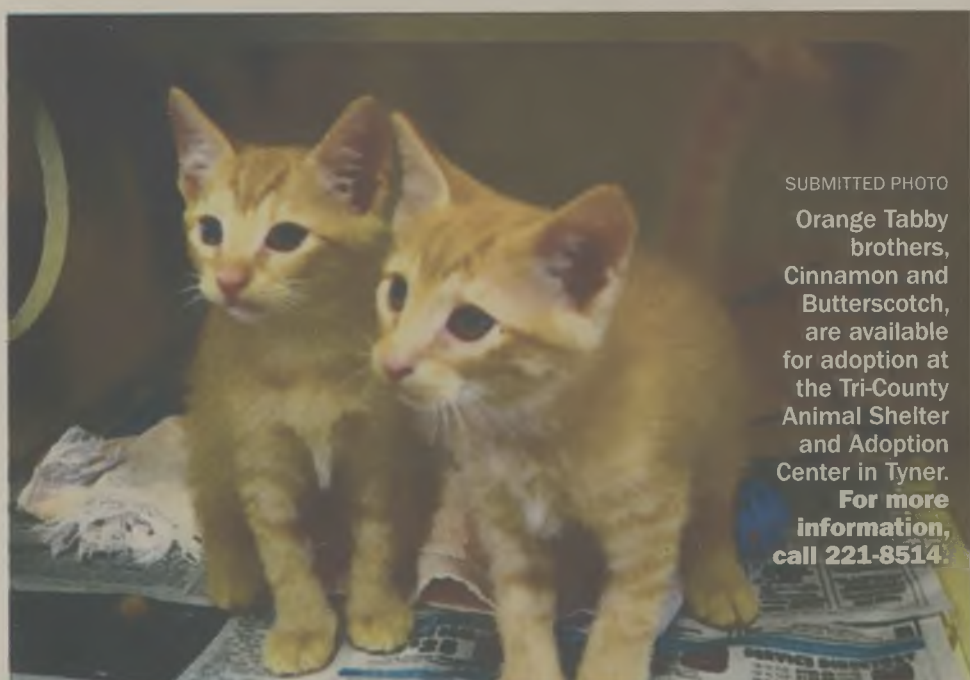


PET OF THE WEEK



SUBMITTED PHOTO
Orange Tabby brothers, Cinnamon and Butterscotch, are available for adoption at the Tri-County Animal Shelter and Adoption Center in Tyner. For more information, call 221-8514.

Horton cleared of charges

From staff reports

An Elizabeth City city councilor who operates a Hertford funeral home has been cleared of misdemeanor assault and communicating threats charges last week.

Darius Horton, who had been accused of the misconduct by a former employee of his business, was on trial in Perquimans District Court on Wednesday when District Court Judge Meader Harriss III dismissed the case against him.

According to Horton, Harriss threw out the charges after hearing the prosecution's case — a case that included testimony by

Horton's accuser, James Parker, a former employee of Horton's business.

In a sworn statement he gave to a Perquimans magistrate in June, Parker claimed Horton had "hit at me" through a truck window and slammed the truck's door against his leg, breaking his ankle bone.

Parker also claimed Horton had berated him with expletives and threatened him, saying, "I know where you live. I'm going to come to your house one night and kill you."

Horton, who previously



HORTON

denied Parker's allegations, said he had at least five witnesses ready to testify in his defense and refute Parker's allegations. However, they weren't called because Harriss dismissed the charges

in response to a motion by Horton's attorney, Johnnie Fitch, at the end of the prosecution's case.

"There was no evidence to prove that there even was a case against me," Horton said Friday.

Horton said he believes Harriss dismissed the case because there were a lot of "loose ends" in Parker's testimony.

PROJECT

Continued from 1

"When built, Timbermill Wind will produce enough safe, clean renewable energy for 60,000 homes while providing a significant economic boost for the area," Giecek continued. "We hope to be a part of this community for decades to come."

Apex has proposed a 300-megawatt wind energy generation facility in the Bear Swamp and Center Hill areas of Chowan and Perquimans counties.

A separate conditional use permit is required for each county, which will cover the portion of the project located in that county.

The board approved the permit with more than a dozen conditions. Among those was one intended to address the objection raised by opponents of the project that environmental studies related to the proposed project have not been made public. Henry Campen, an attorney representing Apex, proposed that one condition of the permit be that Apex would provide bird, bat and other wildlife and environmental studies to the county at the time the company submits a permit application to the state's Department of Environmental Quality.

County Commissioner John Mitchener called that condition, which the board approved unanimously, "a step in the right direction."

Patrick Flynn, a property owner and resident representing himself in opposition to the project, asked that the board adopt a specific number of birds killed by the wind turbines as a condition for stopping the project. But John Morrison, an attorney advising the county, said such a require-



DAILY ADVANCE FILE PHOTO

Two 500-foot wind turbines are shown at Avangrid Renewables' Amazon Wind Farm US East wind energy project in Pasquotank and Perquimans counties in August.

ment would be beyond the scope of the county's permit.

Another condition approved by the board was a limitation on the relocation of turbines within the project area. Commissioner Keith Nixon told his fellow commissioners he was concerned that staff could approve the relocation of turbines within the overall project area, which potentially could mean some turbines would be closer to housing developments than the current project design would indicate.

Commissioner Alex Kehayes agreed with Nixon's concern that turbines could be relocated closer to housing.

In response to the commissioners' concerns, Campen said Apex was willing to have the language in the permit prohibit any turbines from being relocated to parcels for which turbines are not now proposed.

