

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
MARCH 18, 2013

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Agricultural Building Auditorium, 45 South Street, Pittsboro, North Carolina, 6:00 PM on March 18, 2013.

Present: Vice Chairman Brian Bock; Commissioners Mike Cross, Sally Kost, and Pamela Stewart

Absent: Chairman Walter Petty

Commissioner Stewart entered the meeting at 6:05 PM.

Staff Present: Charlie Horne, County Manager; Jep Rose, County Attorney; Vicki McConnell, Finance Officer, Sandra B. Sublett, Clerk to the Board; and Lindsay Ray, Deputy Clerk to the Board

INVOCATION AND PLEDGE OF ALLEGIANCE

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

CALL TO ORDER

Vice Chairman Bock welcomed those in attendance and called the meeting to order at 6:01 PM.

APPROVAL OF AGENDA and CONSENT AGENDA

Commissioner Kost asked that Item #1, Vote to adopt **Resolution Proclaiming April 2013 as Child Abuse Prevention Month** be removed from the Consent Agenda and placed on the Regular Agenda for discussion.

Commissioner Kost moved, seconded by Commissioner Cross, to approve the Agenda and Consent Agenda with the noted request as follows:

1. ~~**Child Abuse Prevention Month: Vote to adopt Resolution Proclaiming April 2013 as Child Abuse Prevention Month**~~

This item was removed from the Consent Agenda and placed on the Regular Agenda for discussion.

2. **NC Breast and Cervical Cancer Agreement Addendum:** Vote to approve the NC Breast and Cervical Cancer Agreement Addendum, attached hereto and by reference made a part hereof.

The motion carried three (3) to zero (0).

3. **Bond Anticipation Note Issued by Town of Goldston:** Vote to adopt **Resolution #2013-13 Authorizing the Assistant County Manager & Finance Director to Purchase a Bond Anticipation Note Issued by the Town of Goldston, North Carolina**, attached hereto and by reference made a part hereof.

The motion carried three (3) to zero (0).

5. **Toshiba Business Solutions Contract:** Vote on approval of Toshiba Business Solutions Contract, attached hereto and by reference made a part hereof.

The motion carried three (3) to zero (0).

6. **Contract Extension for FY 13-14 Mowing Season:** Vote to approve contract extension for FY 2013-14 mowing season with Norton Lawn Care

The motion carried three (3) to zero (0).

7. **Tax Releases and Refunds:** Vote to approve tax releases and refunds, attached hereto and by reference made a part hereof.

The motion carried three (3) to zero (0).

8. **Arrest Grant for Family Violence Rape Crisis:** Vote to approve request to apply for Arrest Grant for Family Violence Rape Crisis (FRVC), application attached hereto and by reference made a part hereof.

The motion carried three (3) to zero (0).

9. **Durham Interconnect – Bid Tabulation and Award Recommendation:** Vote to award the bid for construction of the Durham Interconnect in the amount of \$3,349,457.00 to Moffat Pipe, Inc. and authorize the County Manager to sign the contract on behalf of the County. (The low bid of \$3,349,457.00 is \$208,287.00 over what was budgeted.)

The motion carried three (3) to zero (0).

10. **Solid Waste Advisory Committee Appointment:** Vote to appoint Pierre Lauffer to the Solid Waste Advisory Committee by Commissioner Cross. The three-year term will expire on June 30, 2015

The motion carried three (3) to zero (0).

11. **Resolution Requesting the Naming of Bridge in Honor of Deceased State Trooper Leonard Meeks, Jr.:** Vote to adopt **Resolution #2013-14 Naming of Bridge in Honor of Deceased State Trooper Leonard Meeks, Jr.** , attached hereto and by reference made a part hereof.

The motion carried three (3) to zero (0).

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

There was no one present who wished to make public comments.

BOARD PRIORITIES

Child Abuse Prevention Month: Vote to adopt **Resolution Proclaiming April 2013 as Child Abuse Prevention Month**

Commissioner Kost suggested one minor change in the resolution. After the third “WHEREAS”, the word “preventing” should be added prior to “child abuse and neglect

is a community responsibility affecting both the current and future quality of life of a community”.

Commissioner Kost moved, seconded by Commissioner Cross, to adopt **Resolution #2013-15 Proclaiming April 2013 as Child Abuse Prevention Month**, attached hereto and by reference made a part hereof. The motion carried three (3) to zero (0).

