

VANCE COUNTY BOARD OF ADJUSTMENT

The Vance County Board of Adjustment met at a regular and duly advertised meeting on **January 11, 2018** at 4:00 p.m. in the Commissioners Meeting Room of the Vance County Administrative Building at 122 Young Street in Henderson, NC.

MEMBERS PRESENT

J. Thomas Shaw III – Chairperson
Ruth Brummitt – Vice Chairperson
Agnes T. Harvin
Ruxton Bobbitt, Alternate
Blake Haley
Phyllis Stainback

STAFF PRESENT

Sam Hobgood, Director Planning
Angie Blount, Planner
Jonathan Care, County Attorney

MEMBERS ABSENT

Alvin Johnson, Jr.

Chairperson Shaw declared the public hearing open and announced the first case;

BOA CASE NO. 20180111-1; Hessler LLC (owner); Kenneth Caldaro, Carolina CoPacking LLC, (applicant) Variance from the right side building setback from 25' to 14.35'.

Chairperson Shaw asked any party wishing to speak during the hearing to come forward to be sworn. Board members were asked if they had any conflicts or knowledge otherwise of the case to reveal it as this time and withdraw from hearing the case.

Those sworn:

Ken Caldaro, Carolina CoPacking LLC
Angie Blount, Vance County Planning and Development
Ryan Stair, Sunlight Partners

Chairperson Shaw announced the board would first hear from the planning staff, then the applicant and then from any opponents. Chairperson Shaw announced the board would now hear from County planning Staff. Angie Blount, Planner explained that the applicant was seeking a variance from the minimum side building setback of 25' to 14.35'. She stated that the property was owned by Hessler LLC and that it is located along Commerce Drive and is accessed from Commerce Drive. She stated the property is identified as tax parcel 0453 05025 and consists of 6.96 acres. She stated that the variance was filed by the deadline date and that all required public notification had been accomplished. She stated that within the board members packets they would find where the applicant made application, a site plan showing the location of the proposed construction and an aerial view for the boards' consideration. She further stated that the applicant had satisfied all requirements for application.

Chairperson Shaw thanked staff and asked the board if they had any questions. Mrs. Harvin asked who used the railroad that crosses the property on the right side. Mrs. Blount replied that she was unsure of who utilized the railroad. Mrs. Blount then asked the applicant if they had access to or utilized a spur to which the applicant replied they did not. Mrs. Blount advised that the board may need to hear from the applicant as to their usage of the railroad. Mrs. Harvin then asked what the setback from the railroad was for construction, to which Mrs. Blount advised she did not have that information. Mrs. Harvin advised she felt this was important information to have for future reference involving use of the railroad. Mr. Care advised that the county measures setback from the property line. He referred the board to their copy of the plat which shows the location of the property line. Mrs. Harvin asked if the county ordinance contained any setback from the railroad, to which Mrs. Blount advised it did not, only from property lines. Mr. Care advised the railroad owned the property they were on. Mrs. Harvin advised her concern was for safety,

and that if that strip of railroad was in use it looked too close to the applicants proposed construction to be considered safe, and was concerned there should be a setback. Mrs. Blount advised the setbacks only apply to property lines, that it does not mention setbacks from railroad rights of way. Mr. Care advised he believes the railroad shown on the aerial view is actually a spur line serving Iams Company, and not a regular track, so the speed would not be swift in that area. Mrs. Harvin asked if the proposed construction could have been done someplace else on the property. Mrs. Blount explained it was her understanding that the position of the proposed construction was to serve in line as the end process of their production and also so they could utilize an existing concrete slab. Mr. Haley asked why the railroad track was marked private, Mr. Bobbitt offered that it was a spur line serving Mars. Chairperson Shaw commented the tracks serve the dog food plant.

