



Chatham County, NC

Meeting Minutes Board of Commissioners

Monday, June 16, 2014

6:00 PM

Historic Courthouse Courtroom

Work Session - 3:00 PM - Historic Courthouse Courtroom

Rollcall

Present: 5 - Chairman Walter Petty, Vice Chair Brian Bock, Commissioner Mike Cross, Commissioner Pam Stewart and Commissioner Jim Elza

PUBLIC INPUT SESSION

Anna Lewis, 1381 Silk Hope Gum Springs Rd, Pittsboro, gave the following comments:

"First I want to be clear that I am not against the local residents occasionally hunting or target shooting. I am not trying to take away the rights of our fellow neighbors. What I am against is a gun range that is set up like a business operating 7 days a week, 10 - 11 hours per day. This is not about guns, this is about noise.

Range 2A's soft opening came as a surprise on May 24. It was anything but soft. Since then we have been subjected to loud gun fire and blasts every Saturday including one Sunday: also, there was activity three days this past week. We no longer have any peace. And this is only the beginning. Their web site states they are utilizing only 15 out of 71 acres and have plans to expand. (They also mention a building with bunks. I ask why bunks? For overnight stay perhaps? For night time shooting possibly?)

Their web site states that Range 2A took years of planning. It's hard to believe that in all those years of planning they did not take more time to research the location. A public announcement and an opportunity to voice our concerns would have been productive. Perhaps they would have chosen a different location with a bit more research and input. Clearly they chose the location because it is unzoned but with complete disregard for the people that live nearby. Just because he felt he was within his right, does not make it right! (Let me repeat, just because he felt he was within his right, does not make it right!)

I have been told that the range has to stay within a certain decibel reading. Since when does a devise that gauges sound outweigh public opinion?! My ears tell me it is loud, offensive, and obnoxious. See these ear protectors, see these pictures taken from their web site showing people wearing ear protection. The reasons they wear them is because it is loud. (Very, very loud!!!) I refuse to live like this, a prisoner in my own home, while he and his customers create a war zone in our community.

We are home owners, residents, tax payers in Chatham County, and supporters of our local small businesses. He does not live here and likely most of his customers do not either. The reason he does not live here is because anyone in their right mind would not move their family next to a gun range. He lives in a different county so when he is done ruining our lives, he can leave for the peace and comfort of his own

home. He is not only ruining our quality of life, he is decreasing the value of our home that we have worked so hard for.

On their web site they state there are berms meant for sound abatement, lead containment, and safety. Obviously the berms are unsuccessful at sound abatement. The pictures of the berms depicted on their web site appear too low for lead containment and safety. Furthermore, to my knowledge, there is no fencing at this time around the range. The only blockade to the range is a gate with card access. Anyone on foot can wander into the range at any time possibly crossing the path of gun fire.

I invite the commissioners to seriously consider these disturbances and possible safety hazards before allowing them to proceed any further. Perhaps even asking them to move to a new location or building an indoor gun range instead for optimum safety and noise containment. This is not a gun debate, this is a noise and safety debate that warrants immediate attention and is not to be taken lightly. Thank you for your time and attention to this important matter."

Susan Little, Museum Chairman and CCHA Board Member, stated her purpose was to thank the Commission for its support and give an update on operations after one year of being open to the public. She gave the following comments:

"Our interaction with various county personnel has been very positive, from talking to Lindsay to schedule the court room to grappling with the keys to open the building to the help IT has given us during the 4th grade tours....WE THANK YOU. We are open Wednesday through Friday, from 11 to 4 (could change to 3) and on First Sundays.

Some statistics of use in the first year, June 1, 2013- June 1, 2014 does not include opening day and others who did not sign in. Total visitors 1788, School groups, including 550 4th graders who came on field trips; the Chatham County IT Department has been most helpful.

We are an All-Volunteer effort: 32 volunteers are making this happen. In one month this spring 28 individual volunteers gave 284 hours of service as museum greeters, 4th grade tour leaders and welcoming greeters on First Sundays.

We are going to have a special house/building tour of Pittsboro on September 13, 2014. It will include both bus rides and walking, docents at each stop, a guide on each bus, costumed re-enactors, refreshments and a booklet about the tour. More information will follow. Our intent is to have the same kind of tour in the Siler City area at a future date.

Change may come to Pittsboro and Chatham County but the history is a story that has already been written and we believe that we have it captured in the museum. We are your welcoming voice and help guide people to the places they wish to access in the county complex."

BOARD PRIORITIES

[14-0796](#)

Vote on a request to approve award of FY 2014-1015 generator service contract to Atlantic Power Solutions by approving adoption of resolution.

Attachments: [Atlantic Power Resolution 2014 \(fy 15\)](#)
 [APS Agreement 2014-2015](#)

Chairman Petty stated he needed to recuse himself due to the nature of the item and turned the meeting over to Vice Chairman Bock.

Vice Chairman Bock reviewed the specifics of the item, stating it was a request to award a generator contract to Atlantic Power Solutions, a company owned by Chairman Petty. He stated a few changes had been made earlier in the day to the original document posted online and he asked the County Attorney to review those changes.

Jep Rose, County Attorney, reviewed the changes to the contract. He stated in paragraph 3, of appendix A, with respect to compensation and expenses. The items added were the provision of services for \$85 an hour, which is time and a half with a 20 percent margin for maintenance beyond the scheduled repairs and also for emergency services. Mr. Rose stated the Resolution was correct but the contract was not correct. He stated Appedix 2 was added and provision was added in paragraph 4 that it is a default if there is a failure to maintain any of the generators.

Chairman Petty, stated it was the regular hourly rate during normal business hours and time and a half is after business hours. Mr. Rose stated he was correct.

Vice Chairman Bock asked if there were any additional questions from the Board. Hearing none he called for a motion.

A motion was made by Commissioner Cross, seconded by Commissioner Stewart, that Resolution #2014-17 Approving A Contract to be Entered Into Between Atlantic Power Solutions, Inc. and Chatham County, attached hereto and by reference made a part hereof, be adopted and the Contract, attached hereto and by reference made a part hereof, be approved. The motion carried by the following vote:

Aye: 4 - Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

Excused: 1 - Chairman Petty

[14-0797](#)

A request from Planning Staff to provide an update on the SPOT 3.0 Transportation Project Ranking.

Attachments: [Resolution of TARPO STI Support BOC 6-16-14](#)

Hillary Pace, Planner, reviewed the specifics of the item. Ms. Pace reviewed the SPOT 3.0 process and stated we are currently in a local prioritization of the process. It is a quantitative assessment of transportation projects across the state. At this point the TARPO, the DCCH-MPO, and the NCDOT divisions are able to assign qualitative points to these projects to help elevate them to the level of selection by the state. The deadline for the point assignments is late August.

Ms. Pace stated the TARPO held public meetings on the point assignments in June. One was held in Chatham County in the Dunlap Classroom on June 10th. The final recommendation of local points will be determined by the TARPO Transportation Advisory Committee by June 19, 2014. Not much opposition has been received to the local point assignments.

Ms. Pace stated there were 20 total projects selected for Chatham County and those

projects were presented to the Board in September of 2014. Of those 20, there were three specific county projects. The TAC ARC Chatham Transportation Advisory Committee reviewed this draft list and recommends approval and is also recommending the commissioners approve a resolution of support.

These projects included the NC87 widening to provide 12 foot lanes and 4 foot paved shoulders, from NC 902 to the Alamance County line and an airport project in Siler City.

The DCHMPO submitted 4 bike/ped projects and they were not scored, which is an anomaly. The MPO has submitted a letter of inquiry on the County's behalf. The Transportation Advisory Committee submitted a request that a letter of inquiry be sent from the Board of Commissioners to the SPOT office as well. Ms. Pace stated these projects are most likely not to be selected or given qualitative points by the MPO, however the TAC still wanted an explanation as to why.

Mr. Pace stated one project was scored that is in the Chatham portion of the MPO region, the Chapel Hill Transit expansion vehicle project. It is proposed to increase frequency of the Pittsboro express route.

Vice Chairman Bock asked who assigns the points. Ms. Pace stated the points are assigned by the MPO and while this project was not scored the MPO said they would consider it. Chapel Hill Transit has identified it as a high priority for them.

Commissioner Elza stated the 4 bike/ped projects were not scored by the state. Ms. Pace stated is correct. One silver lining, however, is the Town of Cary is competing for enhancement funds so they may see that project come to fruition.

Ms. Pace stated there are 11 roads identified and 12 bridges identified for resurfacing and replacement projects for 2014. Ms. Pace then showed a map with the projects.

Ms. Pace then turned the presentation over to Darius Sturdivant, division planner with the NC DOT. Mr. Sturdivant stated he would give updates on the Strategic Transportation Corridors, the US 15/501 Corridor Study and the Chatham County (CTP) and Pittsboro (PCTP) Comprehensive Transportation Plans.

Mr. Sturdivant stated STI (Strategic Transportation Investments) is the new legislation as to how transportation projects are now being funded and it replaces the old equity formula. It establishes an open and transparent data driven process for selecting transportation projects. He reviewed Division 8's process for scoring and their current timeline.

Strategic Transportation Corridors serve to enhance connectivity, mobility, and economic development. These corridors support NCDOT's 25 year transportation plan currently in progress.

15/501 Corridor Update: the study looked at traditional intersections versus superstreet concept. The results of the study found that superstreets provided significant decrease in traffic delay and traffic congestion compared to traditional intersections. no recs for future widening. The Superstreet concept also determined that the current section of 15-501 in Chatham County could remain four lane with no future widening. The report should be complete within the next two to three months.

Mr. Sturdivant explained the superstreet concept. You cannot go through an intersection and cannot make left turns. You have to go to a u-turn light in order to

access and cross the highway. A traditional intersection has approximately thirty-two potential conflict points for an accident and a superstreet reduces that number to approximately sixteen.

Mr. Sturdivant stated the Chatham County CTP has been presented in draft form to all the municipalities as well as the Board of Commissioners. Pittsboro has recently asked to revisit their plan to include the Chatham Park. Therefore, the County Plan is being revised to remove the Pittsboro part of the plan and it will be incorporated later. The Chatham CTP should be ready in the next two to three months.

Ms. Pace, stated the 15/501 has been tentatively been pulled off the Strategic Transportation Corridor map. Staff will bring the project back to the Board once a decision has been made. Also, staff will bring back the transportation projects to the Board after the Division public input meetings have been held. Ms. Pace stated the TAC has given the Board three items to consider:

1. the TARPO resolution of support
2. a letter of inquiry to the North Carolina SPOT office
3. a letter to MPO requesting the Chapel Hill Transit Pittsboro Express Route be assigned local points

Ms. Pace stated staff can also do a more in depth transportation work session at any time.

Commissioner Cross if there was still a list of unpaved roads in Chatham County that needed to be paved. Mr. Sturdivant stated he believed it was part of the secondary roads program but he would check. Ms. Pace stated it was her understanding it now is assessed with a methodology as well and most of counties in western part of the state are getting the funds.

Commissioner Elza asked if the airport out at Siler City competes with highway projects. Mr. Sturdivant stated it definitely does. Ms. Pace stated it has been deemed an important economic development project.

A motion was made by Commissioner Elza, seconded by Commissioner Cross, that the Board approve the Resolution #2014-18 of Support for the Triangle Area Rural Transportation Planning Organization (TARPO) Assignment of Local Points NC Strategic Transportation (STI) Prioritization 3.0 Process, attached hereto and by reference made a part hereof, be adopted; and approve a letter of inquiry to the North Carolina SPOT Office; and approve a letter to the MPO requesting the Chapel Hill Transit Pittsboro Express Route be assigned local points. The motion carried by the following vote:

Aye: 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

14-0808

Presentation of schematic design for joint/county school bus garage.

Chris Blyce stated the main presenters today were Dave Taylor and Mike Hammersley from Corley Redfoot Architects. He wanted to preface the presentation by stating this is the first and only partnership of its type according to the Department of Public Instruction (DPI). They took the schematics to the DPI and they were very supportive of the design and the partnership. He expressed his appreciation to the Board, to Renee Paschal, Assistant County Manager and to Dan LaMontagne, Environmental Quality and Public Works Director, for their work on the project.

Commissioner Cross asked if DPI provided answers as to why a partnership like this had not worked before. Mr. Blyce stated it really requires a high level of cooperation and we just have the teams willing to sit down, work through it and make it work.

Chairman Petty stated there was an opportunity to break the mold and we did it. The County and the Schools work very well together and that has not always been the case. He stated another large part of it is records keeping. Mr. Blyce agreed.

Dave Taylor and Mike ? from Corley Redfoot Architects, stated they have made a lot of progress over the last month and a half. They passed out handouts of the presentation to the commissioners and staff. Mr. Taylor stated they should have construction bids by early September. The site is located on Renaissance Drive, formerly known as County Landfill Road.

Mr. Taylor stated the design is set up for the school system, the county and also provides for some future expansion. He reviewed the base bid as well as the alternate bid. He reviewed the timeline and asked the Board if they had any questions.

Commissioner Elza asked how they planned to heat the building.

Mr. Taylor stated the engineers will deal with that. He believed there will probably be large space heaters in the work bay area. Joel stated he would like to go with low infrared heating.

Commissioner Elza stated the landfill is across the street and there is some talk of gas recovery there, could that be an option. Mr. Taylor stated they can investigate that.

Chairman Petty stated he knows they need a garage and this design and the School Board's willingness to work with the County, accomplishes everyone's needs. He stated he has had a good experience with used oil. Joel stated he doesn't know if it would be enough to furnish the whole place but would look into it.

This Agenda Item was received and filed

[14-0830](#)

Agriculture Conference Center Presentation and Discussion

Renee Paschal, Assistant County Manager stated staff has been working on designing the facility for some time, the bid market has really heated up and things are coming in over budget. The architects cost estimators believe this item is \$1 million dollars over budget. She stated staff met with the architect last week and they identified \$500,000 in site cost savings. The project budget is currently \$11.5 million dollars but the original debt model was run at \$12 million dollars. Therefore staff recommends increasing the budget by \$500,000 and taking up the entire debt model. The architect will present the options they looked at as well as what the recommendation is. She stated there is a very tight timeframe to work with. These projects will be combined for financing purposes therefore, a decision is needed today.

County Manager, Charlie Horne, stated the Board will see with the architect's and staff's presentation that everyone has worked hard to get this cost down. They believe they should be building this project for the future, not for the past. If they build it with the current budget they have, they will be building it for the past.

Taylor Hobbs, architect for the project, stated the budget estimates over a year ago for construction were at \$9 million dollars. He stated with the site bid we just had and with the increase in the market, the project is over budget. The site bid came in at \$1.9 million dollars and there were only three bidders.

He stated as there is a two-pronged approach. They will make some cuts to get the project back in line that won't harm the long term use of the facility. They are in a tight spot with the bid market and they want to bid late August.

They need to know the entire number in September, combining the bid as one project will secure additional savings.

Chairman Petty clarified they would be combining site work and construction and then do the bidding it in August. Mr. Hobbs stated he was correct, in late August. He stated a year ago they would have had six to nine bidders and they only had three. They are being choosy with their bids and we are in the best part of the state for bids.

Commissioner Elza stated they need a half million dollars to make this move. Mr. Hobbs stated that was correct. He would ask for all the Board can give, but \$500,000 would be greatly appreciated and it would go a long way. He stated it does give them a cushion, but it does not change their bid strategy.

Chairman Petty asked if he knew how many bidders he could expect. Mr. Hobbs stated it is a tough site and the ones capable of taking it are bigger companies. He expects they will want it and will be competitive for it.

Commissioner Cross asked if they are cutting \$500,000 from somewhere else. Mr. Hobbs stated they are cutting it out of the base bid. The design will be there, but the build out could be done in phases.

