

**MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
SEPTEMBER 16, 2013**

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Historic Courthouse Courtroom, 9 Hillsboro Street, Pittsboro, North Carolina, 6:00 PM on September 16, 2013.

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

Absent: Chairman Walter Petty

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

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 6:00 PM.

APPROVAL OF AGENDA and CONSENT AGENDA

Vice Chairman Bock asked that the August 19, 2013 Work Session and August 19, 2013 Regular Minutes be removed from the Consent Agenda and returned to the Board of Commissioners for approval on October 21, 2013.

Commissioner Cross moved, seconded by Commissioner Kost, to approve the Agenda and Consent Agenda with the noted request. The motion carried by the following vote:

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

13-0517 ~~Request to approve the August 19, 2013 Work Session Board Minutes and the August 19, 2013 Regular Session Board Minutes~~

This item was removed from the Consent Agenda and tabled until the October 21, 2013 Regular Board of Commissioners’ Meeting.

13-0503 Tax Releases and Refunds, were approved and are attached hereto and by reference made a part hereof.

The motion carried by the following vote:

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

13-0385 Request by the Chatham County Board of Commissioners to Amend Section 15.10 of the Zoning Ordinance Regulating

Off-Premise Temporary Signs for Bona Fide Farm Seasonal Harvesting Activities and Auction Events

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

13-0476 Consideration of a Request to Accept \$480.00 Donation Funds for Animal Control

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

13-0477 Community Development Block Grant (CDBG) Scattered Site Housing (2010) and Community Development Block Grant (CDBG) Economic Recovery (2010) Monthly Reports, attached hereto and by reference made a part hereof

The motion carried by the following vote:

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

13-0478 Request by Lee Bowman, Project Manager on behalf of NNP Briar Chapel, LLC for Preliminary Plat Approval of Briar Chapel, Phase 8 Consisting of 110 lots on 24.7 Acres Located Off SR #1528, Andrews Store Road and SR #1526, Parker Herndon Road, Baldwin Township, Parcel #87090 and #89623

As per the Planning Department and Planning Board recommendation (by unanimous vote - 9 members present), the Board of Commissioners granted approval of the road name 'Monarch Trail' and approved the preliminary plat as submitted.

The motion carried by the following vote:

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

13-0479 Request by Michael Poe, Complete Development, on Behalf of Cattail Creek Subdivision for a 24-Month Extension of Preliminary Plat Approval to Extend the Expiration Date From November 15, 2013 to November 15, 2015 for the Remaining 21 Lots

As per the Planning Board recommendation, (by a vote of 8-1 with 9 members present), the Board of Commissioners approved the request for a 24-month extension of preliminary plat to extend the preliminary plat expiration date from November 15, 2013 to November 15, 2015 and approved the staff request to require the developer to provide staff with copies of any new or renewed permits.

The motion carried by the following vote:

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

13-0495 Appointment of Mr. Brian Sykes to the NC Firefighter's Relief Fund Board of Trustees for Moncure Volunteer Fire Department

The motion carried by the following vote:

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

- 13-0496 North Chatham Volunteer Fire Department Amended Five and Six Mile Insurance-Rated Fire District Maps and Written Descriptions**, attached hereto and by reference made a part hereof.

The motion carried by the following vote:

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

- 13-0497 Request to Approve Budget Amendment to Increase Parks and Recreation Department Budget**, attached hereto and by reference made a part hereof.

The motion carried by the following vote:

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

- 13-0498 Fiscal Year 2013-2014 Budget Amendments**, attached hereto and by reference made a part hereof.

The motion carried by the following vote:

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

- 13-0504 Request by Kirk T. Metty, Lewis Metty Development, Inc. on behalf Cedar Mountain Subdivision for a 24 month extension of preliminary plat approval to extend the expiration date from January 16, 2014 to January 16, 2016 for the remaining 41 lots**

The Planning Department did not make a recommendation on the request as this is a policy decision to be made by the Board of County Commissioners. If the request for an extension is approved, the Planning Department requests that the developer provide staff with copies of any new or renewed permits.

As per the Planning Board recommendation, by a vote of 8-0-1(abstention) with 9 members present, the Board of Commissioners approved the request for a 24-month extension of preliminary plat approval extending the preliminary expiration deadline from January 16, 2014 to January 16, 2016 and approved the staff request to require the developer to provide staff with copies of any new or renewed permits.