Chairperson Shaw asked if there were any more questions for staff. He then announced the board would hear from the applicant. Mr. Kenneth Caldaro, Managing Partner of Carolina CoPacking LLC took the podium and thanked the board for allowing him to bring this matter before them. Mr. Caldaro advised the board that they were correct in that the spur serves the Iams plant, which it is a trolley lane and that there is no locomotive traffic. He advised Iams trollies their raw materials to their disposal house. Mr. Caldaro advised there is an existing open area of property which includes a fence line that they do not intend to encroach upon which is well off the setback. He advised they are actually looking only to roof over a lean to area over an existing concrete slab so they can upfit their processing needs. Mr. Bobbitt asked if building in the area shown on the site plan was essential or could they build on a compliant part of the lot. Mr. Bobbitt also inquired whether or not there was access from inside to the building to these other areas. Mr. Caldaro advised they are in the process of constructing access in the form of two drive through doors on the right side of the building. He advised he brought 10 copies of this construction if he would be allowed to present them to the board. Chairperson Shaw invited him to approach and distribute the drawings. Mr. Caldaro advised as he was passing out the drawings to the board, that they represented the current construction that his company was undergoing. He advised 1/3 of the building would be dedicated to production, and directed the board to the hand outs and pictures of their equipment. Mr. Caldaro advised that the right side of the building is where all of their construction is currently permitted. He advised the cook room shown on the plan is where they will be driving all of their product from and then into a cooler or freezer for storage of all their perishable raw material. He advised the roof structure will also house two of their food grade apple cider vinegar silos and two of their food grade white vinegar silos. He advised it would also house their steam boiler room which operates their steam kettles. He advised the reason they chose this property for their operation is due to 30,000 sq. ft. being the bare minimum square footage needed in order to process an all-inclusive type system, production, warehousing, distribution and shipping all under the same roof. He advised the property having 7 acres of industrial zoned property would afford them the opportunity to grow in the future and add a 60,000 sq. ft. warehouse at the back of this building, which they plan to do in the future. He advised they will need to do grading and other ground preparation but they do plan to add a future warehouse. He advised the only access they can gain is on this right side. He stated that when he saw the existing concrete pad on the right of the building he intended to utilize it for this project, but failed to foresee any issue with property line setback. Chairperson Shaw asked him to clarify that there would be a roof structure over the existing concrete pad, to which Mr. Caldaro answered yes, there would be. Chairperson Shaw referred to a picture in the hand out information Mr. Caldaro provided to the board, which showed trucks backing into a like facility, and asked whether this type truck use would be utilized, to which Mr. Caldaro advised it would not, that the picture was only to illustrate the likeness to a butler building and the roof structure.

Mr. Bobbitt asked Mr. Caldaro to affirm that they are a new business in Vance County, and asked him to state the products produced. Mr. Caldaro advised they are a co-packing operation and that they manufacture tomato sauce, pasta sauce, barbeque sauce, dressings, and many other products in the food and beverage industry. He advised their products are found in Costco, Wal-Mart, Food Lion, etc. He advised if a product is not a major brand such as Heinz or Cattlemen's, than it is usually produced at a co-packer. Mr. Bobbitt asked when they expected to be operational, to which Mr. Caldaro replied they have an ambitious goal of March.

Mrs. Stainback asked where the company was headquartered, to which Mr. Caldaro answered that this is a brand new start up facility, that he has been the Vice-President of Operations for Very Fine and Very Fresh Juices for 22 years, as well as various other co-packers, but that this is his first start up facility. Mrs. Stainback asked how many employees they anticipate hiring. Mr. Caldaro advised they are starting at between 20 and 25.

Mrs. Harvin referenced the drawings and asked whether or not the boiler room is connected to the new structure. Mr. Caldaro clarified that the new structure will be 26' wide x 150' long, not quite as long as the existing building, but that it ran 150 linear feet alongside the existing structure. He added that the drawings illustrated the equipment that would be housed under the new roof structure. He added that there would be a 3' egress between the roof structure of the new structure and the existing structure.

Mr. Bobbitt asked if there would be any vehicular access or traffic within the remaining 14.35', to which Mr. Caldaro advised there would not. He advised the property at the back of the building is currently wooded.