A motion was made by Vice Chair Bock, seconded by Commissioner Cross, to approve increasing the project budget to \$12 million dollars. The motion carried by the following vote:

Aye: 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0817](#)

Vote on a request to approve appointments to the Chatham County ABC Board.

Attachments: [Larry Miller ABC Board Application](#)
[Edward McLaurin, Jr. ABC Board Application](#)
[Louise Adcock ABC Board](#)
[Robert Kerlin ABC Board](#)
[Jimmie Pugh ABC Board](#)
[ABC Budget](#)

Walter Harris, Chair of Chatham County ABC Board, reviewed specifics of the request. He stated the Chatham County ABC Board recommends appointing two new members and reappointing one of its current members. After discussion, the Board agreed to vote on the following appointments:

*Appoint new member, Larry Miller, to a two year term
Appoint new member, Edward McLaurin, to a one year term
Re-Appoint current member, Debra Oldham, to a three year term*

The Chairman Called for a motion and a vote.

A motion was made by Vice Chair Bock, seconded by Commissioner Cross, that the Appointments be approved. The motion carried by the following vote:

Aye: 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

Mr. Harris stated the Chatham County ABC Board Budget also needs approval.

Commissioner Cross stated they are still looking for another location to replace the current Moncure store's location. Mr. Harris stated that was correct. He stated it would be the only ABC store between Tramway and Holly Springs. They want a store they can all be proud of. There are some options out there and they are working with a realtor.

The Chairman called for a motion and a vote.

A motion was made by Commissioner Elza, seconded by Commissioner Cross, that the Chatham County ABC Board Budget be approved. The motion carried by the following vote:

Aye: 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

14-0825

Report and Presentation by the Chatham County 9/11 First Responders Memorial Foundation Corporation

Jody Allen, President of the 9/11 First Responders Memorial Foundation Corporation, gave a short presentation about the memorial.

Mr. Allen gave a small piece of beam to the Commissioners that will be used for fundraising and presented a plaque that will go on the memorial.

He stated there will be a celebration on September 6, 2014, which is the project completion date and 12th year celebration. The Foundation has shirts available for purchase for \$25.00.

The Foundation posed with the Board for photos.

This Agenda Item was received and filed

14-0809

An MPA intern working for the County Manager's Office will present his research on defining problems the county has with sales tax leakage.

Attachments: [Presentation to BOC \(updated\)](#)

Renee Paschal, Assistant County Manager, introduced John O'Daniel, an Intern with the County Manager's Department. Mr. O'Daniel is working on his Masters of Public Administration (MPA) at UNC Chapel Hill. The Manager's Department has hired him for the summer to work on researching and defining problems the county has with sales tax leakage. Ms. Paschal stated they have tried to meet with the Department of Revenue several times to get several of the issues they will present clarified. They did get a call back from them last week but Mr. O'Daniel's time is running short so they wanted to bring this issue to the Board's attention. They have also set up meetings with vendors over the next couple of weeks to discuss the issue.

Mr. O'Daniel gave a PowerPoint presentation on problems the county has with sales tax leakage and the role zip codes play in the reporting of sales tax.

Traditional Sales Tax Leakage:

- 55% of residents commute to jobs outside the county*
- The majority of residents cross county lines to purchase groceries and basic*

services

- Approximately 60 cents of every retail dollar spent by residents is spent outside of Chatham County. (EDC, April 2014 Sales Tax Revenues)

Mr. O'Daniel stated this has been a problem for several years and it shows the importance of the issue he will present later on overlapping zip codes and incorrect sales tax reporting

Sales Tax Summary:

- State Rate: 4.75%
 - Chatham Rate: 2%
 - Below the 2.25% max
 - Public Transportation .5%
 - Durham, Orange, and Mecklenburg
- Total sales tax in Chatham County (State + County)
 - 6.75%, among counties with lowest rate in the state
- Border counties
 - 5 of the 8 border counties have a higher sales tax rate
 - Two of these have the highest rates in the state (7.5%)

Sales:

- In-Store Sales
 - 6.75% is the correct rate for in-store purchases in Chatham County
 - Special cases:
 - Medications (2%)
 - Over the counter (6.75%)
 - Groceries—local only (2%)
 - Prepared Foods (6.75%)
- Point of Delivery Sales
 - Tax is charged based on the delivery location of goods—Chatham County entitled to sales tax on goods delivered here

Mr. O'Daniel stated they are still clarifying with the Department of Revenue the rate on goods delivered—whether it should be Chatham's rate or that of the home county. They also should point out that they are waiting for a number of issues to be clarified by the Department of Revenue. Since his time with Chatham is limited, they needed to move ahead with the educational campaign, so it is based on what they know at this point.

Sales Tax Reporting:

- Vendors are required to report to the NC Department of Revenue (DOR) sales tax by county
- How vendors determines the county is up to them—DOR does not enforce a reporting standard
- Vendors use a variety of methods:
 - 5-digit zip code
 - 9-digit zip code
 - "Geo-coding" of address to determine precise location
 - Request county from purchaser

Zip Code Overview:

- Use of the 5-digit zip code
 - Zip code boundaries do not follow county boundaries
 - Incorrectly reported sales tax if vendor uses only 5-digit zip
 - For example, zip codes with Chapel Hill address are reported as Orange County sales

- Lost tax revenue for Chatham
- Possible over taxation of residents
- We want to encourage use of Zip+4 or 9-digit zip code, geo-coding of addresses, or obtaining county at time of sale

Mr. O'Daniel stated they are aware of 2 Chatham businesses charging Orange County rates. An example would be Chapel Hill addresses reported as Orange County such as Governors Club. It is a Chatham County address but a Chapel Hill 27517 zip code.

Chairman Petty stated that would only be the case for point of sale or delivered items to that address. Mr. O'Daniel stated they are also looking at in-store sales. If a store is located in of sales because the store could be charging to the wrong zip code. They are encouraging the use of the nine digit zip code.

Background:

- Since 2010 this has been a concern
 - Staff has spoken with DOR regarding reporting by vendors
 - DOR responded that there was no interest at the state level
 - It appears few counties have the same problem; plus, the current reporting tends to benefit more urban/developed counties
 - Counties are restricted from seeing sales tax data by vendor
 - Recent development has again brought this issue to the forefront

Mr. O'Daniel stated they asked GIS to map zip codes of other "bedroom" counties and only 2 or 3 appear to have the same issue. Commissioner Cross stated the real problem is with the Legislature. Wake and Mecklenburg alone own 20% of the House and the Senate. They have plenty of counties coming into their towns pumping money into them. They do not have a need to give the money back to us they want us to continue to give to them.

Commissioner Bock said to clarify the leakage means that if someone buys in Chatham County it is being reported as being bought in Orange County or Wake County. Mr. O'Daniel stated that was correct. Commissioner Stewart stated it was due to the zip codes. Mr. O'Daniel stated they believe the zip codes are playing a large role in the problem.

Commissioner Petty asked how many dollars are really at stake. Mr. O'Daniel stated it is difficult to determine that due to the lack of the ability to look at the businesses financials.

Ms. Paschal stated the issue of leakage is not what they are addressing. They are addressing businesses in Chatham County charging a Wake County or other county's sales tax.

Mr. O'Daniel then showed maps of Chatham County zip codes. These zip codes are assigned to cities recognized as being within Chatham, they believe. They are also trying to confirm this with Department of Revenue. PO BOX only zips were not included. Zip codes are based around a city and that determines the sales tax for county. He also showed zip codes that are overlap zip codes and are assigned to cities recognized as being outside Chatham, such as Chapel Hill, Durham, Apex, Cary, New Hill, Sanford, and Staley.

Current Impact:

- In-Store Sales
 - Much sales tax leakage from residents shopping outside the county

- We need to ensure all vendors inside the county are reporting their county correctly and charging the correct rate

- Point of Delivery

- Construction—building materials delivered to site

- Growth is in non-Chatham zip codes

- Internet sales and other deliveries

- Per capita income is 35% higher in non-Chatham zip codes

Mr. O'Daniel stated 55% of Chatham residents commute outside of the county to work and spending tends to follow. Currently, Amazon online orders are coming back to the county correctly.

Construction Permits:

- Loss of sales tax from delivered building materials

- Number of building permits issued

- High growth areas are in "non-Chatham" zip codes

Permit Valuations:

- Loss of sales tax from delivered building materials

- Value of building permits issued

- Value of permits are higher in "non-Chatham" zip codes

Our Plan - Educate Locally!

- Continue to work with NCDOR to find solutions

- Educate Businesses

- Meetings and brochures

- In-store and point of delivery taxes

- Flyers for building inspections

- Educate Customers/Residents

- Ensure vendors charging correct sales tax and reporting correct county—ASK!

- Shop in the county

- Report over taxation—look at sales tax % on receipts

- Benefit: Chatham has a lower rate; keeping sales tax in the county gives us resources to maintain the property tax rate and/or increase services

Conclusion:

- Impact of overlapping zip codes

- In-Store Sales

- Point of Delivery sales

- Construction

- Single family homes

- Commercial buildings

- Online Orders and Deliveries

- Amazon

- 82% of deliveries are for non-Chatham Zip Codes

Mr. O'Daniel shared the story of one of the County's employees. She purchased an appliance from a local business. She lives in a Sanford zip code and they had incorrectly assigned the sales tax to Lee County. She would not have known had she not asked.

Commissioner Stewart asked what a citizen can do if they look at their receipt shows they were charged the sales tax of a wrong county. Mr. O'Daniel said they should start by talking to the store manager.

Mr. O'Daniel stated Orange and Durham County have the highest sales tax in the

state. Commissioner Petty stated he was interested in how many dollars the leakage amounted too but Mr. O'Daniel stressed again it is hard to determine.

The Board thanked Mr. O'Daniel for the hard work he put into the project.

This Agenda Item was received and filed

CLOSED SESSION

[14-0823](#)

Closed session to discuss matters concerning Economic Development

A motion was made by Vice Chair Bock, seconded by Commissioner Stewart, that the Board go out of the Work Session and into the Closed Session for matters related to Economic Development and matters within the attorney/client privilege. The motion carried by the following vote:

Aye: 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

ADJOURNMENT

A motion was made by Commissioner Cross, seconded by Commissioner Stewart, that the meeting be adjourned. The motion carried by the following vote:

Aye: 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

End of Work Session

Regular Session - 6:00 PM - Historic Courthouse Courtroom

Roll Call

Present: 5 - Chairman Walter Petty, Vice Chair Brian Bock, Commissioner Mike Cross, Commissioner Pam Stewart and Commissioner Jim Elza

INVOCATION and PLEDGE OF ALLEGIANCE

Commissioner Cross delivered the invocation after which the Chairman invited everyone present to stand and recite the Pledge of Allegiance.

CALL TO ORDER

Chairman Petty welcomed those in attendance and called the meeting to order at 6:00 PM.

APPROVAL OF AGENDA and CONSENT AGENDA

A motion was made by Commissioner Cross, seconded by Vice Chair Bock, that the Agenda and Consent Agenda be approved with the noted changes:

Chairman Petty pulled Item #14-0807 from the Regular Agenda under Board

Priorities and asked to move it to a future agenda

Commissioner Elza pulled Item #14-0736 from the Consent Agenda and asked to move it to the Regular Agenda.

The motion carried by the following vote:

Aye: 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0832](#)

Vote on a request to approve the May 19, 2014 Work Session Minutes, the May 19, 2014 Regular Session Minutes and the May 20, 2014 Budget Public Hearing Minutes. - An updated agenda will be posted with the minutes attached.

Attachments: [May 19, 2014 Work Session and Regular Session Minutes](#)
[May 20, 2014 Budget Public Hearing Minutes](#)

A motion was made by Commissioner Cross, seconded by Vice Chair Bock, that the Minutes be approved. The motion carried by the following vote:

Aye: 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0813](#)

Vote on a request to approve the Tax Releases and Refunds

Attachments: [NVCTS-MAY-BOC 06-16-14](#)
[TaxReleasesandRefunds06-16-2014](#)

A motion was made by Commissioner Cross, seconded by Vice Chair Bock, that the Tax Releases and Refunds, attached hereto and by reference made a part hereof, be approved. The motion carried by the following vote:

Aye: 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0814](#)

Vote on a request to approve the re-appointment of Tax Collector

A motion was made by Commissioner Cross, seconded by Vice Chair Bock, that this Appointment be approved. The motion carried by the following vote:

Aye: 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0789](#)

Vote on a request to approve Reappointment for the Board of Social Services

A motion was made by Commissioner Cross, seconded by Vice Chair Bock, that this Appointment be approved. The motion carried by the following vote:

Aye: 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0818](#)

Vote on a request to approve an appointment for Chatham County Housing Authority Board.

Attachments: [Judith Wiggs Resignation from Housing Authority 06.2014](#)
[Dennis Vitolo Housing Authority Application Letter 06.2014](#)

A motion was made by Commissioner Cross, seconded by Vice Chair Bock, that this Appointment be approved. The motion carried by the following vote:

Aye: 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0819](#)

Vote on a request to approve accountant appointment to the Goldston Gulf Sanitary District Board of Directors

Attachments: [Gulf.goldston sanitary district](#)

A motion was made by Commissioner Cross, seconded by Vice Chair Bock, that this Appointment be approved. The motion carried by the following vote:

Aye: 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0820](#)

Vote on a request to approve Reappointments to the Recreation Advisory Committee

A motion was made by Commissioner Cross, seconded by Vice Chair Bock, that these Appointments be approved. The motion carried by the following vote:

Aye: 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0827](#)

Vote on a request to approve Appointment to the Transportation Advisory Committee

A motion was made by Commissioner Cross, seconded by Vice Chair Bock, that this Appointment be approved. The motion carried by the following vote:

Aye: 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0783](#)

Vote on a request to approve to accept \$875 Animal Services Donation Funds

Attachments: [Animal Services Funds Balance Inquiry.pdf](#)

A motion was made by Commissioner Cross, seconded by Vice Chair Bock, that this Agenda Item be approved. The motion carried by the following vote:

Aye: 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0737](#)

Vote on a request from Briar Chapel Utilities, LLC to approve a text amendment to the Chatham County Zoning Ordinance, Section 10.13 Table of Permitted Uses, to add a category entitled "Spray Irrigation of tertiary treated wastewater (reclaimed water) and allow as "P"

Permitted in all zoning districts.

Attachments: [Hyperlink](#)

A motion was made by Commissioner Cross, seconded by Vice Chair Bock, that Resolution #2014-19A Adopting a Consistency Statement for the Approval of Chatham County Zoning Ordinance Text Amendment Section 10.13, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

Aye: 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

A motion was made by Commissioner Cross, seconded by Vice Chair Bock, that the text amendment to the Chatham County Zoning Ordinance, Section 10.13 Table of Permitted Uses, to add a category entitled "Spray Irrigation of tertiary treated wastewater (reclaimed water) and allow as "P" Permitted in all zoning districts be approved . The motion carried by the following vote:

Aye: 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0738](#)

Vote on a request request by Tim Winters with Winter Custom Yachts, located at 2273 Holland's Chapel Rd., Parcel No. 64272, to approve a CUP revision to add three (3) additional 1800 sq. ft. storage buildings to the existing site.

Attachments: [Hyperlink](#)

A motion was made by Commissioner Cross, seconded by Vice Chair Bock, that Resolution #2014-19B Approving Revision to a Conditional Use Permit Request to Tim Winters with Winter Custom Yachts, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

Aye: 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0798](#)

Vote on a request by Lee Bowman, Project Manager, on behalf of NNP Briar Chapel, LLC for final plat approval of Briar Chapel, Phase 8, consisting of 112 lots on 23.3 acres, off Andrews Store Road, SR-1528, Baldwin Township, parcel #87090 & 89623.

