, health or environmental regulations contained in other applicable codes, standards, or ordinances. The provisions of this ordinance shall not be deemed to nullify any provisions of any state or federal law.
- 2.6. This Ordinance does not address residential solar use, or a small solar array that is on a farm or other business, exclusively for onsite energy usage.

Section 3. Authority

This Ordinance is hereby adopted under the authority and provisions of the General Statutes of the State of North Carolina, Chapter 153A, Article 18, Part 3.

Section 4. Permit Required

Solar Energy Facilities shall be subject to the requirements and permitting process of this Ordinance, in addition to other applicable local, state, and federal laws. This Ordinance shall

apply to all areas of Beaufort County except those lands lying within the jurisdiction of any municipality, unless such municipality formally requests the County to enforce these regulations within the municipality's area of jurisdiction.

Solar Energy Facilities must obtain a Development Permit from the Planning Department prior to applying for Building Permits from the Inspections Department, in accordance with the procedures outlined in this Ordinance.

Section 5. Definitions

As used in this Ordinance, the following terms shall have the meanings indicated. Words not defined in this Ordinance shall be given their ordinary and common meaning.

Abandonment: Any Solar Energy Facility that ceases to produce energy on a continuous basis for twelve (12) months will be considered abandoned.

Accessory Equipment: Any equipment serving or being used in conjunction with a SEF. The term includes utility or transmission equipment, power supplies, generators, batteries, equipment buildings, and storage sheds, shelters, or similar structures.

Applicant: The SEF Owner / SEF Operator, or the person(s), entity, or company submitting an application for a Solar Energy Development Permit on behalf of the SEF Owner / Operator.

Building: Any structure having a roof supported by columns or walls, and designated or intended for the shelter, support, enclosure or protection of persons, animals or chattels.

Concentrated Solar Power (CSP): See Thermal Solar Conversion.

Conservation Area: Such areas include natural areas protected by law, such as wetlands that meet the definition in the Clean Water Act 33 USC Sec. 1251 et seq.; shoreland areas; water bodies; riparian buffers; populations of endangered or threatened species, or habitat for such species; archaeological sites, cemeteries, and burial grounds; important historic sites; other significant natural features and scenic viewsheds; and existing trails or corridors that connect the tract to neighboring areas.

Decommissioning Plan: A document that details the planned shut down and removal of a Solar Energy Facility from operation or use.

Electrical Transmission Tower: A tall structure, usually a steel lattice tower, which was set up for the purpose of transmitting and receiving power, and is used to support high voltage overhead power lines.

Fence: A continuous barrier extending from the surface of the ground to a uniform height of not less than six (6) feet from the ground at any given point, constructed of chain link.

Gate: A door or other device attached to a fence which, when opened, provides a means of ingress and egress of persons and things for which it was intended, and which, when closed, forms a continuous barrier as part of the fence to which it is attached.

Improved Area: Area containing perimeter fencing, solar panels, electrical inverters, storage buildings and access roads.

Photovoltaic Solar Conversion (PV): An active solar energy system in which sunlight is converted directly into electricity through the photovoltaic process of converting light (photons) into electricity (voltage).

Property Owner: The person(s), entity, or company having fee simple ownership of the property where the Solar Energy Facility is located.

Protected Building. All residential, commercial and institutional buildings within three hundred (300) feet of a Solar Energy Facility, excluding accessory buildings such as storage sheds.

Public Road: Any road or highway which is now or hereafter maintained by the North Carolina Dept. of Transportation as part of the State Highway System. Setbacks for improved areas shall be measured from the back of the road right-of-way.

Repair: The replacement of existing work with the same kind of material used in the existing work, not including additional work that would change the structural safety of the structure or that would affect or change required existing facilities, or that would be in violation of a provision of law or this local Ordinance. The term "Repair" shall not apply to any change in construction.

Residence: A building used as a dwelling for one or more families or persons.

Responsible Party(ies): The SEF Owner / SEF Operator, as defined in this section.

SEF Owner / SEF Operator: The person(s), entity, or company that engages in or runs a Solar Energy Facility.