Mr. Haley asked Mr. Caldaro to confirm they intend to build upon an existing slab, to which Mr. Caldaro advised that was correct. He advised that they would need to do some slab repair, due to the condition of a portion of the slab. He advised the slab area would serve as the floor surface of their cooler refrigerator, so it does have to be resurfaced, and that anywhere a footer is required they will have to cut out and pour new footings, per the conditions of his building permit in order to meet building code. Mr. Haley asked if any of the drainage would be affected, to which Mr. Caldaro advised it would not.

Chairperson Shaw asked if the drawing of the proposed construction was drawn to scale, or would the building be larger. Mr. Caldaro answered the drawing was of the entire facility, and that it should be 175 linear feet from front to back, he advised the new building will be 150'. Chairperson Shaw asked him to clarify whether the drawing was to scale, and was the building going to be longer than shown. Mr. Caldaro advised the proposed building would be shorter than the existing structure. Chairperson Shaw commented that according to the drawing it looked like more than 25' would be remaining, which is the reason for inquiring whether or not the drawing was to scale.

Mr. Haley asked if there is swale involved, to which Mr. Caldaro advised there was, and that the downspouts will be positioned as to only drain on one side. He advised the swale goes along the property line. He advised the existing slab has a rate of fall which will drain water away from the building. He advised all run off will utilize the existing swale, that he is not doing any work to drainage.

Mrs. Brummitt commented it looked like there would be a lot of concrete work to be done in this section. She asked if there was just dirt in the box shown. Mr. Caldaro advised there was some wash out and so there was dirt in that section. He advised the existing concrete was not the correct PSI (pounds per square inch) for placing a freezer, so he had to dig out and replace with the proper fiber laced PSI concrete so the floor does not sweat. He advised their industry is regulated by the FDA and the NCDA.

Mrs. Harvin asked if the proposed roof is flat. Mr. Caldaro answered it is to be a corrugated steel roof like would be found on any butler building, and that it would be a lean to style, which means it would be high on one side and low on the other. He further advised it would not be a V or gabled roof. Mrs. Harvin commented that it would not be like the roof shown in the illustration, as it depicted a flat roof. Mr. Caldaro advised their roof would have a slight rate of fall, usually around an eighth to a quarter of an inch per foot fall that it would be according to whatever the building code is. Mrs. Harvin asked if they would have gutters to handle rain fall, to which Mr. Caldaro advised they would.

Chairperson Shaw asked if there would be any problems with drainage as a result of placing the structure there, to which Mr. Caldaro advised it is much the same square footage or penetration of rain that would fall in that area, and that the roof would mimic what the rate of fall had been with the slab, only it would be raised instead of surface grade.

Chairperson Shaw asked if the board had any further questions. Mrs. Harvin asked if since this was a commercial property, shouldn't they have a more specific set of plans. Chairperson Shaw asked Mr. Care if they needed a more specific set of plans since this is commercial. Mr. Care answered they did not need a specific set of plans for the land approval process. He advised the specifics of the construction do not matter to the planning board, only those things having to do with the variance requested. He explained that a more specific set of plans would be provided at the building permit stage.

Mr. Bobbitt asked Mr. Care to clarify that the specific set of construction plans would be the responsibility of planning staff to review for compliance with building code and drainage issues. Mr. Care answered that it would be. Mr. Caldaro advised they did a full structural wind load calculation and engineered prints and drawings have been done for this structure, and would be submitted for permitting. Chairperson Shaw asked if there were any further questions from the board or from planning staff.

Mr. Bobbitt asked if the railroad spur could be utilized in the future. Mr. Caldaro advised they do not have plans to utilize the spur as they do not use rail for their business. Having no one present for public comment for or against, Chairperson Shaw advised they would move ahead and advised the board they would go through the variance check sheet. Chairperson Shaw read each question aloud. After the board members had a moment to consider their answer to each question, Chairperson Shaw asked if the board was ready to make a motion on the variance.

Mr. Bobbitt made a motion to grant the variance of 14.35' from the proposed structure to the right side property line, he added this is to include the variance check list and other findings of fact presented by planning staff. Mr. Shaw announced the motion had been made and asked if anyone would second. The motion was seconded by Mrs. Brummitt. Chairperson Shaw asked if there was any more discussion. There being none, Chairperson Shaw asked for all those in favor of the proposed variance to signify by saying Aye, those opposed by saying Nay. The motion passed unanimously. Chairperson Shaw thanked the applicant and announced BOA Case number 20180111-1 closed, and announced the next case.