Attachments: [Hyperlink](#)

A motion was made by Commissioner Cross, seconded by Vice Chair Bock, that this Agenda Item be approved. The motion carried by the following vote:

Aye: 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0828](#)

Vote on a request from Staff to approve the change of Chatham County Assistance Policy for the 2012 Cycle of the Single-Family Rehabilitation Program Construction Completion Date to December 31, 2014.

Attachments: [Chatham SFR12 Assistance Policy Amended June 2014](#)

A motion was made by Commissioner Cross, seconded by Vice Chair Bock, that this Agenda Item be approved. The motion carried by the following vote:

Aye: 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0762](#)

Vote on a request to approve a Pyrotechnics Display at 11000 Governors Drive, Chatham County, NC on July 4, 2014

Attachments: [Attachment A-11000 Governors-Pyrotechnics 14.pdf](#)
[Attachment B-11000 Governors-Pyrotechnics 14.pdf](#)
[Attachment C-11000 Governors-Pyrotechnics 14.pdf](#)
[Attachment D-11000 Governors-Pyrotechnics 14.pdf](#)
[Attachment E-11000 Governors-Pyrotechnics 14.pdf](#)
[Attachment F-11000 Governors-Pyrotechnics 14.pdf](#)

A motion was made by Commissioner Cross, seconded by Vice Chair Bock, that this Agenda Item be approved. The motion carried by the following vote:

Aye: 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0795](#)

Vote on a request to approve a Pyrotechnics Display at 255 Lois Lane, Chatham County, NC on July 4, 2014

Attachments: [Attachment A-255 Lois Lane-Pyrotechnics 14.pdf](#)
[Attachment B-255 Lois Lane-Pyrotechnics 14.pdf](#)
[Attachment C-255 Lois Lane-Pyrotechnics 14.pdf](#)
[Attachment D-255 Lois Lane-Pyrotechnics.pdf](#)
[Attachment E-255 Lois Lane-Pyrotechnics 14.pdf](#)
[Attachment F-255 Lois Lane-Pyrotechnics 14.pdf](#)

A motion was made by Commissioner Cross, seconded by Vice Chair Bock, that this Agenda Item be approved. The motion carried by the following vote:

Aye: 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0822](#)

Vote on a request to approve Pyrotechnics Display at 3000 Galloway Ridge Road, Chatham County, NC on July 7, 201

Attachments: [Attachment A-Pyrotechnics NCG.S. 14-413 14.pdf](#)
[Attachment B-Pyrotechnics Letter of Request 3000 Galloway Ridge Road.pdf](#)
[Attachment C-NC Pyrotechnics Operators License 3000 Galloway Ridge.pdf](#)
[Attachment D-Pyrotechnics Insurance Certificate 3000 Galloway Ridge.pdf](#)
[Attachment E-Pyrotechnics ATF License 3000 Galloway Ridge.pdf](#)
[Attachment F-Pyrotechnics Display Area Map 3000 Galloway Ridge.pdf](#)

A motion was made by Commissioner Cross, seconded by Vice Chair Bock, that this Agenda Item be approved. The motion carried by the following vote:

Aye: 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0788](#)

Vote on a Request from citizens to approve the naming of private road in Chatham County

Attachments: [LANDRUM HILLS LANE PETITION](#)
 [LANDRUM HILLS LANE](#)

A motion was made by Commissioner Cross, seconded by Vice Chair Bock, that this Agenda Item be approved. The motion carried by the following vote:

Aye: 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0794](#)

Vote on a request from citizens to approve the naming of private road in Chatham County

Attachments: [COUNTY SERVICES ROAD PETITION](#)
 [COUNTY SERVICES MAP](#)

A motion was made by Commissioner Cross, seconded by Vice Chair Bock, that this Agenda Item be approved. The motion carried by the following vote:

Aye: 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0787](#)

Vote on a request to approve an amendment to modify current Lease for term and additional space, and development of county employee wellness exercise program

Attachments: [YMCA Amended Lease July 1, 2014-June 30, 2017](#)

A motion was made by Commissioner Cross, seconded by Vice Chair Bock, that this Contract, attached hereto and by reference made a part hereof, be approved. The motion carried by the following vote:

Aye: 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0791](#)

Vote on a request to approve the Home and Community Care Block Grant for fiscal year 2014/ 2015 as recommended by the Committee appointed by the County Commissioners.

Attachments: [HCCBGFundingPlan](#)

A motion was made by Commissioner Cross, seconded by Vice Chair Bock, that this agreement, attached hereto and by reference made a part hereof, be approved. The motion carried by the following vote:

Aye: 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0792](#)

Vote on a request to approve the contract with Carol Holcomb, Attorney-At-Law (Holcomb & Cabe, LLP) for Social Services for the fiscal year 07/01/2014 to 06/30/2015

Attachments: [Contract -FY15-1902 Holcomb Cabe LLP - Signature Copy](#)

A motion was made by Commissioner Cross, seconded by Vice Chair Bock, that this Contract, attached hereto and by reference made a part hereof, be approved. The motion carried by the following vote:

Aye: 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0793](#)

Vote on a request to approve the Attorney for DSS Child Support Enforcement and Adult Services

Attachments: [2014-05-28 Attorney matrix final](#)

A motion was made by Commissioner Cross, seconded by Vice Chair Bock, that this Contract, attached hereto and by reference made a part hereof, be approved. The motion carried by the following vote:

Aye: 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0826](#)

Vote on a request to approve the Chatham Transit contract for Social Services for the fiscal year 07/01/2014 to 06/30/2015

Attachments: [Contract -FY15-1908 Chatham Transit Network - Working Copy](#)

A motion was made by Commissioner Cross, seconded by Vice Chair Bock, that this Contract, attached hereto and by reference made a part hereof, be approved. The motion carried by the following vote:

Aye: 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0816](#)

Vote on a request to approve the Enterprise Resource Planning (ERP) Software and Joint County/Bus Garage Project Ordinances

Attachments: [Project Ordinance ERP Software](#)

[JointCounty-BusGarageProjectOrdinance](#)

A motion was made by Commissioner Cross, seconded by Vice Chair Bock, that the project ordinances, attached hereto and by reference made a part hereof, be approved. The motion carried by the following vote:

Aye: 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0821](#)

Vote on a request to approve the Waste Industries, Inc. - Disposal Fee Contract

Attachments: [WASTE INDUSTRIES from 7-1-2013 to 6-30-2017 \(2\)](#)

A motion was made by Commissioner Cross, seconded by Vice Chair Bock, that this Contract, attached hereto and by reference made a part hereof, be

approved. The motion carried by the following vote:

Aye: 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0739](#)

Vote on a request to adopt the Resolution Declaring Property Surplus and Authoring the Sale of Said Property.

Attachments: [Surplus-forPublicAuction-forBOC](#)
[Resolution-surplus-2014](#)

A motion was made by Commissioner Cross, seconded by Vice Chair Bock, that this Resolution, #2014-19 Declaring Property Surplus and Authorizing the Sale of Said Property, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

Aye: 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0790](#)

Vote on a request to approve the FY 2014-2015 Budget Ordinance

Attachments: [BudgetOrdinance](#)

A motion was made by Commissioner Cross, seconded by Vice Chair Bock, that this Ordinance, attached hereto and by reference made a part hereof, be approved. The motion carried by the following vote:

Aye: 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0815](#)

Vote on a request to approve Fiscal Year 2013-2014 Budget Amendments

Attachments: [FO Budget Amendments 6-16-14](#)

A motion was made by Commissioner Cross, seconded by Vice Chair Bock, that this Agenda Item be approved. The motion carried by the following vote:

Aye: 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0831](#)

Vote on a request to adopt a Resolution Delaying the Effective Date of a Reappraisal of Property in Chatham County

Attachments: [CHATHAM COUNTY RESOLUTION DELAY OF REAPPRAISAL 2014](#)

A motion was made by Commissioner Cross, seconded by Vice Chair Bock, that this Resolution, #2014-20 Delaying the Effective Date of a Reappraisal of Property in Chatham County, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

Aye: 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

End of Consent Agenda

PUBLIC INPUT SESSION

Chairman Petty reviewed the process for public input as well as the public hearings.

Bob Lewis Submitted the following Comments:

"My wife Anna and I live on Silk Hope Gum Springs Rd, in close proximity to Range 2A. I think the majority of people speaking in opposition to Range 2A will be talking about the unacceptable noise we are experiencing. For my wife and I this is also the main concern. But I am here to talk about safety issues related to this organization. First of all I will read a quote from Range 2A that was posted on the Range 2A.com.

"Since our members are grown adults who the state of North Carolina even agrees are responsible enough to own a firearm we do not feel it is our place to tell you what your shooting skill level is" End quote. This relates to their operation as a "Low Restriction" range. In other words as long as you pass their background check it does not matter that you have little or no experience.

I am here to talk about the berms they have in place. According to their website they have been put in place to suppress noise (which we know does not work) and for safety. Looking at the pictures on their website a conservative estimate of their height would put them at approximately 9 ft. They are proposing to operate ranges up to 300 yards or 900 ft. I have done some calculations that I can furnish you with upon request. At a distance of just 100 ft if a shooter was to aim just 2.5 degrees above horizontal the bullet would pass over the berm. At 300 ft (1/3 the distance they are proposing) a shooter aiming just 1 degree above horizontal would mean the bullet would pass 1.2 ft over the top of the berm. Obviously with a gun in the hands of an experienced person this is very possible. I am not a ballistics expert so I don't know where the bullet will come down, but God forbid that a person or maybe some livestock is in its path. Therefore I request that with immediate effect you shut down Range 2A until they have addressed both the noise issue and the safety concerns.

While I have a few seconds I would like to bring your attention to a newspaper article dated April 23RD in the Daily Tarheel. In which Chatham County Commissioner Michael Cross said Atkeson would have the right to build a range on his private property.

"If he's starting a business, that's a whole different story," Cross said. "The only thing I've heard is that its going to be for private shooting."

Clearly this is a business, they can call it what they want, Club or whatever. THIS IS A BUSINESS !

Bonnie Bechard, 238 Bartlett Drive, Pittsboro, gave the following comments:

"Thank you for your resolution to the NC legislature expressing your concerns about fracking. Please take this a step further and create an ordinance that will ban fracking in Chatham County, as other communities have done.

NC is the only state to have the unique geological formation of diabase dikes, where the shale is right on top of our aquifers. The dikes would allow fracking toxins to flow into groundwater. You may recall what happened a year or two ago when TCE leaked into aquifers and traveled up to 3 miles to contaminate wells in the Wake Forest community.

I have a copy of the Susquehanna County, Pa 2012 Hazard Mitigation Plan Update,

for the Emergency Management Agency. I will quote from this report. This is real emergency management data, based on facts, not hyperbole. Remember, the Marcellus Shale deposit has 6000' of separation from water sources. NC has 0' to 1500'.

"Activities associated with Marcellus Shale gas drilling can cause fire and pollute streams and drinking water. Additional hazards from oil and gas well drilling of particular concern ...exist in stray methane gas in the subsurface, which can migrate to wells and homes and ignite."

"Hydraulic fracturing involves pumping one to eight million gallons of water, mixed with sand and other additives into the shale formation." "The water used for hydraulic fracturing is composed of 87 chemicals, some of which have the potential to cause danger to health and life." A separate report states: "These chemicals cause organ damage, birth defects, nervous system disorders, cancer, and even death."

Testimonies of the harmed have been collected on a Pennsylvania website: pennsylvaniaallianceforcleanwaterandair.wordpress.com/the-list. The stories are long, but here are some quotes:

"I have lost my home, my health, and my husband."

"Fracking has devastated my quality of life."

"My farm is losing revenue from sick and dying cattle."

"The natural gas industry has stole our land, polluted our streams and air, made our family and animals ill, and disrupted our peaceful way of life."

There are over 1600 of these stories, and all call for an end to fracking and for government to start protecting families, not the industry. The Governor's Club sits on top of this shale, as do other up-scale communities. Who will want to move to a county that may have this dirty, heavy industry polluting its air and waters? I believe people who can afford to, will start to leave the county unless you ban fracking.

I have not touched on the data that show the negative economic impacts of fracking and the increase in crime. That will be for another day."

Judy Hogan, submitted the following comments:

"I thank you for your Resolution of June 4 to the state officials about Senate Bill 786 which lifts the moratorium against fracking before the rules are in place and formally approved. You take seriously your role in protecting the health and welfare of Chatham citizens. I am 77, living near Lee county's high intensity fracking zone. I may have to leave my home and give up farming.

Fracking anywhere near our farms is going to force us out of farming. Farmers in a frack zone can't sell their vegetables, and farm animals die. It will also use up precious water that farms need, and agriculture is a major source of income here. Our Chatham sustainable farm and local food movement is nationally known and respected, and don't forget tourism. Jordan Lake may be damaged. It, too, has gas under it.

We Moncure people have fought off three landfills and worked to reduce terrible air pollution since 2000. Many people here suffered from asthma and cancer, probably related to years of air pollution. Now we are threatened with worse air pollution both from fracking's planned and accidental methane releases and from evaporation of fracking waste water disposal pools full of chemicals and radiation dangerous to our health.

The Jonesboro Fault Line passes under Shearon Harris and near where fracking is planned. Fracking sets off earthquakes. An accident at the nuclear plant would affect all of Chatham and be especially disastrous to those within the 10-mile evacuation zone, which Moncure is.

Fracking brings accidents with toxic chemicals and gas, and the state is making it illegal for firefighters, police, and doctors to reveal the chemicals involved in such an accident, plus only one person, the state geologist, apart from the fracking companies, will know what those chemicals are. Since the current state government is acting in disregard of the lives and health of North Carolinians, we appreciate your taking responsibility should Chatham citizens be threatened with fracking.”

Maryphyllis Horn, Creekside Circle, Pittsboro. She stated she grew up in a town in Pennsylvania that was all Republican. Very few people were Democrats. She grew up into her adult life as a republican. When she saw that the national republicans were letting go of anything relating to the environment, she became an independent. When Regan came into office, she became a Democrat. She feels as if she has an idea of both sides of the aisle. She has a brother who is almost a member of the tea party. About five or seven years ago they sat down and discussed why they both believed the way they do. I believe the republican. have a local view of business and the democrats have a ? view of business. She stated she is generalize but she noticed that republicans have a global view of business where the democrats have a local view of business. She noticed republicans value personal land where the democrats value globally the environment. She noticed republicans value family and personal friends and do not care a lot for anyone else where democrats value all people all around the world whether they know them or not. She stated again that she is generalizing. She believes the fracking situation is not political. It is important that this issue be looked at in a wider frame for what is right for both democrats and republicans and anyone else who is not affiliated. She sees the republican side as standing on the right leg only with the left leg in the air and she sees the democrat side standing on the left leg only with the right leg in the air. Both sides have to look for another way to find support. Both legs of our political system need to be used on this issue.

A Short List of Chemicals used in the fracking process and byproducts:

Acrylonitrile: used as an adhesive. Exposure has been found to increase cancer rates.

Benzene: a byproduct of fossil fuels, it is a known carcinogen. The average gas well has 2000 x the unsafe level of benzene.

Methane: the main component in natural gas (see Duke Study above). High concentrations can break down oxygen and create carbon monoxide. A build up of methane in people's wells is what causes faucets to be lit on fire.

Arsenic: a well-known, poison, it naturally occurs in shale rock layer, but gets into the water due to flowback from the fracking process.

Barium: Barite is a compound containing barium that is used as a weighting agent in the fracking process. These compounds are poisonous and affect the nervous system, causing cardiac irregularities, tremors, weakness, anxiety, dyspnea, and paralysis.

Strontium: can be used as a radioactive tracer. Problems can develop in the bone growth of children who ingest high levels. A build-up of strontium can cause muscle and bone depletion and lead to a low blood count.