Solar Array: An active solar energy system that converts sunlight into electricity using either Thermal or Photovoltaic methods. Such a system has multiple solar collectors, and might include transformers, generators, batteries, and other appurtenant structures and/or facilities.

Solar Collector or Solar Panel: A device that converts sunlight into electricity using either Thermal or Photovoltaic methods.

Solar Energy Facility: A commercial electricity generating facility (PV or CSP), the primary purpose of which is to supply electricity. This consists of one or more solar arrays and other accessory structures, equipment, and buildings, including substations, battery storage, electrical infrastructure, generators, transmission lines, and other appurtenant structures and/or facilities. Also known as "Solar Farms".

State: The State of North Carolina.

Thermal Solar Conversion: An active solar energy system that converts sunlight into electricity by using mirrors or lenses to collect and concentrate heat to a small area in order to drive a heat engine, usually a conventional steam generator. For a commercial application this is called Concentrated Solar Power (CSP).

Utility Pole: A structure owned and/or operated by a public utility, municipality, electric membership corporation, or rural electric cooperative that is designed specifically for and used to carry lines, cables, or wires for telephone, cable television, or electricity, or to provide lighting.

Section 6. Permit Requirements

6.1. General. Before a Building Permit may be submitted for an SEF, a Solar Energy Facility Development Permit must first be approved by the Planning Board.

6.2 Permit Application. Throughout the permit process, the Applicant shall promptly notify the County Planner of any changes to the information contained in the permit application. Changes that do not materially alter the initial site plan may be administratively accepted. The completed application for a SEF shall consist of an electronic filing, or eight (8) paper copies, which contain at least the following:

6.2(A) Summary. A narrative overview of the SEF, including its generating capacity.

6.2(B) Inventory. A tabulation describing the:

1. Number, specifications and type of each proposed solar array, including their generating capacity.
2. Dimensions and respective manufacturers.
3. Accessory buildings and accessory equipment.

6.2(C) Vicinity Map. Identification of the property on which the proposed SEF will be located. Sketch vicinity map showing relationship between SEF and the surrounding area.

6.2(D) Site Plan. A plan which shows all of the following:

1. Planned location of each solar array.
2. All property lines within 300 feet of the property lines of the proposed site.
3. Each array's setback distance from the closest SEF boundary, the setback of improved areas from each property line, and the separation distance between the SEF boundary and each protected building, as identified in Section 7.1.
4. Access road and turnout locations.
5. Substation(s) and accessory equipment, accessory buildings, and structures.
6. Electrical cabling from the SEF to the substation(s), and from the substation(s) to where the electricity will leave the site, and associated transmission lines.
7. Location of any underground power lines on the site.

8. Conservation areas, including natural areas protected by law, such as wetlands that meet the definition in the Clean Water Act; shoreland areas; water bodies; riparian buffers; populations of endangered or threatened species (federal or state), or habitat for such species; flyways; archaeological sites; cemeteries, and burial grounds; important local historic sites; existing healthy, native forests consisting of at least one acre of contiguous area; other significant natural features and scenic view sheds; existing trails or corridors that connect the tract to neighboring areas.
9. Location and width of any driveways or private roads serving the SEF.
10. A landscaping and fencing plan that shows proposed screening and buffering of the improved area, including all arrays, buildings, and other accessory buildings or accessory equipment on the site. This shall include the size, location, spacing and species of required evergreen bushes, as identified in Sections 7.2 - 7.3.

6.2(E) Misc. The applicant shall provide the following information to the Planning Board:

1. Certification that the proposal is for an International Electrical Congress (IEC) solar array that is designed to meet all North Carolina Building Codes.
2. Certification that the solar arrays pass the Environmental Protection Agency's Toxicity Characteristic Leaching Procedure (TCLP) test.
3. Signed copies of all original leases/easements and agreements for the SEF.
4. Copies of any required state and federal permits, licenses, etc. This shall include permits and/or approvals issued by the North Carolina Utilities Commission.
5. Other relevant studies, reports, certifications, and approvals as may be reasonably requested by the Planning Board to ensure compliance with this Ordinance.