The motion carried by the following vote:

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

- 13-0505 Request by Gunn and Messick, LLP on Behalf of the North Chatham Fire Department to Close a Portion of Morris Road, Formerly Known as SR #1527**, attached hereto and by reference made a part hereof

As per the Planning Board recommendation, the Board of Commissioners adopted **Resolution #2013-_____ of Intent to**

Permanently Close a Portion of Morris Road and set a Public Hearing for October 21, 2013. The resolution is attached hereto and by reference made a part hereof.

The motion carried by the following vote:

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

13-0488 Progress Energy Easement to Furnish Electrical Service to the New Jail, attached hereto and by reference made a part hereof

The motion carried by the following vote:

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

13-0508 Approve Resolution of Exemption Allowing Hobbs Architects to Perform the Architectural Services for the Solid Waste & Recycling Division Office and Give the County Manager Authorization to Sign the Contract

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

13-0519 Request by Lee Bowman, Project Manager, on Behalf of NNP Briar Chapel, LLC, for Preliminary Plat Approval of "Great Ridge Parkway Culvert", on .5 acres, Located off SR #1528, Andrews Store Road, Baldwin Township, AKPAR #89623

The Planning Department and the Planning Board (by unanimous vote – 7 members present) recommended granting approval. The Board of Commissioners approved the request for preliminary plat review and approval of "Great Ridge Parkway Culvert" with the following condition:

No construction shall commence until the Chatham County Utility Department has received and approved a revised construction plan showing the utilities for the culvert crossing.

The motion carried by the following vote:

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

13-0502 Request to Approve Amendment to the Youth Sport Primary Provider Policy and Request to Approve West Chatham Athletics as Youth Sport Primary Provider for Football in the Chatham Central District

The motion carried by the following vote:

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

PUBLIC INPUT SESSION

Walter Harris, Chatham County ABC Board Chairman, stated that the ABC Board was finishing up their audit and that action was needed from the Board of Commissioners with regard to the amount of money involving their working capital. Mr. Harris quoted North Carolina General Statute 18B-805 Distribution of Revenue (d) Working Capital.

“After making the distributions provided for in subsections (b) and (c), the local board may set aside a portion of the remaining gross receipts, within the limits set by the rules of the Commission, as cash to operate the ABC system. With the approval of the appointing authority for the board, the local board may also set aside a portion of the remaining gross receipts as a fund for specific capital improvements.”

Mr. Harris stated that the ABC Board is looking to perform capital improvements at one of their locations and they requested they be allowed to maintain the money they have above their working capital to be used for that function. Mr. Harris said they must have it approved by the Board of Commissioners, then notify the ABC Commission, and also record it in their minutes. Commissioner Kost asked Mr. Harris if the ABC Board would still be able to make the appropriations to the County that had already been budgeted. Mr. Harris confirmed the ABC Board would be able to make the budgeted appropriations to the County. Commissioner Cross stated that the ABC Store in Moncure is in a dangerous location and the ABC Board is trying to find a building or property in a better, safer location.

Commissioner Cross moved, seconded by Commissioner Stewart to approve the request by the Chatham County ABC Board to retain the money maintained above their working capital for the purpose of capital improvements for the ABC Store in the Moncure location. The motion carried by the following vote:

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

SPECIAL PRESENTATION

13-0494 Proclamation of October as National Disability Employment Awareness Month in Chatham County

Commissioner Kost moved, seconded by Commissioner Cross to adopt the **Proclamation #2013- _____ Proclaiming October as National Disability Employment Awareness Month in Chatham County**, attached hereto and by reference made a part hereof. The motion carried by the following vote:

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

PUBLIC HEARINGS

13-0506 A request by American Tower Corporation and AT&T Mobility to Rezone a Portion of Parcel #85601, Known as the Meacham Site, From R-2, Residential, to CD-IL, Light Industrial, to Construct a New Cell Tower, Located Off Poythress Road. The Lease Area will be Approximately 0.29 Acres of the 81 Acre Tract, within the Baldwin Township

Hillary Pace, Planner II, explained the specifics of the request.

Gary Styers spoke on behalf of the applicant. Mr. Styers guided the Commissioners to look behind tab #6 in their copy of the Applicant Package to look at the engineering design illustrations of the service. Mr. Styers explained the illustrations and the cell service coverage throughout the County. He stated more and more people want to use their phones for long distance inside their homes in the evenings. The map has been largely unchanged

over the past ten years for AT&T. The applicant wants to construct a tower at the 199 feet suggested height, in the area approved at the annual search ring public hearing by the Board of Commissioners. The applicant has to find a property owner willing to let them construct the tower. Jim and Jane Womble own 81 acres in the search ring approved by the Commissioners. A letter was sent on July 17, 2013 and a meeting held on August 1, 2013. They offered to fly a red blimp at 199 feet height, so they could see whether it was visible.

Mr. Styers stated that they were not required to do this by the ordinance. He provided a Balloon Photo Presentation report for the Commissioners and stated that the area is heavily wooded and a good location.

Commissioner Bock asked if the other ten points mapped out could not be seen. Mr. Styers stated that sites labeled "NV" or not visible could not be seen; however, sites 1, 2, 7, 8 and 9 from which they were visible. He said they also provided additional information requested by John Bachman behind tab #9.

Mr. Styers stated another question they were asked to answer was how it applies to property values. He said Mr. David Smith was available to respond to those questions. Mr. Styers also asked the Commissioners if he could respond to comments at the conclusion of the hearing. He then asked Mr. Smith to come forward after which he distributed Mr. Smith's report to the Commissioners.

Commissioner Kost asked Mr. Styers if he could remind the Commissioners what is required as far as lights are concerned on top of the tower. Mr. Styers stated the tower does not have to be lit at the 199 feet height.

Mr. David Smith, commercial real estate appraiser, addressed the questions about property values. He stated he reviewed the site and the plans for the site. He said there is not going to be a light on the pole and it will only be visible to the properties in the area. He said he did a study based on two subdivisions where two towers were clearly visible and another similar subdivision where the tower was not visible. He stated by comparing those subdivisions he did not find there was any adverse affect on property values. Mr. Smith said cell towers have become a lot like other utilities. When people drive down the road and see power lines they don't even notice them anymore. After a while they don't notice cell towers anymore either. Cell towers actually benefit property values in some cases because of the cell service provided to the community. People consider cell service when purchasing their homes.

Commissioner Stewart asked for those views where the tower is visible, how many feet of the tower are visible? Mr. Styers stated the tree line in that area includes mature pines. Mature trees in NC average about 85 ft. Mr. Styers stated that Mr. Womble could tell the Commissioners more about his property and trees. Mr. Styers said he would estimate the top 100 feet of the tower would be seen.

John Bachman, 120 Glen Ridge Drive, Chapel Hill, NC, stated he lives close to where the rezoning will take place. He doesn't quite believe an appraisal that says property values are not affected by a cell tower near your property. He feels the health effects in a short distance from a tower are concerning. People who are going to buy a property next to a cell tower may consider the health effects and may pick another property. There is a risk, the EPA has found it is a factor, and it could affect property values.

Mark Cole, 25 Walkabout Way, Chapel Hill, NC, stated that he lives three quarters of a mile from the site. He stated he needs cell service, and he thinks it would help the community and does not think it would be an eyesore.

Steve England, 215 Walkabout Way, Chapel Hill, NC, also lives in the neighborhood. He stated he believes it would be a good thing for the neighborhood. He needs service and would especially like it in an emergency.

Ray Womble, 84 Chestnut Way, Chapel Hill, NC, stated he owns the property

adjacent to the proposed cell tower. He stated he is not opposed to it. He said it is bad when you have to move five feet to the left or five feet or to the right to keep service. It is also bad when you can't get service in your own home. He said he likes the aesthetics of where the tower is.

Jimmy Womble, 189 Chestnut Way, Chapel Hill, NC, stated he owns the land where the tower is proposed. He said at the end of February or March, he received a phone call that American Tower and AT&T wanted to put a tower on his road. They had looked at his place and they were interested. He stated he didn't know anything about cell towers. He didn't want to do anything detrimental to his property or to his neighbors' property. He stated that he had plenty of time that time of year as a farmer, and he researched cell towers a lot. He talked to other cell tower property owners and adjacent land owners, realtors and doctors. He said the doctor said he thought routers on a computer gave off more rays than a cell tower. He stated after his research, they decided they would entertain the idea of the cell tower on their property. They reviewed a lease that was approximately thirty pages long with their attorney and wrote it up exactly like they wanted it. American Tower agreed to Mr. Womble's lease and they signed the agreement. He stated he would like to have it for EMS and emergency services.

Burke Rigsbee, 133 Henry Ct, Chapel Hill, NC, stated they have minimal cell service. He stated he would like to have it in his neighborhood for emergencies.

Doug Horne, 434 Poythress Road, Chapel Hill, NC, stated that a lot of his customers have cell phones. Some have service and some don't. He thinks it would be great for people traveling through Chapel Hill to Pittsboro.

John Hausmann, 135 Glen Ridge Drive, Chapel Hill, NC, applauded Jimmy Womble and the applicant for trying to get cell service. He did, however, see two problems. One problem was the aesthetics and the snaking. Another problem was the height. He said they are saying 199 ft. He wanted to know why 199 ft. was best for the community instead of the applicant.

Chris Vickers, 678 Poythress Road, stated he lives adjacent to the Womble's. He was thrilled to hear a tower is going in their neighborhood. He stated their service is spotty. He said he also saw the balloon and could only see it from the Meacham property which is wide open. He could probably see it from his house in the fall, but it doesn't bother him.

Larry Ballas, 139 Indian Creek Lane, Apex, stated he doesn't live near the tower, but he is in favor of the tower and going higher than 199 ft. He said the community gets the service out of it, but asked what the vendor get out of it. They get money. His main concern is safety. He said he has AT&T wireless service. He has a land line, so if electricity goes out, he still has a way to get through to the emergency system. There are plenty of reasons not to have a cell tower. He said you see the light, but you get used to it too. He asked that all of Chatham towers consider the maximum people are covered with each tower.

Mr. Styers stated that 199 ft is what is mandated by the ordinance. At this point the applicant is trying to comply with the ordinance. He said they are also trying to maximize the number of carriers that can co-locate on a single facility to minimize the total number of separate towers around the County. The taller the tower, they can provide a larger area which would ultimately result in the fewer number of towers that would be needed and the ability of multiple carriers to use each location.

Commissioner Stewart asked for the maximum height for the towers that look like trees. Mr. Styers stated the maximum height for those types of towers are 130 feet or less or up to maybe 160 feet.

This Agenda Item was referred to the Planning Board and is to return to the Board of Commissioners due at their November 18, 2013 Board of Commissioners' meeting.

13-0507 Public Hearing Request by Strata Solar to Locate a 5MW Solar Farm on Parcel #5767, on Approximately 28.32 Acres Out of the 87.1 Acre Tract, Located at 3905 Corinth Road, Cape Fear Township

Vice Chairman Bock administered the oath to those in attendance who wished to make public comments.

Angela Birchett, Zoning Administrator, explained the specifics of the request.

Ms. Birchett pointed out that the map on the screen was a revised map that the Planning Department had received. The Clerk distributed copies of the maps to the Commissioners. There were a few concerns raised by a citizen about the health concerns with a solar farm of this size. She stated that they talked with Anne Lowry, Environmental Health, and according to Ms. Lowry there are no documented health problems concerning solar farms. There was a question about monitoring of the site. Ms. Birchett said she would let the applicant address this because the Planning Department is not aware of any monitoring other than what Strata Solar does themselves. The farm will be going in an open field. No trees will be removed. The staff has no issues with the application at this time.

Commissioner Kost asked staff why the item was coming to the Board as a Conditional Use Permit as opposed to Conditional Zoning. Ms. Birchett stated that the ordinance was amended that way. Jason Sullivan, Planning Director, stated that when the department switched over to conditional zoning, the effort was to try and reduce the number of quasi-judicial hearings but there are still conditional use permits for certain uses. When the text amendment was approved earlier this year for the cell towers, this is one that was discussed with the Planning Board and the Commissioners instead of having to rezone the underlying residential district, would have had to rezone to industrial. So it is to reduce the potential future impact by not changing the underlying zoning.

Commissioner Kost asked if they could continue the discussion outside of the meeting.

Commissioner Cross thanked Mr. Sullivan for answering the questions. He asked staff about the oversight and asked if the NC Utilities Commission is responsible for the oversight of Solar Farms. Ms. Birchett said that was her understanding.

Henry Campen, Strata Solar Attorney, stated the application has been submitted.

Mr. Campen stated there would be three witnesses on behalf of the applicant; Nick Szydledek, Brent Neimann, P.E. and Richard Kirkland, MAI

Mr. Campen stated there would be six exhibits entered into evidence for the applicant:

1. Order Issuing Certificate of Public Convenience and Necessity, North Carolina Utilities Commission. May 23, 2012.
2. Aerial Photograph of Site
3. Kirkland Appraisals Report
4. Affidavit of Nick Szydledek
5. Affidavit of Brent Niemann, P.E.
6. Affidavit of Richard Kirkland, MAI

Nick Szydledek, witness for Strata Solar, stated he had toured the site and thinks it is a great site. By the end of the year, Strata will have 45 sites in North Carolina. Strata Solar proposes to construct a solar farm on approximately 28 acres owned by Ruth Dean Jones and Kay Dean Bray. The property is located off Corinth Road in Moncure. The solar farm will be interconnected to Duke Energy Progress for delivery of the power generated to the electric grid. It is the public policy of the State of North Carolina to promote renewable energy as

stated in North Carolina General Statute 62-2. Senate Bill 3, which became law in 2007, and requires electric utilities to purchase an increasing amount of renewable energy. The proposed solar farm is being developed under this policy.

On May 23, 2013, the North Carolina Utilities Commission granted an Order issuing a Certificate of Public Convenience and Necessity to Moncure Farm, LLC for the solar farm that is the subject of this hearing. Moncure Farm LLC is a wholly owned subsidiary of Strata Solar. The CPCN is required by state law before construction can begin on an electric generating facility. The applicant must submit a detailed application to the Utilities Commission describing the proposed facility.

There are other instances of solar farms in Chatham and surrounding counties. Strata has another operating solar farm in Chatham County as well as one in Wake County. He stated that he is also aware of several other solar farms in Wake County developed by other companies. This use generates tax benefits to the county and its citizens on a parcel that would be unlikely to add substantial tax revenue without this use. County taxes generally run over \$20,000.00 annually on a project of this size. For the reasons stated above; granting this conditional use permit application is desirable for the public convenience and welfare. The proposed use is among those listed as an eligible conditional use in the R-5 district where the property is located. The proposed solar farm complies with the Chatham Land Use Plan in form and spirit. Specifically, the land use plan calls for "benefits and burdens" of growth to be shared. As already noted, the tax receipts from this solar farm to the County will be in the neighborhood of \$20,000.

Also, the use has been identified as appropriate for "agriculturally" zoned lands by means of the specific solar text change approved in 2012. Additionally, in this case, this agriculturally zoned land is near the Moncure economic development area. The site is within 1000 feet of a brick plant. Other uses in the area include a power plant and a plywood factory. The use "ensures the long-term quality" of surface water resources. This low impervious use is appropriate near the protected water features to the west of this property. This particular use likely will provide less nitrogen and other run-off effects than the adjoining farms, which frequently need fertilizer, tilling, etc.

Finally, the solar farm can be removed at completion and returned to farming which "preserves opportunities to farm". The proposed solar farm is consistent with the residential and agricultural land uses that exist in the area. The area surrounding the site is rural and sparsely developed. There is a significant tree buffer surrounding almost all the site. Hearing Exhibit 2 is a copy of the site plan overlaid on an aerial photograph of the site. This exhibit illustrates the extensive buffer around this site. The visual impact of the site is expected to be minimal.

For these reasons, he stated it is his professional opinion that the proposed solar farm will not impair the integrity or character of the surrounding or adjoining districts and will not be detrimental to the public health or welfare of the community.

Vice Chairman Bock asked Mr. Szydleik the megawatt size of the other Chatham County site. Mr. Szydleik stated the other site is 1.1 megawatts.

Brent Neiman, a Strata Solar Civil Engineer, stated he was in charge of site layout plans of solar farms. Mr. Henry Campen asked that Mr. Neiman be considered an expert in civil engineering by the Board. Vice Chairman Bock agreed.

Mr. Neimann stated solar panels are designed to absorb rather than reflect the light. He said Strata Solar's panels are less than ten feet in height. This site does not require any water and sewer. This site also meets setback requirements. The landscape buffer is approximately 20 ft. wide. The shrubs will be 3-10 ft. in height in ten years. Access to the site will be via a new driveway on Corinth Road. Construction techniques include no gravel and they will try to be low impact. He stated they will have a staging area and there will be a construction time of about three months. Mr. Neimann said Strata currently has 16 farms under construction permitted through DENR. The process involves post

installation and there are 2-5 steel posts per rack. Next they have racking and then wiring. They generate a direct current and that creates a hum. Generally one cannot hear the hum beyond 50 feet. He stated that they will re-grade the site and plant grass and the grass will be maintained by Strata Solar. All of the equipment is monitored remotely by Strata Solar on the internet.

Commissioner Cross asked what kind of vehicles and people would be at the farm during construction. Mr. Neimann stated they would probably have 80-100 people at its peak. Parking will be on the southwest side of the staging area.

Commissioner Cross said that there would be about 50-60 vehicles a day. Mr. Neimann agreed. Commissioner Cross asked Mr. Neimann for confirmation that the property would still not be seen from the road once the construction was complete. Mr. Neimann confirmed the property would still be unseen from the road.

Commissioner Cross asked if Strata Solar was limited by the size of this property. Mr. Neimann said they would have preferred to do a 5 megawatt facility. This facility is a megawatt short.

Commissioner Kost had questions about the power lines around the farm. Mr. Neimann presented a larger map and pointed out the underground and above ground lines. Mr. Neimann stated that the farm is not staffed daily and they will not have a regular visit schedule. They will visit the farm as needed.

Mr. Neimann stated in his professional opinion that the proposed solar farm has adequate utilities, access roads and other necessary facilities consistent with the County's plans and policies.

Rich Kirkland, Kirkland Appraisals, introduced by Mr. Henry Campen, asked that Mr. Kirkland be considered as an expert in property value impact by the Board.

Mr. Kirkland stated he was hired by Strata Solar. He stated that he had visited over 25 solar farms and there is not a lot of information out there; he had to do his own studies; and he looked at adjoining acreage and adjoining parcels.

This property is mostly an agricultural area and is consistent with other solar farms. He stated the best match he could find was in Goldsboro. There is a new development with new homes being built that backs right up to a solar farm. The homes that don't back up to the solar farm are selling at the same price per square foot as the ones that do. Generally, if there is an impact, it will come from specific things such as a noise or an odor. Kirkland stated he could not detect any noise or odor coming from the solar farm. The panels are 10 feet or lower and that is lower than any residential structure so sight lines are not a problem.

Mr. Kirkland stated it in his professional opinion, the solar farm has no impact on property values.

Commissioner Cross asked if there is an age on the panels. Mr. Neiman stated the panels have a life span of about 25 years. The lease is usually a 30 year lifespan. He said there are solar farms from the 1960's still working today.

Mr. Campen stated again that there would be six exhibits entered into evidence for the applicant:

1. Order Issuing Certificate of Public Convenience and Necessity, North Carolina Utilities Commission. May 23, 2012.
2. Aerial Photograph of Site
3. Kirkland Appraisals Report
4. Affidavit of Nick Szydlek
5. Affidavit of Brent Niemann, P.E.
6. Affidavit of Richard Kirkland, MAI

Mary Ann Perkins, 345 Corinth Road, Moncure, NC, stated she did not get an invitation to the informational meeting Strata Solar held and she lives close by the proposed solar farm. She stated Corinth Road is only five miles long. On this road is an RV Park, a power substation, a store, and a closed plant. It is heavily traveled. Their small community is known as Brick Haven. She said they have residents dispersed between these four industries. She said they have nuclear energy on one side of the community and now they will have solar energy on the other side of the community. She stated she had some of her questions already answered about regulations and monitoring. She asked if they would monitor on holidays. She asked if the excessive heat from the solar panels would cause a change in weather. She stated Chatham is a large rural county and she requested that Board of Commissioners proceed with caution and research other solar farms before granting Strata Solar's request to build this solar farm.

This agenda item was referred to the Planning Board and is due to return to the Board of Commissioners at their November 18, 2013 meeting.

13-0511 Rural Operating Assistance Program Grant

Commissioner Cross moved, seconded by Commissioner Kost, to approve the certification statement, attached hereto and by reference made a part hereof. The motion carried by the following vote:

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

BOARD PRIORITIES

13-0385 Request by the Chatham County Board of Commissioners to Amend Section 15.10 of the Zoning Ordinance Regulating Off-Premise Temporary Signs for Bona Fide Farm Seasonal Harvesting Activities and Auction Events

Commissioner Kost stated her concern that what the State regulates for signage is much smaller than what the County regulates. She is still confused as to how it is going to work. She asked Ms. Pace to remind the Board what those standards are and how is it going to work if larger signs are allowed in some places and not in others.

Ms. Pace stated that staff contacted the outdoor advertising representative with the NCDOT about the Limitations of Outdoor Advertising Devices GS 136-129, 2A, referred to as regulated routes. The signs can be placed within the 660 feet extra space outside of the right of way, can be no more than two feet long on any side, and can be there for no more than 30 days.

Commissioner Kost stated that if a sign is on one of the non-regulated routes it would follow the County Zoning ordinance. Ms. Pace confirmed that was correct.

Commissioner Kost stated she feels that this will cause confusion and that the signs allowed in the County Ordinance are too big.

As per the Planning Board recommendation (by a vote of 8-0-1) (Abstention vote from Deepa Sanyal) to adopt a resolution approving a Consistency Statement to the Zoning Ordinance text amendment (The proposed amendment to the Zoning Ordinance is consistent with the adopted Land Use Conservation and Development Plan.), Commissioner Stewart moved, seconded by Commissioner Cross, to amend Section 15.10 of the Zoning Ordinance Regulation for off-premise temporary signs for bona fide farm seasonal harvesting activities and auction events and adopt **Resolution #2013- Adopting a Consistency Statement for the Approval of Text Amendment to Section 15.10 of the Zoning Ordinance of Chatham County**, attached hereto and by reference made a part hereof.

As per the Planning Board recommendation (by unanimous vote) to adopt an ordinance amending Section 15.10 of the Zoning Ordinance, allowing provisions for temporary off-premise signage for auction events and bona fide farm seasonal harvesting activities, Commissioner Stewart moved, seconded by Commissioner Cross, to adopt **An Ordinance Amending the Zoning Ordinance of Chatham County**, attached hereto and by reference made a part hereof.

The motion carried by the following vote:

Aye: 3 - Vice Chair Bock, Commissioner Cross and Commissioner Stewart

Nay: 1 - Commissioner Kost

13-0476 Consideration of a request to accept \$480.00 donation funds for Animal Control

Commissioner Kost stated she would like to write a letter and thank the Girl Scouts who are responsible for raising the funds. They gave dog baths and the money raised is going to be used to buy toys for the animals at the Animal Control Shelter.

Commissioner Kost moved, seconded by Commissioner Cross to approve the request to accept \$480.00 donation funds for Animal Control. The motion carried by the following vote:

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

13-0508 Approve Resolution of Exemption Allowing Hobbs Architects to Perform the Architectural Services for the Solid Waste & Recycling Division Office and Give the County Manager the Authorization to Sign the Contract

Commissioner Kost stated that the County has a great relationship with Hobbs Architects but her concern is that the County is not reaching out to other vendors for architectural work. She stated she loves the fact it is a local architect, but is concerned about all the work going to the same firm.

Renee Paschal, Assistant County Manager, stated the state law recently changed and the County will be required to put out an RFQ for all items over \$50,000.

Commissioner Stewart moved, seconded by Commissioner Cross, to adopt the **Resolution #2013-_____ of Exemption Allowing Hobbs Architects to Perform the Architectural Services for the Solid Waste & Recycling Division Office and Give the County Manager Authorization to Sign the Contract**, attached hereto and by reference made a part hereof. The motion carried by the following vote:

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

13-0384 Request by the Chatham County Board of Commissioners to Amend Various Sections of the Subdivision Regulations Regulating Travel Way Requirements Regarding North Carolina Fire Code Standards, Specify Waterline Completion Prior to Acceptance of a Financial Guarantee, Change the Board of Commissioner Time for Approval of Plats From Four Meetings to 60 days, Clarify the Approval Period for Construction Plans as 24 Months, Clarify that Environmental Impact Assessments Do Not Apply to Bona Fide Farm Activities, and Clarify Site Distance

Easement Requirements

Hillary Pace, Planner, stated the Planning Board has requested to change the time period to 65 days instead of 60 days to accommodate longer months in the year. They have also asked, if adopted, the ordinance become effective January 1, 2014 to allow for community awareness.

Ms. Pace stated that staff added language in Section 7.4 about explicitly excluding easements serving one lot from the proposed road improvements.

Commissioner Kost moved, seconded by Commissioner Cross, to approve the request to amend various sections of the Subdivision Regulations regulation travel way requirements regarding North Carolina Fire Code standards, specify waterline completion prior to acceptance of a financial guarantee, change the Board of Commissioners time for approval of plats from four meetings to 65 days, clarify the approval period for Construction Plans as 24 months, clarify that Environmental Impact Assessments do not apply to bona fide farm activities, and clarify site distance easement requirements, attached hereto and by reference made a part hereof.

As per the Planning Board recommendation (by unanimous vote with nine members present), the Board of Commissioners approved the proposed Subdivision Regulations with the following provision that:

- 1) The Amendments become effective January 01, 2014.
- 2) In sections 5.2C (5) (b)-p.29, 5.2C (7)-p. 30, 5.2D (5)-p.34, Figure 3 – p.35, 5.2F (10)-p.39 sixty (60) days change to sixty-five (65) days for ordinance application purposes.

Staff concurs with the Planning Board recommendations above, but has added proposed language to the Subdivision Regulations Section 7.4 Lots Subsection B. Arrangement (3)-p. 56 which explicitly excludes easements serving one lot from the proposed road improvement standards and requires the road have a minimum clearance of 12 feet wide and 14 feet high and an all weather travel surface. This exemption was the original intent of the subdivision regulations amendment and was explained to the Board of Commissioners and Planning Board, but lacked clarity, which is the intent of the added language.

The Board of Commissioners adopted **An Ordinance Amending the Subdivision Regulations of Chatham County**, attached hereto and by reference made a part hereof. The motion carried by the following vote:

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

13-0472 Approval of Schematic Design for Agriculture Center

Taylor Hobbs of Hobbs Architects presented the Schematic Design for the Agri-Civic Center.

Commissioner Kost asked if it is cheaper to build up a level or build all on one level. Mr. Hobbs stated it can be, but there is no elevator with one level and that results in cost savings. He added the design has always been one level.

Commissioner Stewart asked if from the South Perspective of the building is there an area to bring in large equipment. Mr. Hobbs stated there is such an area on the north side. There will be a garage door.

Commissioner Kost asked about utilities and future development. Mr. Hobbs stated they will size these for future development. He also said Mr. Harry Mitchell, civil consultant for the project, could speak to that issue.

Mr. Mitchell stated they will be tying in to the line for the County Detention Center and they have the utilities in hand.

Mr. Hobbs concluded his presentation and entertained questions.

Commissioner Kost asked if there was any room in the plan for future office space expansion and growth. Mr. Hobbs stated the west side in the rear or off the north wing would allow for office expansion in the future.

Mr. Sam Groce, Chatham County Extension Director, stated staff kept the office space tight, but they do have a couple of floater spaces. Commissioner Kost asked if there would be a teaching kitchen. Mr. Groce stated there would be, and it would be much bigger than the kitchen at the current Agriculture Building.

Commissioner Kost asked what type of sound proofing is being done so multiple functions can go at one time. Mr. Hobbs stated they tried for a high rating and it is not as good as a permanent wall, but they have made great advancements in movable partitions. They also have an acoustic engineer on the design team.

Commissioner Kost asked what the next steps were. Mr. Hobbs stated design development would be the next step and they would come back with an update to the Board in October.

Commissioner Cross moved, seconded by Commissioner Stewart, to approve the schematic design of the Agriculture Civic Center. The motion carried by the following vote:

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

13-0332 Discussion of Proposed New Wireless Telecommunications Facilities Ordinance

Hillary Pace, Planner, gave an overview of the changes in the proposed New Wireless Telecommunications Facilities Ordinance.

Commissioner Cross asked what is considered a wildlife area and Commissioner Bock asked who identified them. Jason Sullivan, Planning Director stated that there may be only one area in the County affected by the wildlife part of the ordinance and it is near or in Jordan Lake. The wildlife areas were determined by a study commissioned by the County in 1992.

The Commissioners agreed they would like to see a map pointing out the wildlife areas. Mr. Sullivan stated that the maps could be provided.

By consensus, the Board agreed to set the public hearing for the proposed New Wireless Telecommunications Facilities Ordinance for October 21, 2013.

13-0471 Budget Critique for Fiscal 2013-2014 Budget

Commissioner Kost moved, seconded by Commissioner Cross to set November 4, 2013 as the date on which to hold a special meeting to receive the CIP and to approve the Proposed 2015 Budget Calendar, attached hereto and by reference made a part hereof. The motion carried by the following vote:

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

The budget critique was tabled until the October 21, 2013 meeting.

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 discussing matters within the attorney/client privilege;

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

REGULAR SESSION

Commissioner Cross moved, seconded by Commissioner Stewart, to set the public hearing for the Compact Communities Ordinance for October 21, 2013. The motion carried by the following vote:

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

MANAGER' S REPORTS

The County Manager had no reports.

COMMISSIONERS' REPORTS

There were no Commissioner reports.

ADJOURNMENT

Commissioner Cross moved, seconded by Commissioner Stewart, to adjourn the meeting. The motion carried by the following vote:

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

Walter Petty, Chairman

ATTEST:

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