Toluene (Methyl Benzene): the EPA states that gas drilling emits toluene along with other dangerous gases into the atmosphere. Exposure to toluene over a long time may cause nervous system effects, irritation of the skin, eyes, and respiratory tract, dizziness, headaches, difficulty with sleep, and birth defects.

Governor McCrory signed the new bill Senate 786 to hurry up the tracking on June 4, but on Friday, at the Rules Committee meeting of The MEC, something unusual happened. A man named Craig Stevens came to that meeting, after having spoken with Tillis and some other gung-ho tracking people in the legislature, and he startled the committee by announcing that he was a Tea Party Republican from the part of PA which has been heavily fracked, and he began to tell them how horrible fracking had proved to be where he lived. It had ruined his community, one person had died when a big truck overturned on him; the creek behind his house had burst into flame, and then he said that the NC Constitution provided for counties to refuse fracking based on the health and welfare of its citizens. His speech should soon be available on an audio at the Mining and Energy website. www.portal.ncdenr.org/web/mining-and-energy-commission.home

Your letter was June 4, the day the governor signed 786 into law. Many months ago you wrote to the Sub-group of the Mining and Energy Commission saying you were against any forced pooling. It was the issue of property rights. That doesn't go very far and we need you to go farther.

Barbara Alotis, 570 Woodberry, Fearington, Pittsboro, She thanked the Board for the resolution they adopted on June 4, 2014 about fracking. She stated she wanted to speak to the issue of water resources. 3.5 million gallons are used on average per frack. There is no oversight of streams and rivers, which would have water sucked out by fracking operations. The Falls Lake supplies water to over 450,000 people. Jordan Lake provides to over 300,000 people. There is no extra water for fracking. Numbers show North Carolina is experiencing increased periods of drought.. With fracking operations using up our water resources, there would be less resources for agriculture, business and the general population in Chatham County. Surface waters will also be contaminated by spills of chemicals or fracking fluids at drill sites and from run off for frack waste water holding ponds. Thus, such contamination would impact the water supply for over 2.4 million people.

Siglenda Scarpa 317 Goathouse Road, She is the founder and owner of the Goathouse Refuge. She came to Chatham County 18 years ago and has put all of her money here. She brings over \$300,000 a year to Chatham County with her refuge. She loves animals and she has made the refuge a place of peace and love. Everything is done without chemicals, it is a fantastic place. How is it possible that the Board is allowing a shooting range in the middle of a community where people are finding a special life and animals are finding a second life. They have over 200 cats there and they also have dogs and they find homes for them. They have children that come, schools that come, and autistic children come to learn how to talk by communicating with the animals. Boy Scouts come and do service projects with them. She would like to know if these people have a permit to do what they are doing. He said it was just for a few friends. If he does have permits, what is he going to do with the lead? Does he have a permit to dispose of the lead? Does he have bathrooms? Does he have disabled access to those bathrooms? She put a \$16,000 septic system at her place place to keep the place pristine for everyone. I want to see the permits and who gave it to them. She wants the Board to understand that the noise is so loud and the animals are terrified. The cats are not eating anymore. Please stop this insanity, it is not acceptable.

Beverly D'Quanni, 856 Millcroft, Fearington, Pittsboro, thanked them for the resolution they adopted on June 4th. She watched three hours of those session at the legislature while they were discussing Bill 786. She could not believe how they railroaded through the bill. This issue is very personal to her. She lived in the

Hudson River Valley most of her life and she can remember an add on the TV where a lone Indian looking at the hudson river had a tear in his eye regretting what could have been. She believes this happened before most people were educated and given the ability to think about the consequences of being careless with the environment. We have that education ability now, are we going to use it? She feels every time we rush something through we leave a legacy behind that is not good. Fracking could very well be one of them. Let's not let anybody push us around on fracking. We have to protect what we have here in Chatham County. What they do out west where they may not have what we have is one thing. We have to cherish what we have here.

Clay Owsley, 220 Whitakers Trail, stated Range 2A provides a safe environment for personal firearms training. It provides range access for local law enforcement and also provides training for all skill levels. It is built and designed for the safety of range members and its neighbors. It is not open to the public and only has 16 members. The berms are designed like thousands of ranges across the country. He stated he is a veteran and has seen many and these are built in a safe and responsible manner. All members have to pass a background check before they can be considered for access. Shooting can be heard from thousands of locations in Chatham County. His children can wake up for school and hear shooting in the distance. They accept that because they understand how the zoning laws work. There is no zoning in that area. The Goathouse benefited from no zoning. No zoning means no zoning. In this situation, one party understands this concept and the other party does not.

Diane Spatz, 220, Cary, is a volunteer at the Goathouse refuge. She stated she heard gunfire this week volunteering at the goathouse. She stated she had lived around a lot of shooting ranges throughout her life. She has never experienced anything like this. She heard their conversations. The animals were terrified, they wouldn't move or eat. They have had to cancel events because of the neighbors. There is no guarantee there will not be gunfire. She stated when you hear rapid fire and it vibrates through your body it is too close. It is too close when you an hear their conversation

Chairman Petty explained the Board does not often respond after the Public Input session, however, he felt it was important due to the zoning issues. It has been difficult to respond to some of the emails about the zoning issues. Unfortunately, zoning is all inclusive. it is either zoned or not zoned. It is currently unzoned. There is not a lot the Board can do about it. They could zone it, but that prevents a lot of things. For example, zoning could have prevented the Goat House operation at that time. You can't pick and choose what you allow and what you do not allow. You may have other avenues of how you can deal with the noise. There may be some opportunities for you to found some common ground as owners.

Chairman Petty stated the Board can't pick and choose if it is not zoned. We have an issue we have to deal with. We either have to accept not having zoned areas or we have to zone everything. Chairman Petty stated he wanted everyone to know where we are today, however it doesn't mean it is where we are going to be a year or five years from now. This time is not intended for dialogue but he feels he needed to clarify that. He stated he would be glad to answer any further questions through email correspondence.

Vice Chairman Bock also would like to address those who spoke on fracking. It is important to know that the Board of Commissioners cannot ban fracking. The law specifically prevents it from doing that. We have been working with Representative Reives on trying to maintain local control of our ordinances but they have to follow the

law as it is now. For now the law says we do not have that authority. We are researching our options but we are not permitted to ban fracking

[14-0736](#)

Vote on a request from NNP Briar Chapel, LLC to approve a text amendment to the Chatham County Compact Communities Ordinance, Section 7.2 Wastewater Treatment; Section 9.2 Perimeter Buffer; and Section 9.3 Viewshed Buffers.

Attachments: [Hyperlink](#)

Jason Sullivan, Planning Director reviewed the specifics of the request.

Commissioner Elza stated he pulled the item off of the consent agenda because of the viewshed buffers. He wanted to know what the Planning Board and Planning Staff said about the language that was redone.

Mr. Sullivan reviewed the request by NNP, Briar Chapel, LLC to amend the Compact Communities Ordinance to allow exceptions for compliance with the maintaining of existing vegetation for viewshed buffers. Viewshed buffers apply where properties adjoin the road right of way. Staff had drafted a provision to include an additional paragraph that it wouldn't give an automatic option for a developer to remove all of the native vegetative buffer without some additional review by appearance commission as well as by planning staff.

Mr. Sullivan stated the way it would work is if any commercial or non-residential site, even in a compact communities ordinance, has to go to the appearance commission for review. The concern staff had was if we did include some additional language

for some additional review you could have an entire site where it adjoins a road right of way that would be denuded of the existing vegetation.

Chairman Petty stated this allowed planning staff to maintain some oversight. Mr. Sullivan stated that is the intent of what is written and the Planning Board agreed with this language.

Commissioner Elza stated his concern was that we were going to knock down the original vegetation and were going to replace with little bushes. With this new language in place it provides a process for review by the planning department.

Mr. Sullivan stated another realization on the staff is commercial sites want visibility. There are utility issues with these sites that are often unforeseen, particularly with electrical lines that are going to be buried.

Mr. Sullivan stated the consistency statement and the ordinance both need to be approved.

A motion was made by Commissioner Cross, seconded by Vice Chair Bock, that Consistency statement be approved and the Ordinance, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

Aye: 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

PUBLIC HEARING[14-0803](#)

A public hearing request from Will Copeland dba LIR Enterprises for a text amendment to the Chatham County Zoning Ordinance, Section 10.5.B, B1 Business District Dimensional Regulation, to change the language of "open carports" to "open structures".

Attachments: [Hyperlink](#)

Angela Birchett, Land Use and Zoning Administrator, introduced the agenda item.

Ms. Birchett stated this is a public hearing request from Will Copeland d/b/a LIR Enterprises for a text amendment to the Chatham County Zoning Ordinance, Section 10.5.B, B1 Business District Dimensional Regulation, to change the language of "open carports" to "open structures". She stated at this time planning staff has no concerns or issues. The applicant is present if the Board has any questions.

There is no one signed up to speak regarding this topic.

The Chairman asked if there were any comments from the Board. There being none, the Chairman closed the hearing.

The item was referred to the Planning Board.

[14-0804](#)

A public hearing on a request by Jim Anderson and Warren Mitchell dba Meadows Land Investment, LLC, for a rezoning on Parcel No. 18727 located at 12330 US 15-501 N, from R-1 Residential to CD-RB Conditional District Regional Business, on approximately 3.677 acres, for a four-story (4-story) self-storage facility.

Attachments: [Hyperlink](#)

Angela Birchett, Land Use and Zoning Administrator, introduced the agenda item.

Ms. Birchett stated this is a public hearing request by Jim Anderson and Warren Mitchell d/b/a Meadows Land Investment, LLC, for a rezoning on Parcel No. 18727 located at 12330 US 15-501 N, from R-1 Residential to CD-RB Conditional District Regional Business, on approximately 3.677 acres for a four (4) story self-storage facility.

Commissioner Bock asked if this was the property next to the new Walmart. Staff answered that it is between Walmart and the Park and Ride parking lot. The required community meeting has been held. The owners have also met with the Appearance Committee who gave them some suggestions and recommendations regarding landscaping and lighting. (PowerPoint presentation is available).

Birchett stated that during discussions with the Appearance Committee about the landscaping and lighting, the applicants agreed to make modifications to ensure that the neighbors at and around the Arbor Lease Subdivision located off of Old Lystra road would not have to deal with lighting problems because of the elevation. When the lighting will be mounted, they will be dropped down so that light will not beam on the adjacent neighbors. The developer has also agreed to plant large magnolia trees along with other large trees. At this time Staff has no major concerns, and any issues that may arise can be worked out during construction.

Commissioner Bock asked if there have been any concerns from neighbors. Staff reported that they have received no calls regarding this structure.

Chairman Petty asked if there was anyone who wished to speak.

The owner Warren Mitchell of 253 Tobacco Farm Way, Chapel Hill introduced himself and his partner, Jim Anderson.

Mitchell said that this is a 3.7 acre parcel with 36% impervious limitation that allows 1.3 acres impervious which is the building and parking area, that provides the maximum amount of impervious on the site. As an example, if this facility was a one story building, it would require 15 acres of land using the impervious restriction of 36%. Mitchell said that he lives in Chatham County and wanted to build something that they would be proud of and designed to fit nicely in the area.

Chairman Petty asked if there were any questions. Commissioner Elza asked what the height of the building will be. Mitchell responded that the request was for 50 feet, however the building will be at or about 43 feet.

After commenting that the design of the building was very impressive, the Chairman asked if there were any further comments or questions from the Board. There being none, the Chairman closed the hearing.

This Agenda Item was referred to the Planning Board.

[14-0806](#)

A public hearing request by The Retreat on Haw River, LLC to rezone Parcels 3027, 87217, 86946, 81274, and 86878 - 86944, from CU-RA90 to a split zoning district consisting of R-1 Residential for lands outside the River Corridor area and R-5 Residential to lands within the River Corridor, being approximately 650 acres collectively, located off Bynum Ridge Rd.

Attachments: [Hyperlink](#)

Angela Birchett, Land Use and Zoning Administrator, introduced the agenda item. This is a public hearing request by The Retreat on Haw River, LLC to rezone Parcels 3027, 87217, 86946, 81274, and 86878 - 86944, from CU-RA90 to a split zoning district consisting of R-1 Residential for lands outside the River Corridor area and R-5 Residential to lands within the River Corridor, being approximately 650 acres collectively, located off Bynum Ridge Rd.

Ms. Birchett stated along with staff, different interest groups have toured the property. Staff does not see any issue taking it back to original zoning and doing so would actually benefit the further protection in the R5 area to put it back in place.

R1–will is the land that is more than 2500 feet of the river.

R5 –will is the land within 2500 feet of the river.

Attorney for applicant, Nick Robinson addressed the Commissioners. (PowerPoint available) He pointed out the original zoning River Corridor 5 acre average/3 acre minimum and outside the River Corridor-1 acre tracts. In 2005 the zoning was changed to fit under the CUP to RA-90. A parallel and simultaneously track for a conservation subdivision with this rezoning amendment will soon be under consideration.

The conservation subdivision is contingent upon the approval of both. The developer is working with staff to address any issues that may arise prior to asking for Board approval. Commissioner Bock asked if this would be the first conservation subdivision since the ordinance was passed. Robinson confirmed.

Commissioner Elza asked if done simultaneously would the developer do the zoning first then the sub division. He asked about how many acres would be zoned for R1. Robinson said that 490.556 acres would be set aside for R1 and 239.836 for R5. He confirmed Commissioner Elza's comment that the density would be five (5). Robinson explained that the total density is not known at this time; however, the conservation portion would be under the total allowable density.

Commissioner Bock asked if this would be the first development since that ordinance was passed in 2005.

The Chairman asked if anyone was signed up to speak. The Clerk said Yes, however no speakers came forward.

Commissioner Cross asked what the development was called prior to 2008. Robinson said that it was called Williams Pond but it has been called The Retreat on Haw River since.

The Chairman asked if there were any further comments or questions from the Board. There being none, the Chairman closed the hearing.

This Agenda Item was referred to the Planning Board.

[14-0801](#)

A public hearing request by Bradshaw and Robinson, LLP on behalf of NNP- Briar Chapel, LLC to close a portion of Granite Mill Boulevard and Boulder Point Drive.

Attachments: [Closure abandonment request April 29 2014](#)

Hillary Pace, Planner, introduced the agenda item. This is a public hearing request by Bradshaw and Robinson, LLP on behalf of NNP- Briar Chapel, LLC to close a portion of Granite Mill Boulevard and Boulder Point Drive. Nick Robinson will speak on behalf of the applicant.

(PowerPoint available) Robinson said that this is another situation with a bifurcated process. The roadway in front of Margaret Pollard Middle School needs to be straightened. In order to do so, however, the designated intersection which is a public right-of-way ("ROW") would need to be abandoned and replaced with another. The sole item tonight is that process. NNP has worked with, and the School system has agreed to allow NNP Briar Chapel to straighten the road. NNP Briar Chapel will add a parking lot to help with the overflow of parking at the school. The applicant is asking the Board to not approve the abandonment at this time, but wait until the revised layout has been reviewed and approved by state and Chatham County Water Department. Waterlines will stay in the old roadway until new roadway is constructed, and will then be replaced.

Once the plat is approved, the applicant will come back and ask for abandoned the old ROW.

Commissioner Bock asked why the redesign of the road was needed. Robinson said that the intersection is awkward and will create more issues with an adjoining 4-way stop.

The Chairman asked if there were any further comments or questions from the Board. There being none, the Chairman closed the hearing.

This Agenda Item was referred to the Planning Board.

[14-0805](#)

A Quasi-Judicial Public Hearing on Wireless Telecommunication Permit request by American Tower Corporation and AT&T Mobility for a portion of Parcel No. 12512, known as the Pleasant Hill Site, located off NC Hwy 902 near Cannon Rd. for a 300' self-supported telecommunications tower on a lease area of approximately 0.40 acres of the 107.20 acre tract, unzoned, within the Hickory Mountain Township. The application includes a waiver request to exceed 199' in height pursuant to Section 2-4 of the Wireless Telecommunication Facilities Ordinance.