6.2(F) Maintenance Plan.

- 1. Equipment Inspections and Maintenance.** The Applicant shall detail inspection and maintenance procedures that will be taken to keep the SEF operating quietly, efficiently, and not polluting land, water, or air.
- 2. Fence Maintenance.** The Applicant shall detail inspection and maintenance procedures that will be taken to keep fencing and gates in good condition until the facility is decommissioned.
- 3. Landscaping.** The Applicant shall detail inspection and maintenance procedures that will be taken to keep the required vegetative buffer and planting area maintained, including keeping vegetation healthy, neat and orderly in appearance, and free of litter and debris. The Applicant shall detail maintenance procedures for keeping grasses or other ground cover trimmed or mowed.
- 4. Road Maintenance.** The Applicant shall detail inspection and maintenance procedures that will be taken to keep private roads and driveways serving the SEF graded, free of potholes, and passable in all weather.

6.3(G) Abandonment and Decommissioning Plan.

1. **Abandonment.** An SEF that ceases to produce energy on a continuous basis for twelve (12) months will be considered abandoned unless the current responsible party (or parties) with ownership interest in the SEF provide substantial evidence (updated

every 6 months after 12 months of no energy production) to the County Planner of the intent to maintain and reinstate the operation of that facility. It is the responsibility of the responsible party (or parties) to remove all equipment and facilities and restore the parcel to its condition prior to development of the SEF:

- a. Upon determination of abandonment, the County Planner shall notify the party (or parties) responsible they must remove the SEF and restore the site to its condition prior to development of the SEF within 365 days of notice by the County Planner.
 - b. If the responsible party (or parties) fails to comply, the County Planner may remove the SEF, sell any removed materials, and restore the site to the condition it was in prior to development of the SEF, using the Performance Guarantee provided by subsection 3 below. If necessary, the County Planner may initiate judicial proceedings or take any other steps legally authorized against the responsible parties to recover the costs required to remove the SEF and restore the site to a condition prior to development.
2. **Decommissioning Plan.** A Decommissioning Plan signed by the party responsible for decommissioning and the property owner addressing the following shall be submitted with the Permit Application:
- a. Anticipated life of the SEF.
 - b. Defined conditions upon which decommissioning will be initiated (i.e. end of land lease, no power production for 12 months, etc.)
 - c. Removal of all non-utility owned equipment, conduit, structures, fencing, solar panels, roads, and foundations.
 - d. Restoration of property to condition prior to development of the SEF.
 - e. Timeframe for completion of decommissioning activities, not to exceed one year.
 - f. Description and copy of any lease or any other agreement with the property owner regarding decommissioning.
 - g. Name and address of person or party responsible for decommissioning.
 - h. Plans and schedule for updating the Decommissioning Plan.
 - i. A verifiable means of determining if the decommissioning plan needs to be activated due to cessation of use for 365 days, such as a letter from the electric utility stating that it will notify the Planning Department within ten (10) business days if electricity is not received from an array within the SEF for 365 days.
 - j. Before final Solar Energy Facility Development Permit is issued, provide evidence that the Decommissioning Plan was recorded with the Register of Deeds to the County Planner or his/her designee.
 - k. Estimated decommissioning costs including contingency costs of at least 25% (in current dollars), as provided by an appropriately experienced, North Carolina licensed Engineer, under seal.
3. **Performance Guarantee.** Prior to the issuance of a Solar Energy Facility Development Permit, the Applicant must provide the county with a form of surety equal to 125 percent of the entire cost of decommissioning under the plan, as estimated by a North Carolina licensed Engineer under seal, approved by the County Manager and County Attorney, either through cash, a surety performance bond,

irrevocable letter of credit, or other instrument readily convertible into cash at face value, either with the County or in escrow with a financial institution designated as an official depository of the County. Surety performance bonds must renew automatically, include a minimum 90-day notice to the County prior to cancellation, and be from a company on the U.S. Department of Treasury's Listing of Certified Companies. Irrevocable letters of credit must be for the entire estimated life of the SEF.