PUBLIC HEARING

Telecommunication Tower Search Rings:

Public hearing request for review and input of proposed half mile telecommunication tower search rings from Matthew Danielson with Chatham Towers, LLC and Styers, Kemerait and Mitchell, Attorney-at-Law for American Telephone & Telegraph (AT&T) Mobility for the 2013 tower build plan

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

The Vice Chairman opened the floor for public comments.

Tommy Glosson, 738 Mt. Olive Church Road, Pittsboro, NC, stated that he had come to the meeting to complain about his terrible cell phone service. He stated that his property is off Mt. Olive Church Road (State Road #1520) and there is no service. If they have a power outage, they have to drive up the road to the intersection of Chicken Bridge Road and Mt. Olive Road. There is also service at Crawford Dairy Road and Jones Ferry Road at Frosty's Store. The next service area is almost to Chapel Hill. He stated that in October, he had an accident where he fell on a conveyor belt while alone. He was badly hurt with no service on his cell phone to call for help. Later, his daughter's vehicle broke down coming home from Chapel Hill. When she didn't arrive on time, he started looking for her and found her on Jones Ferry Road just prior to the Chatham County Line.

He stated that he has a perfect location for a tower. He stated that he could stand at the top of the hill and can see the water tank at Briar Chapel which is located ten miles away. He stated that he has more high land on Highway #87.

He thanked the Board for allowing him to speak to the “most important people in Chatham County”.

Commissioner Stewart entered the meeting.

Karen Kemerait, attorney on behalf of AT&T, stated that it has been quite some time since AT&T has come to Chatham County looking to provide additional service. She stated that they have proposed eight new sites in Chatham County. The proposal at this point is that six of them will be new towers and two will be co-locations. She presented two maps, one showing AT&T's existing coverage in the County and the other showing the eight proposed sites. She stated that these eight sites are going to provide better coverage especially in the northern part of the County and also north of Highway #86. There will still be some significant gaps in coverage. The original plan was to put in a 250' tower and the other a 300' tower. The County allows only 199' foot towers. If AT&T proceeds with 199' towers, there will still be a large gap in coverage. There may be some conversations with the County about whether a higher tower would be permitted with a variance so that the gap coverage could be solved.

Commissioner Bock asked how much additional coverage would be provided in those areas if the towers went from 199' to 250-300'.

Jerry Jones, AT&T Radio Frequency Manager, explained that the taller towers would probably significantly improve service.

Commissioner Stewart asked where those areas were located.

Mr. Jones explained that one of the areas was Highway #87. He stated that a 199' tower was very limiting.

Commissioner Bock asked if 199' was a County rule.

Mr. Sullivan explained that there were varying heights and different standards that apply in different areas in the Telecommunications Ordinance. He asked which towers those were.

Ms. Kemerait stated they were #368512 and #368597.

Commissioner Bock stated that he would like to discuss the possibility of taller towers if there could be better coverage without waiting several more years.

Ms. Kemerait stated that she feels the taller towers are really helpful in areas where there is very little coverage or no coverage as a great amount of coverage can be provided with a taller tower. Smaller towers are needed when filling in gaps or capacity issues. The taller towers are needed in rural areas where there is no coverage. Towers at 199' were used in the northeast where they were needed to fill in gaps.

Commissioner Kost asked if AT&T would rent space on their towers.

Ms. Kemerait explained that they all have co-location agreements with the other carriers. The plan is now that American Tower Corporation would likely build the tower and that AT&T is the carrier that has stated it needs coverage in this area. American Tower would also lease space to Verizon or any other carrier needing coverage in that area. She stated that as of today, AT&T has informed her that they are not just interested in eight towers, but that they have other areas of the County that have no coverage and that they would like to come in 2013 and provide better coverage in other areas of the County that need coverage. She stated that she would hope that the County would not preclude AT&T or another carrier from coming forward with some additional sites it receives funding for if it can improve coverage. She stated that when she heard about this, there are so many gaps in coverage that she thinks the County would welcome some additional sites and perhaps they could come forward at a later date for another public hearing with those search rings if permitted.

Commissioner Bock asked if there was anything that would prevent them from doing so.