As the commissioners continued to discuss the matter they settled on not allowing turbines to be relocated outside of the blue grid on the site plan submitted as part of the application unless the board of commis-

sioners approve such a relocation.

Flynn requested even stronger language that would have prohibited any relocation of a turbine from its designated spot on the site plan without permission of the county commissioners.

But the commissioners stayed with their condition that no turbines would be relocated outside the blue grid — basically, that they would not be moved from the core project area to spots along the periphery that would be closer in some cases to occupied houses — without the commissioners' approval.

The commissioners' action Friday also included four "findings of fact" related to the permit.

With Kehayes casting the lone dissenting vote, the board voted 5-1 to find that the project would not materially endanger public health or safety. Kehayes' dissent focused on the issue of turbine noise, and annoyance from such noise, as a health concern.

Kehayes pointed out that even in studies referenced by the expert witness who testified on Apex's behalf

about sound issues there were acknowledgments that at sound levels below 50 decibels, which is less than the 55-decibel limit in the county ordinance, some residents reported annoyance related to the particular characteristics of wind turbine noise.

"From my point of view that's a health risk," Kehayes said.

Commissioner Greg Bonner said his understanding of the testimony presented at the hearing was that the project would not pose a health risk for those living nearby.

Also on a 5-1 vote with Kehayes dissenting, the board found that the project would not substantially injure the value of adjoining or abutting property.

Kehayes also cast the only vote against the board's finding that the project would be in harmony with the surrounding area.

Once the project is in place, Kehayes said, the county won't look the same and for many citizens won't sound the same.

"I would say this is disharmonious," Kehayes said.

Bonner countered that the project would be located in a predominantly agricultural area and that it actually will serve to preserve farmland.

Nixon agreed that the project might protect the county's agriculture industry.

Mitchener said he believes property owners' willingness to lease land for wind turbines points to the project being in harmony with the area.

The Chowan board also voted 5-1, with Kehayes voting against the motion, to find that the project would be in general conformity with the county's land use plan.

Closing arguments were offered Friday by Apex and by the opponents of the project.

Bill Bryan, representing the opponents of the project, said in his closing argument that the decision would affect the future of the county for at least 20 years. If the project is approved, he said, it would affect development patterns for Edenton and Chowan County and effectively create a "development dead zone" in the part of the county near the project that will last at least 20 years.

Bryan also objected that the application was being considered without the completion of an environmental assessment that he said was almost surely going to be required for the project.

"By the time you learn of all the damage that this project will wreak on your county it will be too late," Bryan said.

But Henry Campen, an attorney representing Apex, said the only issue before the commissioners was whether Timbermill meets the standards established in the county's ordinance.

Campen said the evidence presented at the hearing demonstrates conclusively that Timbermill complies with all of the ordinance requirements.

Regarding the decommissioning of the facilities, Campen noted Apex would post a \$7.3 million cash bond to cover decommissioning costs. The decommissioning plans contemplate safe and timely removal of the equipment at the end of the life of the project, Campen said.

Timbermill has held more than 20 community meetings in the area and opened an office in the area, Campen said.

HELP

Continued from 1

"I'm pleased that the designation finally came through," Heath said. "We're about a month post-storm. We're glad out residents are eligible for assistance."

Mike Wade, a FEMA spokesman, said it's hard to predict what counties are eligible for disaster help.

"There is no way of understanding when," Wade said. "It all depends on when it was submitted. This (the Perquimans case) was probably just one of those timing issues."

Jonathan Nixon, Perquimans County's Emergency Management director, estimates one structure was destroyed by Hurricane Matthew, 29 structures suffered major damage and eight suffered minor damage.

Without the federal disaster designation, no FEMA funds could be released to help those victims.

One of the benefits of being on the list is the state is waiving DMV fees for things like getting a duplicate driver's license, vehicle title or replacement plates for all those in a disaster county. The waiver runs through Dec. 1. Gov. Pat McCrory also approved supplemental food and nutrition service benefits for those who lost their jobs as a result of Hurricane Matthew.

A joint FEMA and North Carolina Emergency Management Disaster Recovery Center will be open through Nov. 9 from 9 a.m. to 6 p.m. at the Pasquotank County Cooperative Extension Center.

Recovery specialists from FEMA, NCEM and the U.S. Small Business Administration will be available to speak face-to-face to answer questions from people regarding the disaster assistance process, other assistance available and help people register. For those who have registered, they can provide an update of the application status and if needed, discuss the appeal process.

Wade urged those who have applied for FEMA assistance not to apply again. Their original application is in the system and the disaster declaration triggers the process.

"If they try and re-register it will throw up red flags and that makes the process take even longer," he said.

Anyone interested in applying for federal help can call 1-800-621-3362 or go online to disasterassistance.gov

BURGLARY

Continued from 1

Wholesale company truck into the building, disabling and stealing the security cameras, loading the truck with cigarettes and then stealing the truck.

"Although warrants have been issued, the investigation is still ongoing and many more leads are being followed up on," Freeman said.

Anyone that has any further information about the break-in is asked to call the Hertford Police Department at 426-5587.

BANKRUPTCY

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MEETING

Continued from 1

sidewalks retaining wall

treatments and improvements to the adjacent right-of-way.

The meeting will be held at the Perquimans County

Recreation Center from 7 p.m. until 9 p.m.

In addition to DOT and the Coast Guard, a representative of the N.C. Historic Preservation Office is also expected to be present. HPO is the state agency that originally raised concerns about the impact of a new bridge and requested the intervention of the federal historic preservation group.

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