This surety shall be retained by the County to cover the cost of the decommissioning requirements herein. Following initial submittal of the surety, the cost calculation for decommissioning shall be reviewed every five (5) years, and adjusted accordingly based upon an updated estimate of a North Carolina licensed Engineer under seal, of the estimated decommissioning costs. Failure to comply with any requirement of this section shall result in the immediate termination and revocation of all prior approvals and permits; further, the County shall be entitled to make immediate demand upon, and/or retain any proceeds of, the surety, which shall be used for decommissioning and/or removal of the Solar Energy Facility, even if still operational.

Section 7. Design Standards.

7.1 Setback and Separation Requirements. The fence which secures the SEFs improved areas shall be setback at least one hundred (100) feet from all property lines and all public rights-of-way. Solar arrays and other equipment shall be setback at least twenty-five (25) feet from the interior fence line of the SEF. SEFs shall be separated by a minimum distance of three hundred (300) feet from all residential, commercial, and institutional buildings, with the exception of accessory buildings such as storage sheds. Such minimum setbacks for a SEF shall be measured from the required fence of the facility.

The property owner of an affected building may, for itself but not on behalf of another protected building, waive all or any portion of the separation requirements set forth herein. The one hundred (100) foot setback distance from all property lines and all public rights-of-way would still apply in the event of a waiver. Said waiver shall be in writing and shall be in the form of an easement, with the SEF as the servient estate and the protected building as the dominant estate. The waiver/easement shall state any conditions or site plan modifications to the regulated use mutually agreed upon by the SEF, the owner of the protected building, and the County Planner as consideration for the granting of the easement. In no event shall any conditions or site plan modifications decrease the SEFs responsibilities under this Ordinance. The waiver shall be signed and acknowledged by the record owners of the fee interest of the protected building and by the owner of the fee interest of the SEF, and, if different, by all of the property owners of the property on which the SEF is located. The waiver shall further be signed by the County Planner, whose signature shall serve as a certification that the requirements of this subsection have been met.

Following recordation in the Beaufort County Register of Deeds, the separation requirements of this subsection between said protected building and the SEF shall be deemed amended to conform to the provisions of the waiver. The easement granted by said waiver shall be appurtenant to and run with the land and shall be binding on the parties, their heirs, successors, and assigns; provided, that the same shall by its express provisions terminate at such time as the SEF ceases to have a valid Development Permit for the operation of the SEF which is the subject of the waiver.

7.2 Fencing. A fence shall be required around the entire perimeter of the SEF to secure its improved areas. The location of the fence shall be determined by the required setbacks and separation requirements outlined in Section 7.1. All solar arrays and other equipment must be located inside the required fence. The fence must be a minimum of six (6) feet in height and shall be constructed of chain link. Angled barbed wire shall run along the top of the fence for the entire perimeter of the fence for security purposes. The gate for ingress and egress to the SEF must be locked for security purposes.

7.3 Vegetative Buffer. A vegetative buffer shall be installed in front of the fence within the required setback of the SEF for the entire perimeter of the SEF. The vegetative buffer shall consist of a row of evergreen bushes, planted no more than eight (8) feet apart, which are at least six (6) feet tall at the time of planting, which will reach at maturity a minimum height of fifteen (15) feet within three (3) years of planting. The bushes may be trimmed, but to no lower than a height of fifteen (15) feet.

The evergreen bushes must provide full screening from two (2) feet above ground level to the required fifteen (15) foot height. The evergreen bushes must grow to a minimum of eight (8) feet in width at the base, or the spacing between bushes must be reduced.

The evergreen bushes should be installed according to established planting techniques, including establishing a well-prepared planting area. The vegetative buffer must be maintained, including keeping vegetation healthy, neat and orderly in appearance, and free of litter and debris. Species native to Eastern North Carolina are recommended. Where adequate vegetative screening exists on the parcel where the SEF is located, the existing vegetative buffer may be used to satisfy the requirements of this Section, with the approval of the Planning Board.