Mr. Sullivan explained that particularly with this search ring application cycle, they had talked with Matthew Danielson with regard to looking at the possibility of a County-wide coverage map in the future. He stated that they would need to make some revisions to it for compliance with State and federal regulations. They may be returning to the Board later this year to amend the ordinance to bring it into compliance. The issue has also been discussed with regard to looking at a broader coverage map to try to cover those concerns.

Commissioner Bock asked if our current ordinances prevent them from coming in later this year to do that.

Mr. Sullivan stated that they would look at the language in the ordinance. Typically, the annual search ring cycle is held and this it is theoretically closed for the year. He stated the ordinance was written in a time far different than it is now.

Commissioner Kost stated that the intent was to erect one tower and have multiple carriers on it.

Mr. Sullivan stated that it was also in a time when there was more competition between companies to build their own towers and exclude other providers from actually

using that tower. Companies now understand the benefits of co-locating because of just the cost of it. He stated that it was done to avoid having the duplication of towers that are close together and having the competition and multiple unnecessary towers.

Commissioner Bock stated that he would like to see about getting the ordinance changed due to the lack of coverage in the County and talk about taller towers.

Mr. Sullivan stated that the Board might want to discuss pre-designated areas for cell towers. He stated that there are certain areas of Orange County where it is already defined and coverage is needed in particular areas. They proceed and define some of the search rings.

Commissioner Kost stated that it was not the process that was stopping the Board from getting towers in the west. It is the lack of density.

Commissioner Bock stated that Ms. Kemerait would like to come in later this year, but our process would stop that. He stated that our process is stopping anything that is higher than 199' which limits coverage as well.

Mr. Sullivan stated that there are certain areas in which we can go up to 300'. There are standards in the ordinance that govern that. One of the critical things is that you have to start putting the blinking lights on the top. He stated that they would take a look at those specific locations that Ms. Kemerait mentioned and see how they fit in with the search areas and the ordinance.

Commissioner Stewart asked if the taller the tower, the fewer in concentration there is in an area. She asked if there are taller towers, can they be spaced further apart.

Ms. Kemerait stated that was correct. There have to be more, shorter towers. If they came back with additional plans, it would be for the areas where there is no coverage. If the Board wants to ensure that a tower comes, she stated that the ordinance could state that there are co-location opportunities. She stated that the carriers are pretty much co-locating because they don't have to go through the conditional use permit process if they are not building a tower and are just co-locating. It is also a lot less expensive for the carriers.

Commissioner Cross asked how tall a tower could be built without a strobe light.

Ms. Kemerait stated 199'. If it is above 200', then it has to be lit due to FAA rules.

Matthew Danielson thanked the Board for approving the tower behind Del Webb. He stated that they had submitted some search rings as well. Once they get the approval, they can go forward to find suitable locations. He stated that he would be more than happy to work with Mr. Sullivan. He has been involved in the industry since 1996-1997. About 90% of all jurisdictions had moratoriums on cell towers. This was the right thing to do at the time. People now understand about the need for infrastructure. He stated that the ordinance does need to be refreshed.

Commissioner Bock asked when the approved Del Webb tower would be built. Mr. Danielson stated late spring, early summer.

The Vice Chairman closed the floor for public comments and referred this item to the Planning Board.

BOARD PRIORITIES

New Hope Church Road Trailhead Project (American Tobacco Trail)

Tracy Burnett, explained that the Town of Cary is initiating the site design of a trailhead parking lot located off New Hope Church Road, adjacent to the American

Tobacco Trail in northwest Cary. The 12-acre site is located on the northeast corner of New Hope Church Road and the American Tobacco Trail. The construction of the trailhead will serve as an important parking facility for the trail. This site was recommended for development as a park according to the 2003 Parks, Recreation and Cultural Resources Facilities Master Plan. The trailhead is proposed to include the following elements:

Paul Kuhn, Cary Parks Planning Manager, stated that the New Hope Trailhead is located on twelve acres of land off New Hope Church Road across the street from the temporary gravel lot that was built approximately one-year ago. Since 2009, they have applied for a CMAQ grant and signed the agreement this past year in order to move forward with it. They will be working with NCDOT for approvals. A consultant team has been hired to start. The total grant is approximate \$1.3 million. It is a 70-30 match so the Town of Cary will be responsible for 30% of the total price. The program is based on the Congestion Mitigation Air Quality grant requirements which they received. He stated that it has:

- ❖ 100 space parking lot
- ❖ Parking for horse trailers
- ❖ Restrooms, picnic shelter, and drinking fountain
- ❖ Walking trail
- ❖ Extension of a street-side trail along New Hope Church Road extending to the east
- ❖ Public Art
- ❖ Children's Play Area
- ❖ Site amenities, landscaping utilities and road improvements
- ❖ Signage, bike racks, benches, etc.

He stated along with the trail there will be some minor road improvements on New Hope Church Road. There will be utilities, water, sewer extension, and stormwater. They are also planning for a future play area which is not part of the grant funding to be included with an open lawn area. They have hired a local consulting firm out of Durham. The parking lot is located on the ridge line in order to work around the natural features of the site to protect as much of the existing woods and stream buffers as possible. The restroom is placed closer to the American Tobacco Trail for easy access.

He stated that they need to complete the plans by November 2013. Construction would begin in 2014. The grant requires the work to be complete by June 2015.

Commissioner Kost asked if there will be an after-hours gate or if it will be open all the time.

Mr. Kuhn stated that it will be open all the time; however, it will be lighted and patrolled by police.

Commissioner Kost asked if the trail was going along New Hope Church Road.

Mr. Kuhn stated that it was called a street-side trail, ten feet wide, concrete or asphalt, and it basically replaces a sidewalk. It will be wide enough for bikes and pedestrian use.

Commissioner Kost asked if it would tie into the Yates Store Road trail.

Mr. Kuhn replied yes, that it was part of the overall greenway system to connect to the American Tobacco Trail.

Commissioner Kost stated that there was a lot of vegetation in the site triangle and along the intersection. She stated that you can't see someone until they are past the gate stop. She asked if something could be done to clear that area so that motorists can see people. She stated that it was an accident waiting to happen.

Mr. Kuhn stated they would take a look at it as part of the project.

Commissioner Kost stated that as part of Legend Oaks, land was included on the opposite side of New Hope Church Road as part of a park. She asked the status and if anything will be developed.

Mr. Kuhn stated that they had donated the forty-five acres on the south side of the Town of Cary. It is now in their master plan so they do not have a time frame or funding for development of it.

MANAGER' S REPORTS

The County Manager had no reports.

COMMISSIONERS' REPORTS

Senate Bill 127:

Commissioner Kost stated that she had spoken with Frank Thomas with the Homebuilders and he alerted her to Senate Bill 127. The Bill was introduced in the General Assembly to establish uniform geographical administrative divisions for the State to develop recommendations on (1) conforming the existing regional divisions of the Department of Transportation, the Department of Environment and Natural Resources, and the Seven Regional commissions and partnerships of these uniform divisions and (2) a schedule for conforming regional divisions of other State agencies that have regional offices. She stated that she didn't feel anyone was in opposition to regions; however, Region IV includes Anson, Cabarrus, Chatham, Hoke, Lee, Mecklenburg, Montgomery, Moore, Randolph, Richmond, Scotland, Stanly, and Union Counties. She stated that Chatham markets its area as part of the Triangle. She asked that a letter be sent to Representatives Ellie Kinnaird, Deb McManus and Senators Brown and Price and tell them that the regions are wrong.

Commissioner Cross stated that there is a new director who is trying to line all regional districts to coincide with the Department of Transportation. The Research Triangle Partnership is on this as it will also split the economic development partnership with them. We would be in the Mecklenburg County economic development group.

By consensus, the Board asked Staff to draft a letter asking for a realignment of the regions.

The County Manager stated that this had been discussed with the Association. Most of the groups that have been realigned have already expressed objections.

NACo/Municipal Bonds:

Commissioner Kost stated that the National Association of Counties, US Conference of Mayors and National League of Cities coordinated a national campaign to protect the tax-exempt status of municipal bonds. Our coalition and a total of fifty-nine national organizations sent a letter to the Senate urging that dangerous language in the budget resolution be clarified to protect municipal bonds from either a 28% cap or total elimination.

She stated that our Senators need to speak out in support of tax-exempt municipal bonds during the Senate floor debate on the FY-2014 Budget Resolution which has begun.

The Finance Officer stated that she just returned from a conference where this was a major topic. She stated that it will be devastating if this is done and that they are writing letters as an association to try to stop it. She stated that they were also trying to take away their credits with the Quality School Construction Bonds (QSCB) monies.