Attachments: [Hyperlink](#)

Chairman Petty administered the oath for all three Quasi Judicial hearings to those signed up to speak.

Chairman Petty opened the hearing.

Hillary Pace, Planner, reviewed the specifics of the request. She stated this is a request by American Tower Corporation and AT&T Mobility for a three hundred foot cell tower, also known as the Pleasant Hill Site located off of 902 near Cannon Road in the Hickory Mountain Township. She stated the applicants have asked for a waiver of the 199 foot height limitation. The tower will accommodate four wireless service provider as required by the ordinance.

Karen Kemerait, attorney with Styers and Kemerait, spoke on behalf of co-applicants American Tower Corporation and AT&T mobility and also on behalf of property owner Mr. Edward Strong. Ms. Kemerait stated the applicant is requesting approval of the Conditional Use Permit application as well as approval of the waiver of the 199 foot limitation. The applicant is requesting approval of a 300 foot lattice tower. Ms. Kemerait stated American Tower will be the company constructing the tower and leasing the space on the tower to different carriers. AT&T Mobility will be the first carrier locating on the highest point of the tower. There will be space for three Co-locators to lease at lower points on the tower which will reduce the need for other towers.

Ms. Kemerait stated this tower is very important for the applicants with the demand for wireless services, especially with smartphone technology and demand for data services. It is important for AT&T Mobility that there be infrastructure. She stated for this area of the county, there is no AT&T coverage. The public is relying more and more on the safety and convenience aspects of wireless technologies and services and residents expect that those technologies and services be available. The tower would meet economic development needs for the county, such as the availability of wireless technology.

Ms. Kemerait stated the applicant requests that the conditional use permit application be approved because they have met all requirements of the telecommunications provisions of the ordinance. They are also asking the county to approve their waiver request of 199 foot limitation and approve the 300 foot tower request. Ms. Kemerait pointed out that under tab seven of the application the applicant has provided the radio frequency justification for the tower. This site will provide connectivity from the current sites that have been constructed along Highway

902 and Highway 64. Next Ms. Kemerait reviewed the coverage map. She stated American Tower worked very hard to find an ideal site for this tower and Mr. Strong's 107 acre parcel is an ideal site. It is a particularly good site because there are mature trees on the parcel that will surround the tower site to the north, east and west.

Ms. Kemerait stated the applicant has met all the technical requirements. The application will show the tower will meet all the FCC and FAA regulations, specifically the FCC regulations relating to radio frequency emissions. The application also shows they have met all the setback requirements. The tower will be located 339 feet from Highway 902, 200 feet from the property line to the north, 227 feet from the property line to the east, and 391 feet from the property line to the south. The lighting for the tower will meet what is required by the FAA. The FAA requires all towers greater than 199 feet be lit, which is a dual system of medium intensity lighting. During the daytime and twilight hours the tower will have a white flashing light and at night the tower will have red lights. The FAA is also requiring the tower not be painted so it will remain the galvanized steel and blend in to the environment behind it. The FAA has very strict regulations relating to the scattering of light. The FAA prevents any type of scattering of light that will reach the residences or properties below the tower. American Tower will use LED systems with optical designs. What that means is the lighting will have a highly controlled beam pattern that will prevent any scattering of light. There will be no adverse effects on the property below the tower.

Ms. Kemerait stated the waiver request is very important to AT&T and American Tower. Without this waiver, American Tower and AT&T will not be able to move forward with the construction of this tower at this location. She stated under tab seven the applicant listed the technical information and documentation as to why a 300 foot tower would be required at this location. Three hundred foot towers are typically spaced approximately every five miles whereas one hundred ninety nine foot towers are spaced approximately every two to three miles. If there was a requirement for a 199 foot tower there would be multiple towers in the area as opposed to one 300 foot tower. Ms. Kemerait stated fewer towers will help to protect the rural character of the county.

Ms. Kemerait stated they have also met all of the conditional use permit standards and she wanted to touch on two of them briefly. First they have shown the tower will not impair the integrity or character of the surrounding or adjoining districts and it will not be detrimental to the health, safety or welfare of the residents or county. The tower will improve the convenience for the residents with wireless services and will increase safety with 911 services. The tower will not increase traffic in the area once it has been constructed and will only require, at most, two to four vehicle trips a month with no noise or odor coming from the tower.

Ms. Kemerait stated tab eighteen shows the property impact analysis, prepared by David Smith, a North Carolina certified real estate appraiser. He has evaluated this site and in his opinion the tower will not impair the integrity or character of the adjoining or surrounding districts. The site is also consistent with the objectives of the land use plan as it preserves the rural nature of the area and provides infrastructure that is necessary to support economic development in the area. It will also further environmental objectives by not requiring multiple towers in this area of the county.

Vice Chairman Bock asked if approved, what the timeline is to build a three hundred foot tower. Ms. Kemerait stated the conditional use permit is valid for two years. Ms. Kemerait stated American Tower and AT&T are looking to determine when the

funding for AT&T will come through. Ms. Kemerait stated she did not have a clear answer at this time, however, American Tower and AT&T have shown a real commitment to improving the telecommunication coverage within the county.

Chairman Petty asked if the tower would be available for competitor wireless service providers. Ms. Kemerait stated American Tower will lease space on the tower to three additional carriers. She stated there is Verizon coverage in the area but she is not sure if the coverage is good in the area. They hope Verizon will come and want to locate their antennas on the tower as well.

Ms. Kemerait stated in answer to Vice Chairman Bock's question, they had a call a week ago to determine the different sites in North Carolina and when they would be constructed. So this is an evolving discussion about how quickly the towers are constructed. She stated back in the winter American Tower was ready to begin construction immediately and that AT&T would place its antennas on the towers.

Commissioner Elza asked if the lighting on the tower will comply with the County's lighting ordinance. Ms. Kemerait stated it has to comply with the ordinance but she did not believe the ordinance addressed lighting at the top of a 300 foot tower. They will have to comply with the FAA for the three hundred foot tower and all other lighting will have to comply with the ordinance.

Commissioner Elza stated one of the purposes of the ordinance was to prevent lighting up the sky of a rural county.

Ms. Kemerait stated as previously mentioned, the FAA has very strict regulations and they will be required to comply with those regulations.

Vice Chairman Bock stated the County could not override the FAA. Commissioner Elza stated the county does not have to give them a waiver. Vice Chairman Bock stated that was true. Chairman Petty stated the tower lighting would be mandated by the FAA and any compound or facility lighting would have to comply with the county's ordinance.

Jason Sullivan, Planning Director, offered clarification on the lighting and lighting standards of the zoning ordinance and stated it is replicated in the stand alone off premise lighting ordinance as well. Mr. Sullivan stated in the unzoned areas there are some exceptions and one of these is airport lighting control by the Federal Aviation Administration.

Chairman Petty opened the public input portion of the hearing.

Marian Norton, 8481 NC Hwy 902, Pittsboro, She thanked the attorney for clarifying some things in her presentation. She stated she was thorough and answered several of her questions but she would still like to read the statement she prepared before the meeting. "While it is known that areas of Chatham County experience a deficit of bars when it comes to cell signals, I would urge the Commissioners to proceed with caution in granting variances in extending the height of towers. While some roads are probably safer without cell service it is true that many residents wish to get cell signals on their cell phones from their homes. The 300 foot tower proposed for highway 902 in the Hickory Mountain Township is positioned near a now vacant home and on a knoll with an elevation of about 430 feet. It is doubtful many will protest the location and it is convenient for fiber already laid down for DSL service on the Pittsboro exchange. However, I wonder if all this hype is really needed to provide cell service. How will this tower affect small airplanes that take off and land at the near proximity Eagle's Landing? Will it be an unnecessary obstacle in the air? A real

need in Chatham County is affordable and available broadband service in our homes. We already know that 4G and 3G service will not meet those criteria. This is not the answer for connecting our students and businesses. Please don't blemish the landscape of western and southern Chatham County with unnecessary and oversized towers.

Edward Strong, 220 Cannon Road, stated he owned the proposed site for the tower off of Pleasant Hill Church Road. He stated the site is in an area where the cell service is spotty. He stated he wants to get along with his neighbors and the neighbors he has talked to have not had any complaints. He stated he was sure there were some that do not like it but most of the neighbors say they could use the revenue too. He stated it is simply an area with poor cell service and he wants to get along with his neighbors.

Nicole Brown, 6323 NC Highway 902/Cannon Road, stated she lives adjacent to the cell tower site. She stated she is in favor of the tower as she very rarely gets a cell signal in her home. She usually has to stand on her deck and has to apologize for calling people over and over.

Bob Freese, 8115 NC Highway 902, Pittsboro, stated they live about a mile and a half from the proposed cell tower site. He stated they have lived there ten years and can vouch for the fact that there is no cell service at their home. There is no hope that they are getting cable, no hope of getting DSL, and they have been to committee meeting after committee meeting. He stated as they move on to the 21st Century they find themselves further and further removed and this has created a lot of different issues besides the economic development argument, which he believes is a valid one. If you want a business at home you need access to high speed internet and you can't get it. He stated they have run into several safety issues. A couple of years ago lightning struck their house and took out the telephone. A fire started in the house and they had to run to our neighbors and have them call 911. They are building a garage right now and every single construction guy cannot access anybody using whatever cell phone service they have. They can't call an ambulance and they can't call 911. They have had a veterinarian come out and she could not access anyone with her cell phone. He stated this is their only hope of having high speed internet. He strongly recommended that the commissioners approved the tower. He believes the tradeoff of having a higher tower and fewer towers is an excellent trade off to make.

Pam Freese, 8115 NC Highway 902, Pittsboro, stated she lives with Bob Freese and they live in an internet and phone wasteland. She can't tell the Board how many miles they have to drive on a daily basis to go to the Pittsboro library for phone and internet access. She stated they have both had accidents. She broke her shoulder a couple of years ago and had no way to get 911 out there. She stated they can get a text to go through occasionally. She stated it is not safe. Her 84 year old father spends a lot of time with them and he has a safety device that does not work out there because there is no cell service. She does not care if the tower is orange. They really need it in this area and asked they please consider approval of the tower.

Commissioner Stewart stated she understood there is a 300 foot tower on Highway 421 going toward Sanford and asked if the lighting on that tower is the same lighting that would be on this tower. She asked if any lighting has changed after that towers' construction that would be different on any of the new towers, or would the lighting be identical.

Hillary Pace, Planner stated staff could look into that.

Gray Styers, attorney with Styers and Kemerait, addressed the lighting questions. He stated that the lighting on that tower will comply with the FAA requirements, so it is acceptable. He could not say for sure how old the tower on Highway 421 is. He believes lighting has greatly improved over the last twenty years he has been doing this type of work, particularly in the ability to focus lighting in a more horizontal direction. He stated by the time they go to the Planning Board they can have the answer.

Chairman Petty asked the Board if there were any additional questions. Hearing none, the Chairman closed the hearing.

This Agenda Item was referred to the Planning Board.

[14-0800](#)

A Quasi-Judicial Public Hearing on Wireless Telecommunication Permit request by American Tower Corporation and AT&T Mobility for a portion of Parcel No. 3391, known as the Bennett Site, located at 24477 NC Hwy 902 for a 300' self-supported telecommunications tower on a lease area of approximately 0.69 acres of the 28.90 acre tract, unzoned, within the Bear Creek Township. The application includes a waiver request to exceed 199' in height pursuant to Section 2-4 of the Wireless Telecommunication Facilities Ordinance.

Attachments: [Hyperlink](#)

The Chairman opened the hearing.

Hillary Pace, Planner, reviewed the specifics of the request. She stated this is a request by American Tower Corporation and AT&T Mobility for a three hundred foot cell tower, also known as the Bennett Site located at 24477 NC Hwy 902 for a 300 foot self-supported telecommunications tower in the Bear Creek Township. She stated the applicant has asked for a waiver of the 199 foot height.

Karen Kemerait, attorney with Styers and Kemerait, stated she would be briefer during this presentation because she does not believe there are any concerns with this tower. She has received no emails or calls about the site and no one showed up to the community meeting. She stated if there is any concern she is very much unaware of it.

Ms. Kemerait spoke on behalf of applicant American Tower Corporation and AT&T Mobility. AT&T will be the carrier at the top of the tower and American Tower can lease to three other carriers lower on the tower. Just like the previous application, this application is very important to American Tower and AT&T because this is a portion of the county that also has no coverage. Providing wireless services is very important for safety aspects, convenience aspects, and economic development aspects for the area and the county.

Ms. Kemerait stated under tab seven the application provided the documentation for the need for the tower. Like the previous application, American Tower has worked hard to find a good site for this tower. This parcel is 28.9 acres. The parcel is mostly wooded and the area around the tower site is heavily wooded. She stated under tab 19 the applicant provided documentation of the balloon test. The balloon test showed that the base of the tower will not be visible at all and the top of the tower will be visible from some locations.

Ms. Kemerait stated the applicants met all technical requirements of the

telecommunications provisions and have exceeded the setback requirements. The tower will be located 343 feet from the property line to the north, 717 feet from the property line to the east, 1160 feet from the property line to the south, and 380 feet from Highway 902. The lighting is required by the FAA to be the same as in the previous application.

Ms. Kemerait stated the tower is not required by the FAA to be painted and will remain the galvanized steel. She stated the next statement applies to the previous application as well. There have been significant advances in the lighting developed for the tops of towers to prevent the vertical scattering of light underneath the towers, with what is now commonly referred to as dual optical systems. The lighting you may see may be inferior to the lighting that will be placed at the top of the towers.

Ms. Kemerait stated the applicants are also requesting a waiver of the 199 foot limitation and are requesting a 300 foot tower. She stated the application met all the Conditional Use Permit requirements and she quickly reviewed those requirements.

Chairman Petty asked for the timeline on this tower. Ms. Kemerait stated it was the same as in the previous application.

Commissioner Elza asked if it was not economical to put up a tower that is not 300 feet. Ms. Kemerait stated the answer to that is it is less economical because the area is a much less populated area of the county and economic justification is one of the factors for moving forward with coverage. She stated that as she mentioned with the previous application, American Tower and AT&T have made a significant investment, especially in the western and rural parts of the county. She believes that is where the majority of the tower applications are going to be coming from over the coming months.

Chairman Petty stated there is a desperate need for cell service in that area. Ms. Kemerait agreed and stated the 300 foot tower allows the economics for American Tower and AT&T to be able to come and provide that coverage.

Commissioner Elza stated that Ms. Kemerait stated there have been significant advances in the scattering of light. He stated her law partner stated the same information on the last application. He asked if she had submitted any evidence other than those statements. Ms. Kemerait stated she had provided information about the proposed lighting to Ms. Pace with the Planning Department. She stated she had not already, but could provide information about the advances in the lighting.

Commissioner Elza asked again if this tower lighting would comply with the county ordinance. Chairman Petty stated Ms. Kemerait had already answered that question. Commissioner Elza stated he felt she had not. Ms. Kemerait stated the lighting on the top of the tower will comply with all FAA regulations. A report has been provided to the Planning department that states the specificity the amount of lighting required with this particular tower.

Chairman Petty stated he did not believe they would get any complaints from anyone in Bennett about the tower.

Commissioner Elza asked how far the tower is from the other tower. Chairman Petty stated six miles. Ms. Kemerait stated that was correct.

Chairman Petty opened the Public Input portion of the hearing. No one was signed up to speak.

Chairman Petty asked the Board if there were any additional questions. Hearing none, the Chairman closed the hearing.

This Agenda Item was referred to the Planning Board.