7.4 Ground cover. Soil with adequate vegetative cover must be maintained under and around the panels in order to reduce runoff and erosion. Native grasses and wildflowers are encouraged to be used as ground cover for the SEF. Benefits of using native grasses and wildflowers include improved erosion control, pesticide avoidance, stormwater infiltration, wildlife habitat, and reduced overall maintenance. In addition, native flowering plants provide a food source and habitat for wild native bees. Promoting habitat for native bees and other pollinators can have a positive ecological

impact on disturbed sites, as well as, a positive economic impact on neighboring insect pollinated crops. Once established, these naturalized meadows are more drought tolerant and require little to no fertilization. See the NC Wildlife Resources Commission's publication titled, "Recommendations for Establishing Native Pollinator Habitat on Solar Farms in North Carolina" for more details.

- 7.5 **Environmental Impacts.** SEFs must meet all requirements of the State of North Carolina and the federal government, and provide copies of all required state and federal permits, including but not limited to:
- Stormwater Permit from the NC Dept. of Environmental Quality
 - Erosion and Sedimentation Control Permit from the NC Dept. of Environmental Quality
 - Certificate of Public Convenience and Necessity from the NC Utilities Commission
 - Section 404 Wetlands Permit from US Army Corps of Engineers, where applicable
- 7.6 **Roads.** The minimum right-of-way width of private roads and driveways serving the SEF shall be fifty (50) feet. Private roads and driveways shall be constructed to meet all of the North Carolina Department of Transportation's (NC DOT) design standards, except for applying crushed stone for paving. A Driveway Permit must be obtained from NC DOT, and a copy of said permits shall be provided to the Planning Board. The SEF Owner shall be responsible for road maintenance, including keeping roads and driveways serving the SEF graded, free of potholes, and passable in all weather.
- 7.7 **Lighting and Electrical Emissions.** The design and construction of SEFs shall not produce light emissions, either direct or indirect (reflective), that would interfere with pilot vision and/or traffic control operations as stated in the most recent Air Installation Compatible Use Zone (AICUZ) report, as well as low level military training routes as then utilized by any branch of the US Department of Defense. The design and construction of SEFs shall not produce electrical emissions that would interfere with aircraft communication systems or navigation equipment as stated in the most recent AICUZ report, as well as low level military training routes as then utilized by any branch of the US Dept. of Defense.
- 7.8 **Power Lines.** On site power lines between solar panels and inverters shall be placed underground and must meet all requirements of the North Carolina Electrical Code.
- 7.9 **Solar Panel Height.** The height of solar panels shall not exceed the height of the required vegetative buffer, as identified in Section 7.3

Section 8. SEF permit fees.

A non-refundable application fee of \$500 shall be submitted with each application for a Solar Energy Development Permit.

Section 9. Planning Board Decision.

- 9.1. Public Hearing.** The input of local citizens shall be solicited by the Planning Board in at least one (1) public hearing on the Permit Application.
- 9.2 Approval.** In order for the Planning Board to grant a Solar Energy Facility Development Permit, all the requirements of this Ordinance must be satisfied. The Planning Board shall have the authority to decide, based on majority vote, whether to grant approval of a Solar Energy Facility Development Permit.
- 9.3 Expiration of Approval.** A Solar Energy Facility Development Permit shall expire if construction has not begun within 365 days of issuance of the permit. A Solar Energy Facility Development Permit shall automatically expire if there are any changes in ownership, cessation of the corporation, partnership or transfer to another person. In this case, the new SEF owner(s) shall have sixty (60) days to submit a new Permit Application meeting the requirements of Section 6 of this Ordinance.

Section 10. Appeals.

- 10.1 Ability to Appeal.** Any aggrieved SEF owner or developer may file an appeal to the Beaufort County Board of Commissioners relating to the interpretation or application of this Ordinance.
- 10.2 Time Limit and Notice.** Any appeal must be filed within forty-five (45) days of the decision. Written notice which states the basis or grounds for appeal shall be provided to the Clerk to the Board, or the County Manager.
- 10.3 Public Meeting.** The appeal shall be heard during a regular meeting of the Board of Commissioners within ninety (90) days of the receipt of the appeal notice.
- 10.4 Decision.** Appeals shall be decided by majority vote of the Beaufort County Board of Commissioners. The Board of Commissioners shall provide a written decision regarding the appeal which includes findings of fact, rationale for the decision, and a summary of evidence or testimony presented. The burden of providing substantial evidence or testimony is upon the person or entity who filed the appeal.