Commissioner Kost asked that both of our Congressmen, Price and Elmers, and Senators Burr and Hagen be contacted to let them know that this will drive up our costs.

By consensus, the Board agreed.

15-501 Corridor Study:

Commissioner Kost stated that there is to be a 15-501 Corridor Study done and a public meeting held soon. She asked if it was going to be on the April agenda.

The County Manager stated that it was.

Hydraulic Fracking:

Commissioner Kost stated that she was asked why Chatham County does not have representation on the stakeholders group for the Mining Energy Commission and the issue with hydraulic fracturing. She stated that she doesn't know if they were asked to have someone.

Commissioner Bock stated that they have Jerry Cole. Apparently they have decided to let the NC County Commissioners Association choose those stakeholders.

Commissioner Kost asked that if it wasn't a formal appointment by the Board, she would be free to contact them as an individual Commissioner and ask to be put on their board.

The County Manager explained that Chatham County was not part of the original formulation of the subcommittee that is doing the study. He stated that he was not sure that it was the Association that put it together as it may have been done in the General Assembly.

County Assembly Day:

Commissioner Cross reminded everyone that the NCACC will host its annual County Assembly Day on Wednesday, May 22, 2013 at the Quorum Center in Raleigh. County Assembly Day is an opportunity for North Carolina county officials to meet with and hear from state legislative leaders and meet with their state legislative representatives.

Speaker of the House Thom Tillis and Senator Phil Berger, President Pro Tem of the Senate, have been invited to speak. Association staff will provide an update on key county legislative issues

The event will begin at 9 AM. After lunch, attendees will visit the N.C. General Assembly. County officials are encouraged to arrange for meetings with their legislative members during the afternoon. The NCACC's annual reception to honor members of the General Assembly will begin that evening at 5:30 PM. He encouraged the other Board members to attend.

The pre-registration fee is \$95 and includes lunch and the evening reception. Pre-registration ends Wednesday, May 15, 2013. After that date, you must register on-site and pay the on-site registration fee of \$125.

He stated that the Board has a budget work session scheduled for that day and asked if the Board would be interested in changing that date.

By consensus, the Board changed their budget work session to May 23, 2013.

Sale of Land in Central Carolina Business Campus:

Commissioner Bock stated that Chairman Petty, Dianne Reid, Economic Development Corporation President, and he met with Tim Sweeny, the potential buyer of 188 acres of land at Central Carolina Business Campus, and that he has agreed to permit a lease at a nominal annual rate of \$1 per year for a trail along the river. He stated that Mr. Sweeny volunteered to assist with trail construction as well. The next steps must include figuring out who will enter into the lease agreement and manage the trail.

He also said that the Economic Development Corporation could continue to market the buildable portions of his property so long as the proposed use would not negatively impact the river buffer.

He stated that he hope that everyone will agree that this resolution is a win for Mr. Sweeny who fulfills his conservation objective, the County which gets money for services and recoups some of its investment in the business campus, the Town of Siler City, NC STEP which can continue the trail project, and for economic development as we continue to try to identify job creating projects for the park.

CLOSED SESSION

Commissioner Cross moved, seconded by Commissioner Stewart, to go out of the Regular Session and convene in Closed Session for the purpose of consulting with the County Attorney on matters within the attorney/client privilege under GS 143-318 11(a)(3) and to consent for the disclosure of information that is not a public record. The motion carried four (4) to zero (0).

REGULAR SESSION

Commissioner Cross moved, seconded by Commissioner Stewart, to adjourn the Closed Session and reconvene in the Regular Session. The motion carried four (4) to zero (0).

BOARD PRIORITIES

Commissioner Cross moved, seconded by Commissioner Stewart, to set a public hearing for the May 6, 2013 Board of Commissioners' meeting to reduce the side and rear setbacks to the minimum required for the non-residential districts in the Haw River Township for RV Parks in the zoning ordinance. The motion carried four (4) to zero (0).

ADJOURNMENT

Commissioner Kost moved, seconded by Commissioner Cross, to adjourn the meeting. The motion carried four (4) to zero (0), and the meeting adjourned at 7:19 PM.

Walter Petty, Chairman

ATTEST:

Sandra B. Sublett, CMC, NCCCC, Clerk to the Board
Chatham County Board of Commissioners