[14-0802](#)

A Quasi-Judicial Public Hearing on Wireless Telecommunication Permit request by American Tower Corporation and AT&T Mobility for a portion of Parcel No. 20032, known as the Farrington Site, located off 464 Old Farrington Rd. for a 195' monopole telecommunications tower on a lease area of approximately 0.73 acres of the 11 acre tract, zoned R-1, within the Williams Township.

Attachments: [Hyperlink](#)

Hillary Pace, Planner, reviewed the specifics of the request

Gray Styers, attorney with Styers and Kemerait, stated he was speaking on behalf of co-applicants American Tower Corporation and AT&T Mobility. Mr. Styers stated AT&T has recognized for several years the lack of service in the Governor's Village area. Back in the mid-nineties when Mr. Styers was working on getting the first digital wireless communications network in Chatham County, he worked with the owners, at that time, of the Governor's Club utilities and placed the antennas at the very top of the Governor's Club water tank. Despite the high above sea level elevation of that water tank and those antennas, there was a problem with that the very short elevation above ground level and the fact the tank was so close to the tree line meant there was no really dependable service from that location. Therefore, along Mt. Caramel Church Road and Old Farrington Point Road, the commercial space in Governor's Village and many areas in Governor's Lake have no dependable coverage from AT&T.

Mr. Styers stated AT&T has looked for a way to provide coverage to this area for several years and has been talking to land owners for several years. This site and the location are very different than the two previous sites Ms. Kemerait presented. This is primarily for in-building coverage and is in a more densely populated area. It is true that it needs to hand off and connect to adjacent sites.

Mr. Styers showed a map of the coverage area of the proposed tower and also showed where future sites would be in Orange County and Chatham County in close proximity of this site. The site acquisition and real estate agents contacted land owners in the area to inquire about possible locations for this site. They are not like a utility; they do not have condemnation rights. They cannot put their sites anywhere they want them to be. Mr. Styers stated they have to find a willing land owner and also have to comply with the County ordinance.

Mr. Styers stated if they could, they would love to put the tower in the middle of the parking lot of Governor's Village. He stated they may hear members of the public say it is not appropriate to put a tower this close to a neighborhood or it should be out in the rural areas. This site is to cover an urban area or a densely populated suburban community and they are putting it as close as they possibly can to the area that needs the coverage and they make no apologies for that.

Mr. Styers stated if anyone was to drive through other areas of this same population density in Wake County, Cary, Apex, Raleigh or near his house it is not unusual to see multiple towers close to homes. He has three sites within a quarter mile of his house and he has two more within a half mile radius of his house. You have to have

the facilities near where the people live and near where the people want to use their phones. He stated if you are of his children's generation, who are ages nineteen and twenty-one, you will probably never own a landline. He told the Board he did not know if they had family members of that generation, people under the age of thirty, but they believe based on the current trends that they will rely totally on a mobile phone. They are going to want to use their mobile phone in their home, not on their back deck and in their yard. Mr. Styers stated that in order for that to occur, you are going to need more sites in the more populated areas every one and a half to two miles.

Mr. Styers stated right now Chatham County only has about thirty five towers total and American Tower itself would like to build about fifteen more. That would bring the total number of towers to fifty. That is still a fraction of the probably two hundred and fifty to three hundred sites in Wake County. This means Chatham County is far behind in in-building coverage, but Chatham County is a more sparsely populated county except for in the northeast corner of the county.

Mr. Styers stated in looking for sites for this area they looked at transmission line support. There is a major transmission line just south and east of here, about two to three hundred yards. Those are not 90KV, 130KV, or 230KV lines, however, those are 520KV lines coming from Shearon Harris going west. There is no way they could put their antennas anywhere except below the lowest conductor on those supports which was only about ninety-five feet above ground level. The applicant looked at it, evaluated it, provided it to the neighbors and it was seriously considered but it just could not work. AT&T is not going to put a site up that is not going to meet the objectives of the coverage.

Mr. Styers stated the applicant did, however, find an eleven acre parcel next to a thirty acre parcel, owned by Mr. Lester Ray Porter. Mr. Porter is here this evening and he and his family have owned the property for over one hundred years and he believes it could be as long as two hundred years. He is willing to lease part of his property for this tower to the applicant.

Mr. Styers stated initially AT&T's site acquisition agents decided to shorten the driveway and the expensive construction and would put the tower right up on Old Farrington Road. He pointed out on the map where the tower was originally to go. When they notified the neighbors and scheduled a community meeting and went out and looked at this site, they decided that was not the location where the tower should be.

Mr. Styers stated they were going to put the application in the same cycle as a similar application he represented last year off of Poythress Road. They went back to AT&T and American Tower and said the original site was not a good location. The tower for anyone driving up Old Farrington Road was going to be visible as well as the tower base from the entrance to that area of Governor's Lake off of Wicker Drive.

Mr. Styers went back to Mr. Porter and explained that after talking to the Planning staff and a former commissioner they needed to move the tower location behind the tree line. They could still meet the setback requirements behind the tree line and decided to move it as far back from Old Farrington Road as possible. He stated Mr. Porter was willing to work with the applicant on that location.

Vice Chairman Bock asked Mr. Styers to clarify if the decision to pick a new location was based on the recommendation of one of the commissioners. Mr. Styers said it was based on the recommendation of a former commissioner who is no longer on the Board. He stated they got a telephone call and they also talked to staff and they

knew there would be some opposition. He has been doing this for over twenty years and he did not think it was a good site. He went back to American Tower and they said they wanted to find the very best site to meet the coverage and moving it back one hundred and fifty feet was something they could deal with. The RFF engineers looked at it and said they couldn't move it a quarter mile or three hundred yards but they could move it back one hundred and fifty feet.

Mr. Styers stated they prepared the site plans, the application materials, and the FAA approvals and moved forward to try to get this in the queue, in order to get coverage in this area. They held a community meeting on April 30, 2014 and it was well attended with approximately thirty people in attendance. A report of the meeting can be found in the notebooks provided to the Board. Mr. Styers stated that while it is not required by the ordinance, the applicant said they would perform a second balloon test. They wanted to fly the balloon at 195 feet which AT&T's RF Engineering Department said they wanted to have. Mr. Styers said they would do it on a Saturday and they advertised it, sent out letters, and there is a great listserv where everyone was notified. He stated they would perform the second balloon test at 195 feet, 150 feet and 120 feet and he would ask AT&T's Radio Frequency department if they could live with a lower height lower than 195 feet.

Mr. Styers stated that on Saturday, May 3, 2014 they performed the second balloon test. They flew the balloon so that they could check the visibility at 195 feet, 150 feet and 120 feet. He went to AT&T's RF department and said they need to look at the lowest possible height AT&T can live with and will build. He stated the pictures of the balloon test were not in the original application and he asked Ms. Pace if she could distribute those. He stated the balloon test is important and he would like to now enter those into evidence. The photos were distributed to the Board and the staff.

Mr. Styers stated the photos could be found behind tab number five. He was at the balloon test and he saw them tether it at 195 feet and it was more visible than he thought it would be. He personally saw them lower the tether to 150 feet and they then took additional pictures. He can testify under oath that he was there when those pictures were taken. He stated where there are trees and houses in front of you in the neighborhood, the tower is going to be below the tree line but there will still be some places where you will see it. If you are looking across Governor's Lake, it will be visible in the distance. The most visible location is looking up Wicker Drive. At 150 feet, it was right at the pine tree line. He stated the photographer used a computer program to calculate the distance from where the photograph was taken from where the balloon was based on latitudes and longitudes. Mr. Styers can testify under oath that he was there when those pictures were taken. He did not include the pictures of the balloon test at 120 feet simply because that height is not in consideration at this time.

Mr. Styers stated he had with him at the hearing as a witness Mr. Dave LaCava. He is a radio access network specialist and he analyzes coverage. Mr. Styers stated he did not have coverage maps with him, however, he did receive the information today that he promised the neighborhood he would provide. He stated behind tab number three there was information about the coverage for 195 feet, 150 feet and 120 feet and he was submitting those into the record. Mr. Styers stated the coverage difference between 195 feet, 150 feet, and 125 feet is marginal and he would be the first to admit that. However, there is a substantial enough difference as to where the in-building coverage is when you go around the curve on Mount Caramel Church Road. They are going to be looking in the future on where a site is going to be needed in Orange County on Mount Caramel Church Road. He stated AT&T spent several weeks in May looking at the coverage areas and decided they could live with a 150 foot tower at this site. They would not reduce the tower to 125 feet.

Mr. Styers stated people may argue he has already stated there is not much difference in coverage at 125 feet, however, It is AT&T's service, reputation, brand, and money. It is going to have to be built at 150 feet, which is a substantial compromise considering they initially wanted a 195 foot tower. The tower will not be lit because it is not over 200 feet.

Mr. Styers stated he wanted the record to be clear that they would like all application materials (24 tabs) be submitted into evidence and the additional supplement submitted tonight (8 tabs) also be submitted into evidence. The application has been amended and revised for a 150 foot tower and includes the balloon test and real estate report by David Smith, all of which has been submitted into the record tonight.

Mr. Styers has received a lot of emails about this tower and he is certain the Board has as well. He received an email from Mr. Jim Miller stating that he and his neighbors were all going to be emailing the commissioners. Mr. Styers stated that the Board knows in a quasi-judicial hearing, those emails are not something they can consider and the County Attorney has already made them aware of that. Therefore, he is not going to try to rebut those emails.

Mr. Styers stated in the Conditional Use Permit process there are five criteria. Ms. Kemerait talked about those already and he is not going to go through those again. He stated the issue before the Board is whether the applicant's evidence meets those criteria. He stated the Board revised their ordinance last year to incentivize the industry to try and expand coverage here in Chatham County and to try to make sure that the rules were clear. He stated behind tab 8 in the notebook submitted this evening, they will find the real estate analysis by David Smith, who is an MAI appraiser. Mr. Smith looked at two things. First he looked at the sale of a home right adjacent to a 150 foot tower right outside of Pittsboro. He also looked at the sales of homes in the area that weren't adjacent to towers. Mr. Smith determined that the houses adjacent to the tower sell for a lower price than the other houses that were not in site of a tower. He compared eight properties to that one property. He found there was no impact to the properties next to the towers. Mr. Smith also looked at two neighborhoods where there were multiple sales in the neighborhood in Durham County. One neighborhood called River's Edge where there is a lit tower and one with a shorter monopole tower. Mr. Styers stated this is a monopole and not a lattice tower. Most of the towers he has zoned were 250 foot lit towers on Highways 64 and 421 in the late nineties. Mr. Smith compared the sales of the homes in the River's Edge neighborhood over time to a neighborhood in a forest with no towers. He concluded that the data shown by sales and resales of homes showed no impact on property values as a result of the tower. Mr. Smith stated the towers are needed in the way other utilities are.

Mr. Styers stated the Board will probably hear testimony from people who say there is not cell phone coverage but they believe a 120 foot tower is tall enough, or they would like a tower at another location and not in their neighborhood, or the tower should be disguised in some fashion, or there should not be a tower near a neighborhood like this one. Mr. Styers stated the Board answered the last question in the ordinance when it states that a tower can be on this type of property. He says it goes back to people saying they need the service but they don't want the infrastructure.

Mr. Styers stated he has no delusions that this is unpopular. He also believes that this is a necessary service and will enhance the attractiveness of the area, especially among young people wanting to move to the area. He stated the applicant has met as shown in the application, all the requirements of the ordinance. They respectfully

ask that when it comes back to the commissioners from the Planning Board that they approve the Conditional Use Permit. He stated that he, Mr. David Smith, and Mr. Dave LaCava are all available to answer any questions they may have about the application.

Mr. Styers asked for time to address any new evidence after the public input time.

Chairman Petty opened the public input portion of the hearing.

Carrie Klein, 30172 Pharr, Chapel Hill, gave the following comments:

"Thank you all for allowing this public comment time, since this is an issue that concerns many of us. Even after the "Balloon test" my family and I are concerned about the proposed construction of a cell tower on Farrington across from the very populated Governor's Village communities.

We moved to Governors Park because we loved the beauty of the area, and we felt this beauty was protected. Now we are very dismayed that giving the go-ahead to this enormous tower is even being considered ... and dismayed also that our property value IS at risk.

Despite what "appraisal reports" may say, I have learned 1st hand otherwise. I am in a business that helps homeowners ready their homes for sale ... and I have seen that when one of these towers are close by, its harder to sell the home and often it has to be sold for less than market value.

I understand that we need better cellular coverage in the area ... but the placement of this tower is wrong. It would be just too close to such an enormously populated area and affect too many. Even with the reduced height of 150 feet it would literally TOWER above the highest trees.

And the balloon test was not at all representative ... a pretty yellow ball on a bright sunny Summer morning tethered by a string, is very different than a 6-8 foot wide solid metal tower with bars across the top towering above everything in its vicinity.

Please put yourselves in our shoes and imagine what it would be like to wake up every morning and see this monstrous tower from your yard. Imagine taking a walk around your neighborhood or the lake and see that huge metal structure marring your view of everything. It will be a constant jolt to the senses daily. It may be a bit more trouble for AT&T, but Please request that they find another location a bit further away. We have so much truly open space in the vicinity that would not impact so many. Please have them find another nearby landowner. So I urge you all to please represent us, the citizens and voters of Chatham County on this matter, rather than the financial gains of AT&T. Please vote to deny a permit for this location.

I also have petitions for the record with over 200 signatures. Thank you."

Mr. Styers objected to any petitions stating the law is well established as to what can be allowed as evidence in a quasi-judicial hearing.

Arnie Rosenthal, 30172 Pharr, Chapel Hill, stated he had several issues with the proposed cell tower on Farrington Road in the Governor's Village Community. First we were afforded no due process on this issue until this evening. We had a local community meeting that AT&T sent legal counsel. We have no legal council

representing us. In the corporate world this is just common courtesy and protocol that if you have people representing you that other people have the opportunity to have representation. This isn't a fair process, it is bullying. He stated he had a problem with the aesthetics. The tower is ugly at any height, 200 feet, 150 feet or 120 feet. The ugliness of the tower will diminish their home values. He isn't sure where the information came from but nobody wants to live next that, it doesn't make any sense. He stated they would be happy to work with AT&T on an alternate location, it is not the democratic way. They have a petition with over 200 signatures. They would at least like to get a stay of execution so they could at least hire legal counsel and have more time to organize their large community. Many working folks can't make the 6pm hearing. He asked the commissioners to please stop the cell tower and he stated he has Verizon and has excellent cell service.

Dan Hirschman, 13001 Droughton Ct, Chapel Hill, gave the following comments: "Good Evening. Thank you Commissioners for the opportunity to be heard on the proposed Farrington Road American Towers/AT&T cell tower site application.

My name is Dan Hirschman. I'm a Chatham County Resident and my wife and 3 children live at 13001 Droughton Court in the Governor's Lake subdivision of the larger Governor's Village community. Our home is on the corner of Wicker Drive and Droughton, and is one of the homes from which the proposed tower would be most visible, based on the recent "balloon test" performed by American Towers.

I strongly oppose a cell tower being sited on the currently proposed location because of its proximity to our community; the substantial aesthetic impact that will impair the character and integrity of our community; the potential negative impact on our home values; and the associated related effect on the Chatham County real estate tax base.

First, with respect to the proximity to your community, a 150-foot cell tower, practically on top of our homes in plain view of many of the residences in the neighborhoods of Governors Lake, Governors Forest, Governors Park, Governors Townes, and Governors Village, is simply not an appropriate land use in a primarily residential area. If located in its currently proposed location, the tower would significantly impair the residential character and integrity of our community.