Section 11. Variances.

A Variance from the provisions of this Ordinance may be authorized by the Planning Board, provided that all of the following criteria are met:

- A. Unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the Variance, no reasonable use can be made of the property.
- B. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a Variance.
- C. The hardship did not result from actions taken by the applicant or property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a Variance shall not be regarded as a self-created hardship.
- D. The requested Variance is consistent with the spirit, purpose, and intent of the Ordinance, such that public safety is secured, and substantial justice is achieved.

Section 12. Enforcement, Penalties, and Remedies for Violations.

12.1 Enforcement. The enforcement officer shall be the County Planner or his/her designee. The enforcement officer shall review site plans and make appropriate recommendations to the Planning Board. The enforcement officer shall also visit the SEFs regulated by this chapter as needed, and if the facility does not conform to this Ordinance shall discuss with the SEF Owner and/or SEF Operator the steps needed to bring the SEF into compliance. If these steps are not taken, the enforcement officer shall notify the SEF Owner in writing of the steps that must be taken to bring the facility into compliance. If the SEF Owner or SEF Operator still fails to bring the facility into compliance with this Ordinance, the enforcement officer, after consultation with the County Manager, shall initiate the necessary steps to enforce the Ordinance in accordance with Section 12.2 of this Ordinance. The enforcement officer shall also assist the SEF Owners and/or SEF Operators in making plans to comply with this Ordinance.

This Ordinance may be enforced by an appropriate equitable remedy issued from a court of competent jurisdiction. It may be enforced by injunction and order of abatement. The County may apply for a mandatory or prohibitory injunction and order of abatement commanding the violator to correct any unlawful condition upon or cease the unlawful use of the property. The County may request an order of abatement as part of a judgment in the case, and may request the court to close, demolish or remove buildings or other structures or take any other action that is necessary to bring the SEF into compliance with this Ordinance. The Ordinance may be enforced by any one or more of the remedies authorized herein.

12.2 Violation shall be a misdemeanor. Any person, firm, corporation, or other entity

who constructs, maintains or operates, or who controls the maintenance of a SEF in violation of this Ordinance shall be guilty of a misdemeanor and subject to prosecution, and if convicted, shall be punished by a fine not to exceed \$500, or by imprisonment not to exceed 30 days, or both, in the discretion of the court. Each day that said SEF is constructed, maintained or operated in violation of this Ordinance shall constitute a separate and distinct offense.

Section 13. Applicability

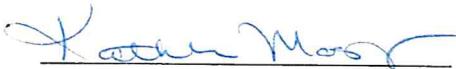
This Ordinance shall apply to all SEFs proposed or constructed after its effective date. Modifications to an existing SEF that increases the area by more than twenty (20) percent of the original footprint or changes the solar panel type shall be subject to this Ordinance. This Ordinance shall apply to all areas of Beaufort County except those lands lying within the jurisdiction of any municipality, unless such municipality formally requests the County to enforce these regulations within the municipality's area of jurisdiction.

Section 14. Severability

Should any provision of this Ordinance be declared by any court, administrative body, or board, or any other governmental body or board, to be unconstitutional, invalid, preempted, void, or otherwise inapplicable for any reason, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than the part so decided to be unconstitutional, invalid, preempted, void, or otherwise inapplicable.

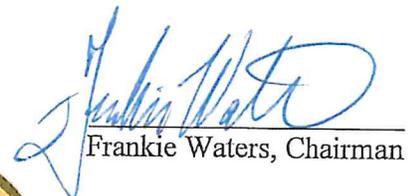
Section 15. Adoption

This Ordinance is duly adopted by the Board of Commissioners of Beaufort County, North Carolina this 5th day of November, 2018.



ATTEST
Katie Mosher, Clerk to the Board




Frankie Waters, Chairman