Chairperson Shaw announced the board would now hear the following cases:

BOA Case number 20151015-1, Sunlight Partners, Extension of their Conditional Use Permit for Jordan Solar LLC Project, located on Weldons Mill Road, which expired 12/31/2017

BOA Case number 20151015-2, Sunlight Partners, Extension of their Conditional Use Permit for Blue Bird Solar LLC project, located at 1134 Mabry Mill Rd, which expired on 12/31/2017.

Chairperson Shaw asked if both of the projects as presented in the agenda had to be heard separately or could they be heard together. Sam Hobgood, Director of Planning, advised they could be heard together. Chairperson Shaw declared the cases open. Chairperson Shaw asked planning staff and anyone else who wished to speak during these cases to come forward and be sworn.

Angie Blount, Planner, advised the board that staff did not have any comments, other than this is the second time Sunlight Partners have come before the board asking for an extension. She advised their request for the extension was received before the cut off date. Mrs. Harvin asked if the extension would be for one year, to which Mrs. Blount replied that it would be. She advised that the board granted an 18 month extension the last time they requested. Mrs. Harvin noted in Sunlight Partners request for an extension, they mentioned Duke was now taking 30-36 months for approval, and asked where Sunlight Partners was in that time line. Mrs. Blount, not understanding the question, stated that Sunlight Partners had a representative present who could answer that question. Chairperson Shaw asked the representative from Sunlight Partners to come forward and be sworn.

Ryan Stair with Sunlight Partners took the podium. He stated his name and that Sunlight Partners was located in Portland, Maine. He advised he was in attendance today to ask the board for another extension

of their CUP. He advised he sent a letter to VC Planning on December 21, 2017 asking for and explaining the need for an extension. Mr. Stair addressed Mrs. Harvin and advised her that in answer to her earlier question regarding where Sunlight is within Duke's approval que, he advised they are at 36 months in that process. Mrs. Harvin surmised that they were ready to go. Mr. Stair agreed they are ready to go as soon as they receive the green light from Duke Energy. Mr. Stair advised the interconnection application was submitted to Duke about 3 years ago, and that they had hit some road blocks along the way, i.e. different screens, different analysis that they were unfamiliar with. He advised that at this point they have gone through the checks and balances to get the project moving, but are still looking for an interconnection agreement with Duke Energy in order to move the project into its final stages. Mr. Stair concluded by saying having hit the expiration date with the CUP, he was here before the board today to ask for an extension. Mrs. Harvin asked what length of extension they were looking for. Mr. Stair advised that they would like to have an extension at least until August 2018. He added that Sunlight Partners have two other projects in the county that are good on their expiration dates, he is mainly concerned with Bluebird and Jordan. Mr. Stair advised that by August they should be ready to proceed with construction teams' onsite. Mrs. Brummitt asked if they were asking for a year or an 8 month extension, to which Mr. Stair replied they are asking for an 8 month minimum extension, but due to the development process in a lot of their solar projects and the many snags they have hit along the way if they could get a year extension it would be greatly appreciated, but they are hoping 8 months will be all they need.

Mr. Bobbitt asked if the board had addressed this issue with Sunlight Partners once before. He asked if the board needs to be consistent in the issuance of extensions. Mrs. Brummitt commented that this is the second time Sunlight Partners have asked for an extension, and that the first time they were given 18 months. Mr. Care added that they were given 18 months at their first request for an extension, due to Duke Power having just transitioned and having no indication of how long that would take. Mr. Care reminded the board that they were initially going to extend 1 year but decided to go 18 months instead.