Second, with respect to the aesthetic impact and home values, for many of us, this tower, if permitted, will be the first things we will see when we walk out our front doors, or, in our case, what my daughter will see when she looks out of her bedroom window. And of course, this proposed eyesore will undoubtedly adversely impact home values in our community. Studies on the aesthetic impact from cell towers on home values support this statement. (See *The Appraisal Journal*, Summer 2005 – "The Impact of Cell Phone Towers on House Prices in Residential Neighborhoods," <http://emfsafetynetwork.org/wp-content/uploads/2011/09/Property-devaluation-cell-towers.-pdf.pdf>; and *The Appraisal Journal*, Fall 2007 – "The Effect of Distance to Cell Phone Towers on House Prices in Florida," http://nocelltoweronrhodawatertank.weebly.com/uploads/2/5/3/1/25312568/ref_09_sandy_bond_effect_of_distance.pdf). (See also <http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf08353.html>, at Section C, finding that "There are [...] instances [...] where the assessed value of residential properties were reduced due to close proximity to commercial antenna towers" and one of these reductions was of 7.2% solely due to aesthetic impacts.).

Third, if home values decrease, Chatham County's tax base is decreased along with them.

There must be a better location for this tower that will not result in the same adverse impacts to our community, especially given the extent of open space around our neighborhoods in our relatively rural county.

Of great concern to me, and what should also concern the Board of Commissioners, is that based on information from American Towers and AT&T's representative, the companies have not adequately explored alternative locations that could provide that same cell reception benefits with less adverse impact to the community. Thus, on that basis alone, the Commissioner should deny the application until AT&T presents alternative locations for comparison.

Alternatively, if the Commissioners see it fit to approve the proposed location, at minimum, the Commission should require amendment of the proposal to lower the height of the tower to no more than 120 feet, the only height from which the visual impact from the balloon test was limited and relatively acceptable. Furthermore, the Commission should require AT&T to describe and implement any other appropriate and feasible additional visual screening techniques to minimize the abhorrent aesthetic impact. Thank you."

Jason Hickey 15004 Barnhardt Court, Chapel Hill, gave the following comments: "Our family is in opposition to the proposed Cell Tower located at 464 Old Farrington Rd. (known as the Farrington Site) due to the proximity of our home. If the council members have not done so, I invite all of you to come visit the site and see firsthand just how close it is to our community.

It's well documented that this will negatively impact real estate values and subsequently tax revenues for Chatham County. Attached here is a copy of several impact studies including the Bond and Wang Transaction Based Market Study which reflected a 20% reduction in sales price for homes in proximity to a Cell Tower. For the 49 homes of Governors Lake which sit directly adjacent to the proposed site that equates to roughly 3.5-4 million dollars in lost property values.

Chatham County is quite large and I understand the desire for better cellular communications but with that open land a more suitable site must exist.

In closing, I'm asking our elected officials to deny this request until a more realistic and suitable site has been proposed."

Joan Hickey, 15004 Barnhardt Court, Chapel Hill, stated she was a graphic designer and was opposed to the tower. She also submitted a large photo she had created to demonstrate what the tower would look like from the street view of their neighborhood.

Bill Hlavac, 12010 Wicker Drive, Chapel Hill, gave the following comments: "My name is Bill Hlavac and I live with my wife and two daughters at 12010 Wicker Drive in the Governors Lake area of Governors Village.

Our family uses AT&T cell service and the signal in our home is adequate. Contrary to the assertion of Mr. Styer, there is only one location in all of Governors Village where the signal is spotty; and that is deep in the Food Lion. In fact, I can travel miles in every direction from my home and not lose my cell signal.

I strongly object to the siting of the proposed cell tower, primarily because of the impact it will have on the hundreds of homes nearby. The proposed tower will not fit with the character of the neighborhood and will adversely affect home values. There are countless studies and white papers documenting the adverse effect on home values; the range is from 5% to 38%.

For these same reasons the Morrisville, North Carolina Town Council rejected a proposed tower similarly placed near a populated area in December 2011. That tower was proposed by the same company that plans to build the Farrington site tower. The company, American Tower, was unhappy with the Town's decision and appealed it in court. The judge upheld the Town's decision on the basis the tower would not fit the character of the neighborhood, as well as American Tower's failure to demonstrate that nearby home values would not be adversely affected.

On April 30 the attorney for AT&T mobility and American Tower, Gray Styers, held a meeting to explain the plan for the tower. Attendees repeatedly asked why the tower couldn't be located away from such a populated area, or in the high power line easement -- on or around the existing structures—and what other locations were considered. They also wanted to understand why it had to be so tall. Mr. Styers told us the equipment could not be collocated with the power equipment, but didn't know why. He promised he would look into it and get back to us. He did not follow through. We later observed several such colocations in the area. He also promised to send coverage maps for three tower heights; 195', 150' and 120'. He did not follow through on that promise either. In fact, as late as Friday, June 13, he told us he was unable to get them but was working on it. And tonight he miraculously managed to get them for the meeting.

I request the board reject the tower application for the same reasons the Morrisville Town Council did, and additionally because of AT&T and American Tower failed to explore other, more suitable locations.

Incidentally, Mr. Styers has indicated his clients are willing to lower the tower height from 195' to 150'. During the balloon test it was abundantly clear that anything above 120' would be clearly visible throughout the community. So this is simply an attempt by AT&T Mobility and American Tower to appear reasonable, and as if they're looking out for the interest of the community. The commissioners should not be swayed by this and should reject the application as it currently exists. It's worth noting there is very little tree coverage in front of the tower and the trees that do exist are no more than 40 or 50 feet tall. Even at 120' – which would be a reasonable compromise-- there would be 70 to 80 feet of tower above the trees. It's also worth noting the land owner does not even live in North Carolina so he does not care what happens to the home values. Thank you."

Ryan Thornburg, 30165 Pharr Chapel Hill, thanked the Commissioners for allow time for public input on this issue. He stated he could not speak much on the evidence presented tonight but he is looking forward to looking at the evidence. He stated he would encourage the commissioners and others to be vigilant on the application so that they get all the information necessary. He said it was not an issue he has been paying attention too because he has Verizon and he has great coverage. When he saw the photos his neighbors took they were very different than what was being presented by the council for the tower. It raised questions in his mind and those questions still remain because he has not seen any coverage maps for a 150 foot tower and he is glad those are in evidence now. He is not an expert in real estate appraisal but he would not want to buy a house with a tower this close. He loves the

blueberry bushes on that property he does not like cell towers. He is sorry that the neighborhood missed a chance to get involved in the political process and he understands this is no longer the time to do that. For now he has good coverage and he would not want to buy a property in that neighborhood if there was a tower on that site.

Scott Leslie 30169 Pharr, Chapel Hill, NC, gave the following comments
"I'm a resident of a neighborhood adjacent to the proposed cell tower location. I am here to request that the current proposal be rejected until it can be amended to either change the location and/or lower the tower height.
My first point is that we have a large utility corridor beside our neighborhood for Duke Power high tension lines. I request that the commission require American Tower Corporation to investigate use of this corridor for placement of the tower. At the community meeting with ATC's lawyer, he indicated that they had not contacted Duke Power to request use of part of this corridor to place a monopole. It seems like an obvious option which would be in the community's and ATCs best interest.

If the cell tower is not to be moved from its proposed location, I request that the commission limit the height based on information from Gray Styers at the community meeting held in April. Here is what he said about the height and location of cell towers.

19:50 Gray Styers. I'm quoting fairly closely : I have an audio recording if you would like to hear it.

The trend actually is for towers; For there to be more and more and more towers; And for the towers to be shorter, shorter, and shorter. Within 20 years, towers every 1/2 mile and not much taller than light pole. Currently primarily putting in 120ft towers in Raleigh. Current spacing requirement of 1.5 miles will have to be amended in 4-5 years to allow closer spacing for shorter towers. (end quoting)

Given this I respectfully request that if the tower cannot be moved to the utility corridor, the commissioners limit the permit to 120ft. This would keep a taller than necessary tower from staying at this location for 20-30 years when in only a short time the cell towers will being put in similar locations will be 120 feet or less.

Mr Styres has said at this meeting that AT&T will not build the tower at 120 feet. However, at present they have no incentive to do so. If you reject the permit at greater than 120 feet, then I believe they will resubmit at that height, especially since by his own admission the difference in coverage between 150 and 120 feet is marginal.

Please refuse this request at 150 feet since it is only marginally better than a 120 foot tower and will impact the surrounding area for many years to come. Thank you for your time."

Anita Badrock, 90 Paul Green road, Pittsboro, stated she was speaking on behalf of the Greater Chapel Hill Association of Realtors. They have 500 members that help people buy and sell properties in Chatham County. Our Board of Directors have talked about this issue of connectivity at length and she would like for the Board to improve the cell phone coverage in Chatham County. She stated he understands a lot of people are going to be bringing a lot of information about the impact of cell towers on property values. She believes the ones who have the most information that can help are the people who sell and show properties in Chatham County. She stated she just got a text from someone who showed a property in this area where this tower will improve coverage and the person wouldn't even get out of the car because there was one bar of coverage. We know that it does affect property values and cell coverage and connectivity is a issue for people looking to buy homes. She encouraged the Board to listen to their local realtors and appraisers who are out

there selling property every day. She stated she also works with low income home buyers in Orange County. She stated that she knows she has a nice home and a lot of people present have a nice home but people with nice homes are not the only people impacted by cell coverage. Low income families are impacted by the need for cell phone coverage. 45% of low income children only have access to the internet through a smart phone. She asked the Board to think more broadly about connectivity and cell phone coverage for all areas of Chatham County.

*Scott Whitney 30150 Walser, Chapel Hill, gave the following comments:
"My name is Scott Whitney, and I live and work in the communities of Governors Village.*

I am a business man and my company relies technology and wireless connectivity. Like many who work in technology, I strive to make life better, easier and more convenient, making sure not to diminish quality of life of those who use technology.

I also understand that the builders of this tower have a responsibility to find and construct as tall a tower that they're allowed, to as close to a densely populated areas as possible, for the largest possible coverage footprint-- at the lowest possible cost. However, there is such a thing as too high and too close, and too little time exploring all location options. And despite what we've heard from the attorney, I'm not convinced that Att and its Tower development partners thoroughly explored all their possible location options. After all, there is PLENTY of open space around our communities that could have been considered. I'd like to request that other sites be explored further. I'd like the tower moved further away from our homes and children so that this technology can more fully improve connectivity AND quality of Life. Or at the very least, lower this tower so it is no longer visible from our neighborhood.

The attorney himself just said that there is not a significant difference in coverage between 199, 150 And 125 feet.

We ask that AT&T respect the wishes of its current and Future customers. Thank you."

Garry Stringer, 20008 Grier, stated he has only been in the community for about a year. He used to live in Texas where everything was just ugly compared to the beautiful place he now lives. He has come to appreciate all the HOA rules because it helps his property values. His property values is partly what he is worried about. He saw the balloon test the day they did it and does not think the picture his neighbor brought to the hearing is an over exaggeration of how obtrusive the tower is going to be. We chose the neighborhood because of the beauty and characteristics it had. He would not have chosen that area if that tower had been there. He feels the Board is their last hope. AT&T has tried to make it sound like it is a done deal and have reminded the Board that a previous Board has approved similar versions of this ordinance. However, they don't believe it is a done deal which is why the Board is having this hearing. He joins his neighbors in asking the Board to consider their wish to not have a tower to close and too obtrusive to their neighborhood.

Karen Howard, 12025 Wicker Drive, Chapel Hill. Stated she lives in the Governor's Lake neighborhood and believes her neighbors have eloquently said it all and does not have much to add. She wanted to reiterate that they are not a neighborhood of low income houses and they are in a relatively densely populated area. Many of them do work from home so they do appreciate great connectivity. They did choose

these homes and they are not transient, they are not temporary, they are not renters; they are here permanently. They feel the attorney diminished their opinions and maybe thinks of them as "those folks". They are the residents of Chatham County and she does not know where he lives but maybe he has been around towers so long that 150 foot towers are normal to them. From their point of view it is a monstrosity. They are asking that they look for another location and look at reducing the height because due to his own admission there is not that big of a difference. These homes are their biggest investments and she is concerned about their property values. She stated the Board would be stunned at how close the tower is to their homes. She hopes that the applicant will seriously consider other sites and that the Board will consider the number of people in the Northeast and that they are not all AT&T customers. Perhaps they aren't AT&T customers not because it is spotty service but because it is spotty customer service. She stated her husband works from home and always has a good connection and they have Verizon and T-Mobile. She is sure with a little more effort AT&T could find a better location for this tower.

*Jan Rivero 12029 Wicker, Chapel Hill, gave the following comments:
When my husband and I bought our home in Governor's Lake almost seven years ago, cell phone service was not strong so we went to the ATT store and for less than \$100 purchased a microcell to boost the signal. It is not a perfect solution but we prefer imperfection to the eyesore that would be this cell tower. The fact that we chose this option rather than to switch to a provider with a stronger signal speaks of our (now dwindling) loyalty to ATT.*

I do not object to the idea of having a cell tower located in the north Chatham County area. I DO object to a cell tower being located in the proposed location at any height. It will be an eyesore that commands the view from our front porch and there is no way I would purchase a house with that view anywhere. That is not opinion - that is EVIDENCE - that this tower will negatively impact property sales in this neighborhood.

I am confident that since this is, according to Mr. Styers, an all or nothing proposition, there MUST be an alternative out there somewhere. If the Verizon signal is strong perhaps ATT could locate on THEIR tower. Or, given that the current location was the ONLY one identified, ATT could find another property owner a bit further south. If not on the power easement, then a bit further south on Fearington Road, perhaps near the solar farm. It cannot be that much more costly to place it in an area where it will not be a violation of the neighborhood covenants that attracted buyers to the Governors Village area in the first place.

Several things are apparent in this discussion. The real estate agent referenced by the agent "representing the Chapel Hill Real Estate Agents" did not do her homework or she would have known how to reply to the doctor who could not get service. This is not about strengthening signals as much as it is about competing with Verizon and TMobile. The fact that Mr. Styers would turn my comment about a micro cell against me speaks to his unprofessional and condescending attitude. My point was that we make choices, we make decisions and we make peace with what we have. But I can tell you that will change. After the meeting several went home and changed their service to Verizon. We plan to do the same if the tower is approved.

In this so-called quasi-judicial hearing, the County attorney advised as though it was a true judicial hearing. Mr. Styers submitted much more than "evidence." He told personal stories of his own experience. His "evidence" was not backed up in a fashion that the residents have access to. He called one neighbor a liar. He used veiled threats to intimidate. But the residents were denied any form of rebuttal.

I am outraged by the conduct of Mr. Styers and the County Commissioners. Every signal was sent to us that this is a foregone conclusion making me wonder, what is in it for them or for Chatham County? From where we sit, what's in it is lost revenue when our property values are depreciated.

*Jeffrey Pugh 12029 Wicker Drive, Chapel Hill, gave the following comments:
"Thank you, commissioners, for the opportunity to say a few words about the proposed tower that AT&T Mobility and American Tower wish to place off Fearington Road, next to the Governor's Village area. My name is Jeffrey Pugh and I live at 12029 Wicker Drive, Chapel Hill, Chatham County, NC.*

When I first heard of the proposed tower placement I was only a little skeptical. I am usually not one who tries to stand in the way of progress, and I thought perhaps the tower would be situated in such a way as to have negligible effect on our neighborhood. But the day the balloon went up I was stunned. This tower will have an enormous impact not just on Governor's Lake, but on the entire Governor's Village area. I have heard testimony tonight that property values would not be impaired, however it is hard to imagine property values in our line of sight not taking a loss from such a dominant tower when it has its full array. I know I never would have bought the house I live in if the tower had been in place when we bought. That behemoth will be a monstrosity from my front porch.

I realize that the argument from the AT&T representative is that you have to put the tower where the people are, but there are certainly other places that tower can go. It may cost AT&T more to place it in a less obtrusive location, but given what they charge for service, they are better able to absorb that cost than the homeowners of this area. I realize this is not the place for emotional appeals, but It would be nice if once, just once, the little person was able to win one. Thank you for listening to me and I ask that you deny this siting and request AT&T to find alternative sites for their tower."