Mr. Bobbitt asked how many other farms Sunlight Partners has in Vance County that may need an extension. Mr. Stair replied that they have four, including Bluebird and Jordan. He added the other two are good until August 2018. Mr. Bobbitt commented that he felt Sunlight Partners would be back for extensions on the two expiring in August. Mr. Stair commented the other two projects are on target and felt they would not need extensions. He added it would depend on how much the substation is saturated with interconnected power and that there are other projects ahead of Sunlight Partners, that the que is about 500 projects long. He commented every project has a different feeder that it's working with on that particular substation. He added if the other two projects are in good shape and there is not a lot of DG in front of them, they may not have to come back and ask for extensions. Mr. Bobbitt asked if the two extended to August 2018 could be approved before the two projects asking for extensions today. Mr. Stair affirmed that was correct. Mr. Stair advised that of the two projects asking for extensions today and according to their analysis of the two, Sunlight Partners feels that Bluebird has the best chance to be interconnected with construction able to begin by August of 2018. Mr. Stair added that he understands consistency being an issue, but if they could get the 18 month extension it would be helpful in getting Jordan to that point.

Mr. Bobbitt commented that he thinks the board had heard some new information not communicated in the lengthy request the first time Sunlight Partners came before them asking for an extension. He did not realize it was based on location and the amount of power going into the system at the time. Mr. Stair advised they realize that the county has a lot of solar projects that are already operational. Mrs. Stainback asked the location of the substation for Bluebird. Mr. Stair replied that he did not have that information, but that all of their projects are within five miles of a substation. Mrs. Stainback commented that the proposed location for Bluebird already has two large solar farms in operation, with two more proposed. Mr. Bobbitt asked Mrs. Stainback if she was referring to a Duke Power Substation, she confirmed that she was.

Mr. Care asked Mr. Stair if he would give the board a run down as to the process they go through in establishing a solar project. He added that the last time they requested an extension, Sunlight Partners

described the process and he felt it aided the board in their understanding. Mr. Stair advised that initially when his company and others came into the state of NC the atmosphere toward solar by Duke was very friendly, he added that it continues to be friendly, but that the market has become over saturated. He stated that a good opportunity was presented to developers and to the state. He stated that developers came in and did all they were required to do in order to put a solar project onto an owner's property. He added that over time more and more projects were put into operation which put a strain on Duke as they could only absorb so much into their grid. He added that improvements to the infrastructure needed to be made in order to handle all the new locally generated electricity. He added that Duke implemented screens and studies which had not been there in the beginning, but recently had been added to the process which resulted in longer wait times for projects to be approved to come online. Mr. Stair offered an example of a locally connected 5MW solar farm that had experienced an inverter issue, it having dropped offline. He explained that when that happened there was a flicker which went downstream and affected eight plants and a manufacturing facility two miles down the road, which in turn went offline for a couple of hours. He advised that occurrence did not put solar in a good light with the local business people and manufacturers which resulted in their complaining to Duke saying they cannot allow that to happen. Mr. Stair continued that Duke wishing to appease the people connected to the infrastructure, responded with a stiffness criteria which resulted in the long waits now seen for solar projects. He added that the current interconnection que that Duke has is a mile long consisting of 500 different projects, in different places in the state all using different substations within towns, and different feeders on each substation. He went on to say that the result of this is having to research each of the 500 projects to find out where yours are in the Que. Mr. Stair summarized it is a very lengthy process, and to that add the new House Bill 589 that the Governor has signed into law making it an even more lengthy process. He explained that the new bill curtails large scale utility solar development within the state. If there were any new interconnection applications submitted after July 27, 2017, those projects could not be higher than a megawatt for distribution lines (lines that run parallel to streets), nothing higher than 5 MW or higher were ok for transmission lines (lines that run across the county). In the case of Sunlight Partners, all of their projects were signed into effect and had an interconnection application acceptance date prior to the Governor's signature, which allowed Sunlight Partners to be grandfathered in. Mr. Stair advised although it was good to have the grandfather status, Duke Energy had a lot of latitude in the creation of the house bill which resulted in another set of checks and balances added for solar projects. Mr. Stair advised the board that he had a letter which he had written describing what had happened to the industry since the house bill. He advised that Sunlight Partners lawyers had had a lot of meetings and discussions with lawyers for Duke Energy trying to figure out what the new changes are, and if they are necessary. He concluded, long story short, they just do not want to lose any projects they have already been approved for. He concluded that is the reason they are at 36 months.

Mrs. Stainback asked if Duke Energy was trying to slow down the solar projects. Mr. Stair answered that he is not here to say anything disparaging or negative about Duke Energy but that there had been a new set of checks and balances, tests and analysis put in place in the last year and a half that have made it hard to continue to fund solar development in the state. Mrs. Stainback asked if Duke Energy owned any solar farms. Mr. Stair answered that yes they do.

Mrs. Brummitt asked how the equipment/technology has changed since Sunlight Partners first started. Mr. Stair replied that it has improved vastly. He stated that 5 years ago, a panel that was the size of the podium he was standing at, for instance, might put out 170 watts, now it's up to 370 watts per panel. He advised that now they were developing new technology which allowed the panels to move with the sun resulting in a full 370 watts all day. Mrs. Brummitt commented that the new technology generates more power and takes less land to set up the project. Mr. Stair replied that was true. He added that the typical project in the past was made up of the fixed panels that do not move, and occupied about 30 acres. Mrs. Brummitt asked if the new technology resulted in there being too much power. Mr. Stair replied as in any other electrical system there are measures which prevent going beyond peak power. Mrs. Brummitt asked if the power could be stored. Mr. Stair replied that it could be due to new storage technology. He explained if there was a trickle charge coming off of the system, 100% of what is needed in the grid can be passed to the grid, if the system is producing 105%, 5% can go into a large scale battery. He advised

that would help in certain instances where that manufacturing facility goes offline, comparing it to an incident that happened in Columbus County, if there was an inrush the battery would have backed it up and protected the surge. He advised the technology is out there and coming. 100% renewable and 100% error free is what the goal is.

Mr. Bobbitt commented that he believed that the simple way that it was explained to the board last time was that they were trying to manage the surge. He asked if it is such a detailed a process, what are the chances that Sunlight Partners or some other companies' projects that have been approved, might never see construction? Mr. Stair replied that if Duke was going to give them an interconnection agreement and they have a workforce in place to install and to interconnect, (did not finish sentence). Mr. Bobbitt asked if there is new technology allowing for storage versus dumping it all into the grid, and as that technology improves...if we did not have that technology, now, and Duke kept holding up the projects as they manage the grid, would some of these projects that have already been approved, never see the light of day, or is that storage technology what may change things. Mr. Stair replied that none of the projects that Sunlight Partners have presented to Vance County or any of their projects of which they have about 27 throughout the state, have a battery backup at this point in time. If counties throughout the state do approve their CUP's, of course that would be a benefit to Sunlight Partners as they show their diligence in the transaction to start construction, and it behooves Sunlight Partners to have a CUP in place with a county as they do their interconnection agreement with Duke Energy. He advised that Duke Energy would not issue an interconnection agreement if there is not a CUP in place. He stated that permits which have been approved by the county, that there is always a chance that they may expire due to Duke Energy backlog. He stated they have a good feeling about Bluebird Solar, that it will get the go ahead for construction, but they don't have the same confidence in Jordan Solar, but he advised just in case things do work out with Duke Energy, they want to be prepared and have a CUP ready to go.

Mr. Haley asked about the design of the panels, that they are fixed, he asked how that would affect the chances of getting an interconnection agreement if the new technology is for them to rotate. Mr. Stair replied that they are going to stay with the fixed panel because that is what they initially signed off on with the land owner and that is how they developed it. He advised if it comes time for construction and they decide on a single axis, which they know manufactures (Nexttracker, AIT Arizona), but have not committed to any, then they would have to change the number of acres for the solar panel project, but at this point in time they are just hopeful to get through Duke's screening. He commented that Sunlight Partners is just happy to get through the Que, and that they will cross that bridge when they come to it. Mr. Haley commented that he sees more of the rotating panels toward the coast than he does around here, that there is a large one toward Beaufort. Mr. Stair asked if there was a Meridian, NC, and was commenting that there was a large one there, just north of Charlotte, a very large Single Axis rotating farm. Mr. Haley commented that the one in Beaufort was large as well. Mr. Stair advised that they are hopeful about doing a single axis rotating project at some point if they can come to terms with a manufacturer, but for now they would like to keep things simple and just to get the ball rolling they will stick to the fixed panels.

Mrs. Brummit asked if Mr. Stair felt that both of these projects would be in construction in a year. Mr. Stair replied that they expect to have answers from Duke during the first quarter of 2018 regarding which one will go and which one may not. He advised they are hopeful that they both do. Mrs. Brummitt commented that by March they should have an answer, to which Mr. Stair replied yes, by March. He added that he could say with almost 100% certainty that they will not have to come back and ask for any more extensions, because they will either be posts in the ground or the project just won't fly.

Chairperson Shaw thanked Mr. Stair and asked if there was any further discussion by the board. Mrs. Brummitt made a motion that the expiration date be extended the Conditional Use Permits for Bluebird and Jordan Solar Projects by 12 months. Mr. Bobbitt seconded the motion. Chairperson Shaw announced that a motion had been made and seconded and asked for a vote of aye for the extension and nay against. The vote was unanimous for the extension of the CUP's. Mr. Hobgood, Director of Planning, asked Chairperson Shaw for clarification on the date of the expiration, is it to be the current date or the date it

expired. Mr. Care, County Attorney, advised the new expiration date would need to be the date of expiration, meaning both CUP's will expire on December 31, 2018.

Chairperson Shaw declared the cases closed and moved on to the business of electing Board of Adjustment Chair and Vice-Chair for the coming year.

Mr. Haley asked Chairperson Shaw if he could clarify whether Sunlight Partners had to pay a new fee or not. Mr. Hobgood advised they did not pay a new fee. Mr. Haley advised he felt they needed to pay a new fee and that it would have to be an ordinance change and go before the commissioners. Mr. Care advised that the costs are administration fees that are charged in accordance to the cost associated with bringing cases to the boards, that the county cannot just charge fees. The fee has to be tied to the administrative cost. Mrs. Brummitt asked how much the fee for seeking a CUP was, Mrs. Stainback answered that it was \$250. Mr. Care offered that the cost was the same as the variance application fee. Mr. Haley commented that they are allowed to pay the fee once, but keep coming back to have it extended. Mr. Bobbitt advised that was understandable, if it is allowed to expire that is a different matter. Mr. Care advised that is correct because then you have all the costs involved with doing it for the first time.

Chairperson Shaw asked if there was any further discussion. Mrs. Harvin asked about number 7, what was instruction of the appeal process, Chairperson Shaw answered that the board had approved the variance so there was no need to instruct the applicant about the appeal process. Mr. Bobbitt commented that he was familiar with the appeals process. Mr. Care advised if a case was turned down and appealed, it would be appealed to the Superior Court. Chairperson Shaw commented that the board had not faced that issue yet. There was further discussion among the board members regarding the fee paid at the time a CUP is applied for. Mr. Care advised that these extensions were granted by the board based not on the applicants' failure to act, but due to a circumstance beyond their control, by an outside entity. He continued that if the applicant had been granted an 18 month extension but obtained interconnection at 6 months, and for whatever reason continued to postpone construction, that would be a different matter. He further stated that is the reason he asked the applicant what were the circumstances, what has changed since last time you were here, so that fault could be determined.

Chairperson Shaw announced the board would now elect the Chair and Vice-Chair for 2018. Mrs. Brummitt commented that she felt Chairperson Shaw had done a wonderful job as Chair, and nominated him to continue. Mrs. Harvin seconded the motion. Vice-Chairperson Brummitt asked for a vote. Thomas Shaw was voted to continue in his capacity as Chair for 2018. Chairperson Shaw asked for nominations for Vice-Chair. Chairperson Shaw made a motion to elect Ruth Brummitt as Vice-Chair for 2018, motion was seconded by Mrs. Harvin. A vote was taken which resulted in Vice-Chairperson Brummitt to continue to serve for 2018.

Chairperson Shaw declared the January 11, 2018 meeting of the Vance County Board of Adjustment Closed.