*Mary Ann Stringer 20008 Grier, Chapel Hill, gave the following comments:
"Thank you for the opportunity to speak with you. Just a year ago, when my husband and I chose a home in Governor's Village, we chose it for several reasons. One of the principal ones was the beauty of the area itself and of the homes. Mr. Styers' associate mentioned, in her statement about other cell tower placement, the charm and importance of the rural nature of the county. Even in this more populated section, we recognized and loved that immediately.*

We also realized that my husband could never park a boat in front of our home and that we couldn't put up any kind of deck or porch we just happened to like. But that was okay. We knew the rules would protect not just the beauty of the neighborhood but also the value of the homes. Now both are at risk. She stated she really wished the Commissioners could have seen the balloon test. It was quite extraordinary. She found it interesting that the balloon test was not held until the trees were in full bloom. What would it have looked like before the flowering of all those trees?

There is no doubt that we need better cellular coverage. She has AT&T and sometimes she gets really mad at it. But the placement of this tower is awful. Thank you"

Gray Styers, apologized if anyone felt intimidated by him in any way. He has tried to be sensitive to the concerns that have been raised. He did that when they told AT&T that the tower was too close to the road and they needed to move the tower back behind the tree line. He stated not only does the tower have to be moved back behind the tree line but the driveway also has to be moved so that the base of the tower and the facility cannot be seen from Farrington Road.

Mr. Styers stated they flew the balloon at 195 feet for about three hours from seven o'clock am until ten o'clock am and he felt it was too visible. So they dropped the balloon to 150 feet from ten o'clock to ten thirty and took some pictures and they argued that they needed to drop the tower height to be closer to the tree line. Mr. Styers stated that they did not mean to be intimidating at all and he hoped the Board will appreciate the work we tried to do with the citizens.

Mr. Styers stated the quote that was quoted by the gentleman during the public comment session was accurate. When he zoned the first ten or fifteen towers in this county every single one of them was 250 feet tall and every single one of them was lit. As population grows and as technology and demand increases, the tower height is coming down and we are going to have more and more of them closer to neighborhoods. He stated that he believes this will be by far the shortest tower ever constructed in Chatham County. He asked how long should they wait to not have coverage at a commercial center, at a Food Lion, or at a shopping center.

Mr. Styers stated to clarify the difference in 195 feet and 150 feet was that it is what AT&T can live with. The difference in 150 feet and 120 feet is not something they can live with. It may be marginal but it is not something they can live with.

Mr. Styers stated people spoke about property values. He stated the County Attorney would say that there is case law there is substantial competent material evidence standards for Quasi-judicial hearings require quantitative data by an expert witness on that issue. He stated the Board has only heard quantitative data by those in the industry, an appraiser and a realtor. Mr. Styers stated their reports are the only competent evidence on that issue.

Mr. Styers stated he would be happy to answer any questions from the commissioners. He also stated that he believed the photo submitted into evidence by one of the members of the neighborhood, Joan Hickey, was probably representative of a 195 foot tower but was not representative of what this tower would look like.

Chairman Petty asked if the picture was representative of the style of the tower.

Mr. Styers stated it was his testimony that her picture is not at 150 feet. Chairman Petty stated that the River's Edge Subdivision had a photograph of a tower that looked nothing like Ms. Hickey's. Ms. Hickey stated that she is a graphic designer and did her best to scale the photo to represent the tower at 150 feet based on the balloon test done in their neighborhood.

Mr. Styers stated her photo has six sets of antennas and this would not be representative of what AT&T's tower configuration would look like. He stated he could not speak to what other carriers' configurations would look like. This site is only made to accommodate four carriers. Those four sets of arrays would be ten feet apart and the arrays in her picture are only five or six feet apart, therefore this is not representative of what our site would look like at all.

Chairman Petty asked for clarification as to whether the tower will be available for other carriers to locate. Mr. Styers stated as required by the ordinance, three other

carriers will be able to co locate on the tower. Chairman Petty asked if any carriers have expressed any interest at co-locating on this tower. Mr. Styers stated they did not at this time but he would ask American Tower and look into it.

Mr. Styers stated that there are unfortunate instances where you will see three towers built right next to each other. He stated co location is a way to prevent too many towers being next to each other. He also stated that most of the towers he zoned in the county were in 1996 or 1997 and you can see how co-location has evolved over the last fifteen years. The lowest antenna has got to be above the tree line for it to be effective. The lower you build a tower the more you minimize the functionality of it.

Commissioner Stewart stated that most people who spoke tonight stated they have good reception. She wanted to know what tower is providing that good reception. Mr. Styers stated he could not speak to that as it is inconsistent with all the data we have. He stated there was testimony that members of the community had purchased micro cell amplifiers and there are several hundred micro cell amplifiers in and around the Governor's Village and Governor's Club area. Mr. Styers stated they keep track of that and they know where those are. They know from market data that those are being purchased by residents, which indicates poor in-building coverage.

Chairman Petty stated the amplifiers are run off their DSL lines. Mr. Styers stated that is correct.

Mr. Styers stated AT&T started looking for a site in this area in 2011. They evaluated the transmission lines in 2011. This is going to be a significant investment for AT&T and American Tower. Mr. Styers stated AT&T is currently evaluating their capital deployment and when they are going to sequence their sites. He stated he does not believe they will begin construction on this site this year. AT&T doesn't build sites just to be building sites. He can be doubted, he can be ridiculed, but typically companies will only invest where there is a demand and where there is a need.

Chairman Petty asked where the site was in relation to the photograph of the transmission lines. Mr. Styers showed the Board the location on the map.

Commissioner Stewart clarified that moving that moving the tower in either direction would impact other neighborhoods the same way. Mr. Styers stated she was correct but they had to find a willing land owner. Chairman Petty asked if there were other site locations as options that they chose not to use. Mr. Styers stated he was not aware of any other locations they had as candidates for this site. Sometimes real estate folks will come back with two or three candidates but if they move a half a mile either way they would lose coverage in the Governor's Village area.

Chairman Petty stated he was really trying to determine whether it was an all or none situation. Mr. Styers stated it was. He does not mean for that to be intimidating but it is the reality of where they are. They have been working with this site for three years. Mr. Styers said there was no site in his neighborhood when they were looking to provide coverage. A self storage facility near his neighborhood rezoned from residential to commercial and the developer aggregated several lots and put in a 195 foot tower. He cannot say that AT&T will not find another site down the road but for today, there is no other option for another site location to provide coverage in this area. Mr. Styers stated if there is going to be coverage in the foreseeable future with the budget constraints that AT&T has without starting from scratch, it is all or nothing.

Commissioner Elza stated this community is well planned by the developer and done in a specific style. It has a big lake that looks right at this site. He stated the applicant

took ten photographs and he sees the balloon in at least nine of those pictures. He asked Mr. Styers if he felt the appearance would be improved by this tower.

Mr. Styers stated he was very familiar with this site. He used to ride ATV's there before they put the first road in back in the eighties. He stated they have to meet the specific criteria in the ordinance. He stated the site at this location must not impair the integrity or character of the surrounding or adjoining property. It is the evidence presented here tonight and expert testimony presented by real estate brokers and appraisers that this site at this location will not impair the integrity or character of the surrounding or adjoining property. He stated ultimately it is the Board's decision as to whether the evidence presented meets that standard.

Commissioner Elza stated that it is the applicant's conclusion the community is not impaired in any way by the applicant's evidence. Mr. Styers stated that he was correct. He does believe it is supported by the evidence.

Chairman Petty asked where the height is measured from in the balloon test. Mr. Styers stated it is measured from the top of the balloon to where the balloon is tied off to the stake at ground level.

Chairman Petty stated from the photograph he was holding all one can see is the top of the balloon. He asked if it was the 150 foot mark. Mr. Styers stated it was. He said he could testify under oath it was because he was there. He stated is not visible from Wicker Drive, however, across the lake when there is nothing in front of you to obstruct your view (trees, houses, etc.) it is visible. At that point the tower is three tenths of a mile from you. He stated they deliberately took pictures where it was visible because they could have taken fifty pictures where it was not visible.

Chairman Petty stated it appeared some of the citizens present had some comments they wanted to make. He stated he was not clear on the process as to whether or not anyone could speak at this time.

Mr. Styers stated he would refer to the County Attorney, however, typically, the Burden of Proof is usually the last to speak.

Jep Rose, County Attorney, stated the Chairman can bring some of them back and allow them speak.

Chairman Petty stated he would entertain a short time for comments but asked everyone keep in mind that comments should be evidence based and they should not be based on emotions or opinions.

Jason Hickey stated Mr. Styers stated that he was at the balloon test and he testified under oath that he was in two places at one time. He stated the photographer was seven football fields away from where the balloon was tied down. He did not know how he could be with the photographer and where the balloon was tied down at the same time.

Mr. Styers stated there is a carbineer and the rope is marked at certain heights and the carbineer is clipped and locked. You lock the carbineer in at the different heights. He stated they flew the balloon at 195 feet and took a lot of pictures. They went back to the site and took the combination lock off of the carbineer and rolled the rope down to the 150 foot mark. They clipped the carbineer back in place and locked the combination lock on the carbineer again. They then went to take a second set of pictures.

A citizen raised the question as to whether or not the pictures could be taken in the winter. Mr. Styers stated that is for this Board to determine. He stated there was no deliberate attempt to do the test in May, June or July versus December or January. He stated most of the trees behind the houses on Wicker Drive are pine trees. On Mr. Porter's property there is a mixed forest with mostly deciduous trees.

Chairman Petty stated the item would be referred back to Planning. He informed the citizens they could submit their comments from the hearing to the Clerk so that they could be entered into the record.

Mr. Rose addressed questions from Dan Hirschman who wished to submit additional comments. He clarified that all comments must be submitted tonight at the hearing.

Jason Sullivan, Planning Director, stated they could submit the same comments they gave at the hearing after tonight, however, they could not submit any new information after tonight.

Mr. Hirschman wanted to know if the sources he cited for his comments would be considered evidence. Mr. Styers stated he would object because he would not have the chance to cross examine any reports that would be hearsay. He stated this has been noticed for more than seven weeks and the applicant would ask that the hearing be closed.

Chairman Petty stated the hearing is closed and the item would be referred to Planning.

Commissioner Elza made the motion to continue the public hearing.

Mr. Rose stated a date needs to be set as part of the motion.

Commissioner Elza stated the hearing should be continued to the next Board of Commissioners meeting on July 21, 2014.

Chairman Petty called the question.

There was no second.

Chairman Petty stated the motion dies. He asked if the Board had any additional questions. Hearing none, the Chairman closed the hearing.

This Agenda Item was referred to the Planning Board.

BOARD PRIORITIES

[14-0807](#)

Vote on a request by Nicolas Robinson, on behalf of NNP-Briar Chapel, LLC, to adjust the riparian buffer map for Briar Chapel as indicated in the waiver request, pursuant to Section 15 of the CCO.

Attachments: [Hyperlink](#)

This Agenda Item was tabled to a future meeting.

[14-0799](#)

Vote on a request by NNP-Briar Chapel, LLC to approve a First Plat review of a Conservation Subdivision for U. S. Steel Tract, Parcel #2177, consisting of 127 lots on 131.38 acres, located off Briar Chapel

Parkway/Cliffdale Road, Baldwin Township.

Attachments: [Hyperlink](#)

Lynn Richardson, Land Use Administrator, stated this was the first conservation subdivision request for the county and she wanted to give a quick overview of what a conservation subdivision is. It is an alternative subdivision plan that encourages the preservation of large contiguous blocks of land. When a developer chooses to develop property as a conservation subdivision, they are allowed a density bonus of 10% density.

Ms. Richardson stated the number of lots is determined by identifying the land that is required to be protected. Those would be all riparian buffers and floodplain areas. 40% of the total land area must be set aside in the conservation space. Within that 40% space, 80% has to be natural space and up to 20% can be open space. Natural space is unimproved land and allows for recreational space and spray irrigation.

Ms. Richardson stated there is an additional 5% density bonus in addition to the 10% if the subdivision is proposed for the purpose of sustaining onsite bonafied agriculture. Roads can be public DOT, private roads or private easements. the conservation space can be managed by either a Home Owners Association, a land trust or some other entity. There must be management plan for the conservation space submitted and approved by the county attorney.

Ms. Richardson reviewed the specifics of the request before the Board of approval of first plat review. A public hearing was held at the planning board meeting and the Board of Commissioners now has sixty-five days from today to review and make a decision.

Staff recommends the environmental quality department work with the developer on removing the trails away from the buffer areas and then submit a new trail and greenway map prior to the construction plan being submitted. The Fire Marshal reviewed and finds the cross section of the roadway adequate and recommends parking should be limited to only one side of the street so that there is emergency vehicle access at all times. Emergency Operations has reviewed all the road names and has approved their submittal as they are not duplications.

Developer said there would be two phases for project, 53 lots per phase. A public hearing at planning board meeting. Nick Robinson spoke on behalf of the applicant and he was only one to speak. There were no questions or complaints from any adjoining property owners.

Ms. Richardson stated the planning board by unanimous vote and along with planning staff recommend approving roadway names and recommend approval of first plat approval with three conditions: timber management plan shall exclude timbering in riparian buffers and floodplain areas and a copy of the timber management plan shall be provided to staff prior to final plat recordation, developer shall work with environmental quality staff prior to construction plan submittal for compliance with riparian buffer requirements of the watershed protection ordinance and obtain any authorizations necessary to develop the trail and greenway plan and a revised trail and greenway map is to be submitted along with the construction pan, and prior to plat recordation the county attorney shall review and approve the form of the management plan, the declaration of covenants and restrictions and deeds for the conservation space.

A motion was made by Commissioner Stewart, seconded by Commissioner Elza, that the Plat Review be approved with the three conditions: the timber

management plan shall exclude timbering in riparian buffers and floodplain areas and a copy of the timber management plan shall be provided to staff prior to final plat recordation, the developer shall work with environmental quality staff prior to construction plan submittal for compliance with riparian buffer requirements of the watershed protection ordinance and obtain any authorizations necessary to develop the trail and greenway plan and a revised trail and greenway map is to be submitted along with the construction plan, and prior to plat recordation the county attorney shall review and approve the form of the management plan, the declaration of covenants and restrictions and deeds for the conservation space. The motion carried by the following vote:

Aye: 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

14-0829

Vote on a request to approve the resolution agreeing the lease and agreeing to appropriate sufficient funds for the lease and a request to approve the transfer of fund balance from current expense to capital outlay in the amount of \$251,000

Attachments: [AppleLeaseResolution](#)
[AppleLease.RevisedCapitalOutlay](#)

Renee Paschal, Assistant County Manager, reviewed the specifics of the request.

A motion was made by Vice Chair Bock, seconded by Commissioner Stewart, that the Resolution #2014-21 Agreeing the Lease and Agreeing to Appropriate Sufficient Funds for the Lease, attached hereto and by reference made a part hereof, be adopted and approve the transfer of fund balance from current expense to capital outlay in the amount of \$251,000. The motion carried by the following vote:

Aye: 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

MANAGER' S REPORTS

The County Manager stated Senate Bill 744, which is the Senate proposed budget clashes with the House budget. In the House Budget the Medicaid Transportation Budget there is a proposal to bid out all the transportation services across the state. The prices do not compete with what we do locally. The Secretary of the Department of Health and Human Services recommends that be taken out of the budget. Chatham Transit Network estimates it would impact 22% or \$335,000 of the total budget. Our price per trip is \$1.55 and the bid price at the state level is \$1.85 to \$1.95.

COMMISSIONERS' REPORTS

There were no reports at this time.

ADJOURNMENT

The meeting was adjourned.

Aye: 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza