

**MINUTES  
CHATHAM COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING  
SEPTEMBER 19, 2011**

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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 September 19, 2011.

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

Absent: Walter Petty, Vice Chair

Staff Present: Charlie Horne, County Manager; Jep Rose, County Attorney; Renee Paschal, Assistant County Manager; 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 Chairman invited everyone present to stand and recite the Pledge of Allegiance.

**CALL TO ORDER**

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

**AGENDA AND CONSENT AGENDA**

Commissioner Cross moved, seconded by Commissioner Stewart, to approve the Agenda and Consent Agenda as follows:

1. **Minutes:** Approval of Board Minutes for the Regular Meeting held September 6, 2011 and for the Work Session held September 6, 2011

The motion carried four (4) to zero (0).

2. **Fees for FY12 Influenza Vaccines:** Approval of a request to accept fees for FY12 Influenza Season, attached hereto and by reference made a part hereof.

The motion carried four (4) to zero (0).

3. **School Nurse Initiative Funds:** Approval of a request to accept \$100,000 School Nurse Funding Initiative Funds from the NC Division of Public Health

The motion carried four (4) to zero (0).

4. **Robeson Creek Greenway:** Approval of a request to accept additional funding for the Health Department in the amount of \$1,677.00 to support continued development of the Robeson Creek Greenway

The motion carried four (4) to zero (0).

5. **Turnkey E-911 VoIP System:** Approval of a request to waive the competitive bid process under G.S. 143-129(g) piggyback exception and approve the purchase of one turnkey E-911 VoIP System to Wireless Communications for a total cost of \$288,290.68

The motion carried four (4) to zero (0).

6. **Codification of County Ordinances:** Approval of a request to adopt Codification of Ordinance

The motion carried four (4) to zero (0).

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

The motion carried four (4) to zero (0).

8. **Environmental Review Board Appointment:** Approval of a request to appoint Jerome Cole to the Environmental Review Board by Commissioner Bock

The motion carried four (4) to zero (0).

9. **Chatham County Big Sweep Day:** Approval of request to proclaim October 1, 2011 as Chatham County Big Sweep 2011 Day and adopt **Proclamation #2011-\_\_\_**  
**Proclaiming October 1, 2011 as Chatham County Big Sweep 2011 Day**

**END OF CONSENT AGENDA**

**PUBLIC INPUT SESSION**

**Jeffrey Starkweather**, 590 Old Goldston Road, Pittsboro, NC, presented his comments to the Board and provided them in their entirety for the record as follows:

“I want to follow-up from last week’s discussion of the fracking issue and Senate Bill 709, a bill which the Governor vetoed and which Chatham residents came asking you join us in opposing. We were gratified to hear that you are concerned about the need to “be cautious and slow” by first studying the environmental, economic and health impacts of fracking in North Carolina.

However, you seemed to misunderstand the nature of impact that SB 709 could have in rushing North Carolina into fracking before fully studied all of its potential impacts. Let me apologize for not presenting the specific sections of the bill we objected to at your last meeting. However, I did not have enough time in the three minutes allotted to also address this issue and we mistakenly assumed you were aware of the nature of our objections.

I spelled some of those specifics in a follow-up letter I sent you last week. Last Saturday a number of Chatham residents and Commissioner Kost attended a high informative statewide summit on fracking put on by Clean Water of North Carolina at CCC campus in Pittsboro. In addition to presentations from scientific experts and ordinary landowners and farmers who have had a direct experience with the impacts of fracking in their communities, we heard two speakers from the Duke Law School who presented the federal and state regulatory framework for fracking. They presented additional objections to this bill.

First, Commissioner Stewart was exactly right in her statement at your last board meeting that the federal government has left regulation of fracking up to the states. Thanks to the Halliburton loophole and other restrictions lobbied for by the oil and gas industry, fracking is excluded from the health and safety protections of most federal environmental regulations, including the Safe Drinking Water Act.

Second, in order to understand why SB 709 is of such concern to those wanting a balanced approach to regulations concerning energy extraction, we need to look at another bill, Senate Bill 781, where the Governor’s veto was overridden in a close vote. Section 150B-19.3 of that bill specifically prohibits any state agency from adopting “a rule for the protection of the environment or natural resources that imposes a more restrictive standard, limitation, or requirement than those imposed by federal law or rule...” This provision hardly makes citizens feel confident that the state can enact fracking regulations that will

adequately protect our water, other natural resources and citizen's health, because pretty much any regulation or rule would exceed the non-existent federal regulations.

Third, Section 3(a) requires the Department of Environment and Natural Resources to develop a complete regulatory framework for implementing fracking by May 15. Given the cutbacks in DNER personnel and the their parallel statutory obligation to complete a comprehensive study of the environmental and health impacts of fracking, this requirement is not only nearly an impossible to complete on time in a balanced manner. More importantly, it puts the regulatory cart before the environmental and health study horse.

Finally, currently recommendation to the legislature for proposed energy extraction regulation and protection are provided by an Energy Policy Council appointed by the Governor, the only elected state official fully accountable to all the citizens of the state. Under SB 709, this Energy Policy Council would be replaced by a new Energy Jobs Council which would be made up almost exclusively of representatives of the oil and gas industry, appointed by the Speaker of the House and the Senate Pro Tempore, both who have publicly stated they favor fracking. It is bad enough that these industries pour money into legislators' campaign coffers and crowd the legislative corridors with an army of high paid lobbyists. But this bill goes much further and puts representatives of the fox in a position to determine regulations for guarding the henhouse.

Thus, supporting the Governor's veto of SB 709 is exactly what is needed for this board to carry out the role assigned to it by Chairman Bock at your last meeting, as quoted in your approved minutes: 'to preserve and protect the State's natural resources, natural heritage and quality of life.'"

**Jeannie Ambrose**, 675 Lichen Trail, Pittsboro, NC, stated that she attended the September 10<sup>th</sup> summit to hear from people who have experienced problems associated with hydraulic fracturing in their own backyards. She stated that it would have been reassuring to see more than one County Commissioner present at this very informative meeting. If they had been there, she stated, they would have seen the slide of traffic congestion in Bradford County shown by Carol French of Pennsylvania Landowners Group for Awareness and Solutions. She is a dairy farmer affected by our hydraulic fracturing operation on her own property. You might have heard Fractured Communities – Fractured Lives presented by Dr. Simone Perry. You might have learned about the true cost to one small community forever changed by the presence of natural gas drilling operations. If you had been there, you might have imagined these things occurring right here in Chatham County and thought more about all the road repairs, accidents, and traffic delays. Should we be concerned about traffic problems if hydraulic fracturing of gas shale occurs here in the Piedmont? Here in North Carolina, over 50,000 miles of our 78,000 mile highway system are considered rural miles. On September 2, 2011, TRIP, a non-profit transportation group ranked the top twenty states with the worst rural traffic fatalities. North Carolina was rated number eleven in the country. In 2009, the National Highway Traffic Safety Administration reported that six out of ten highway deaths occurred on rural roads. In a 1999 traffic safety on rural roads survey, North Carolina farmers perceived that driving tractors on rural roads was more dangerous than even five years before. Their biggest problem was the lack of respect by others who were driving much faster. All of these reports indicate how hazardous driving on two-lane rural roads is. What might it be like when tankers begin hauling water to a fracking site? We all have heard that hydraulic fracturing requires large amounts of fresh water mixed with sand and chemicals. The initial hydraulic fracturing operation at just one well site requires between two to thirteen million gallons. Re-stimulation of the same well would require even more than the initial amount. To haul just two million gallons to one site would take about 320 truck trips over a twenty-one day period. This does not take into account trucks hauling drilling equipment, construction materials, supplies and employees on rural roads. Maybe Highways #64 and #15-501 can handle this increased traffic loads safely, but if you have ever driven down a two-lane road with narrow shoulders and potholes and saw a loaded lumber, gravel, or concrete truck coming toward with its wheels just over the center lane, you know how scary it felt. Think about all this happening at night because natural gas production is a 24/7 operation and time is money. The truckers want to get there and they want to get back. She urged the Board to keep an image projected on the screen in mind before the first drilling rig ever enters the Pittsboro traffic circle.

## **BOARD PRIORITIES**

### ***Legislative Public Hearings:***

**Public Hearing to Rezone Acreage from R-1 Residential to CU-B1 Conditional Use Business:** Public hearing to receive public comments on a request by Withers & Ravenel on behalf of Jo Ann Davis, Parcel #19645, Williams Township, located at 9157 NC Highway #751, to rezone the two (2) acre tract from R-1 Residential to CU-B1 Conditional Use Business

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

Commissioner Kost asked what was on the expanded parcel. Mr. Sullivan explained that they expanded the business. There is an existing house on that property which is being used as the retail shop and there are also additional green houses on the tract which have been built over the years.

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

The Chairman closed the public hearing and referred this item to the Planning Board for consideration.

### ***Quasi-Judicial Public Hearings:***

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

**Public Hearing for Revision to Existing Conditional Use Permit:** Public hearing to receive public comments on a request by Withers & Ravenel on behalf of Jo Ann Davis, Parcel #19644, Williams Township, located at 9157 NC Highway #751, for a revision to an existing conditional use permit to add the two (2) acre tract from Parcel #19945 to the existing 17.246 acre tract, permit the residential structure to be used as retail, and convert the non-residentially approved structure on the original permit back to residential use for a caretaker's facility

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

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

The Chairman closed the public hearing and referred this item to the Planning Board for consideration.

**Public Hearing for a Revision to Conditional Use Permit:** Public hearing to receive public comments on a request by Sandy Pond Enterprises, dba Dogwood Animal Hospital, Parcel #18637, Williams Township, located at 51 Vickers Road, for a revision to the conditional use permit to add an additional 3,500 square foot kennel building and dog runs to the site

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

Commissioner Kost asked the size of the site. Ms. Birchett replied that the total acreage is 4.7 acres.

**Blair Pittman**, on behalf of Sandy Pond Enterprises, stated that this is an expansion of the hospital with kennels. There will be no proposed additional parking and no additional site lighting with the exception of some security lighting around the building associated with the request. All outdoor facilities are shielded from adjacent properties and squared-in from existing building. The Appearance Commission made recommendations for diverse plantings which have been accepted and changed the landscaping per their recommendations.

Chairman Bock asked if there were additional outdoor runs. Mr. Pittman explained that there were outdoor exercise yards which were fenced-in on the south side of the proposed building.

Commissioner Kost asked if this was expanding the request and the location of the closest resident. Mr. Pittman replied, yes that the closest resident was on the north side.

**Travis Blake**, 9668 Highway 15-501, Chapel Hill, adjacent property owner, stated that since the facility has moved in, they have been good neighbors, which he appreciates.

He presented his comments to the Board and provided them in their entirety for the record as follows:

1) The facility has been intermittingly boarding dogs outside over the weekend and into the evening that bark constantly at these times, they request a condition that no dogs are left unattended or boarded outside after 5:00 PM and before 8:00 AM on weekdays and not at all on weekends.

2) The existing lighting impacts us greatly; we request that no additional exterior lighting be allowed except on the side of Vickers Road and in such a manner that the light and fixtures are not viewable on the north side of the building.

3) Landscape screening:

- a. The proposed planting of ligustrums on the north side between properties will have no screening effect because of the topography. These plants should be changed to 6'-8' Leyland Cypress or Thuja Green Giant and be planted along all the planned and existing structures on the north side. Over clearing which took place during the initial construction can be addressed with this same planting recommendation.
- b. The existing plantings along the northern property line would best be 6'-8' Leyland Cypress, Thuja Green Giant or standard Magnolias. These plants have better screening and survival characteristics.
- c. This previous recommendation by the Appearance Committee should again be required for the new building. "2. When the Phase II kennel building is constructed, it is recommended that the north wall contain no windows or windows with noise-absorbing glass shall be installed in order to protect the adjacent residential properties from noise emitted from the boarding kennel."

4) The connector easement that was outlined in their original permit is not indicated on the submitted site plans. In addition, since the easement may be paved at some point, the impervious surface calculation should be included. If the future impervious surface of this area is not calculated, you may be allowing a situation where the original requirement of the easement cannot be met.

Dr. Michelle Pineda stated that as co-owner in the veterinary hospital, they are sensitive to noise concerns from the building and from boarding patients and are interested in minimizing noise impact on the surrounding area. Their policy is to never leave any dogs outside unattended for safety concerns. They do have to go outside to eliminate, but they are not outside for extended periods of time. It does not begin prior to 7:00 AM and does not continue after 6:00 PM. They had plantings that did not live with the 2007 drought. They are hoping that they will be more successful this year with their plantings.

The Chairman closed the public hearing and referred this item to the Planning Board for consideration.

**Briar Chapel – Woods Charter School:** Approval of request by Nick Robinson, Attorney-at-Law on behalf of Woods Charter School for reconsideration of the request approved by the Board of County Commissioners on September 6, 2011 to approve plat titled

“Woods Charter School, Subdivision, Right-of-Way Dedication and Easement Dedication Plat”, dated 7-8-11

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

Commissioner Kost moved, seconded by Commissioner Cross, to approve the plat titled “Woods Charter School, Subdivision, Right-of-Way Dedication and Easement Dedication Plat”, dated 7-8-11. The motion carried four (4) to zero (0).

**Advisory Committee Update & Revisions:** Approval of proposed revisions and updates related to Advisory Committee Policy

Advisory Committee Policy with Proposed Changes  
Advisory Committee Policy Addendum with Proposed Changes  
Proposed Revisions to Ordinance Creating Grand Trees of Chatham  
Proposed Revisions to Ordinance Creating Grand Trees of Chatham

Debra Henzey, Director of Community Relations, stated that the Chatham County Board of Commissioners adopted a new Advisory Committee Policy and Addendums on June 6, 2011 that provides consistent policies and procedures for several County-created volunteer advisory committees. This agenda item is to provide clarifications or corrections related to:

- Clarifying that individual appointees can't serve on more than one committee under the policy, but neither can they also concurrently hold other commissioner-appointed seats on other entities not under the policy. This would include boards, commissions and committees not under the policy, but where the Board of Commissioners make the appointment of the position.
- Removing one volunteer group from being part of this policy so that it can transition to a non-appointed committee temporarily, with the goal of becoming a nonprofit in the future to raise funds for its programs.

1. **MULTIPLE COMMITTEE SERVICE:** We have had some confusion about the interpretation of the language in the adopted policy concerning appointees or candidates for the advisory committees who already serve on other County committees, boards, etc. A proposed amendment to the policy is attached which would clarify that the intent that the same person is not able to serve on an advisory committee under the policy if they also hold another commissioner-appointed seat, even if it is NOT one of the advisory committees. They would have to choose between the service on the advisory committee or service on any other appointed seat(s). This would be effective Oct. 1, 2011.

When the policy was originally adopted, these individuals served on more than one advisory committee under the new policy: Mike Dasher, Norman Clark, Kimberly Sevy, and Lin Andrew. However, Kimberly moved out of the County, Norman Clark has resigned from Human Relations and Mike Dasher has resigned from Affordable Housing. That leaves Lin Andrew as someone who needs to make a choice, but her position on Ag Advisory Committee is already expired so she could continue service on the Environmental Review Board. Commissioner Kost had asked how many additional people would be impacted by revised language that is proposed. With this proposed change, the following people would be impacted and have to resign from either the advisory committee or other County-appointed seats:

- Jeffrey Starkweather (serves on Economic Development Corporation Board, Affordable Housing Advisory Committee and Triangle South Workforce Board)
- Linda Harris (serves on Agriculture Advisory Committee but term has expired and Economic Development Corporation Board)
- Herbert Gaines (serves on Agriculture Advisory Committee but term has expired and Board of Equalization and Review)

**NOTE:** Faythe Canson Clark has already resigned from the Transportation Advisory Committee but also serves on the Triangle South Workforce Board.

2. **REVISION TO ADDENDUM A:** The Grand Trees of Chatham was established on April 6, 2009. This group has not acted as policy advisory committee to the Commissioners, but has been involved in creating and promoting programs to recognize some of our most significant trees. They also expressed the need to become a nonprofit so that they can seek and secure funding to continue their awards program. For these reasons, it makes sense to remove the Grand Trees of Chatham from this policy. The group will continue for now as a self-administered group with guidance from Cooperative Extension staff, until they can transition to a nonprofit. The attached Addendum A revision reflects this proposed.

**REVISION TO GRAND TREES OF CHATHAM BYLAWS:** We are proposing changes to this group's bylaws to reflect that members are no longer appointed by the Board of Commissioners.

The County Manager suggested listing the committees that are relevant to the policy. Ms. Henzey stated that it should be the ones under the addendum as that is who it covers.

Commissioner Kost stated that she felt that if she wanted to appoint the same person to serve on two different boards, that is the person that she wants to advise her, and she doesn't see why the other Commissioners would want to limit it. She stated that she doesn't think it is a good idea to limit it no matter what.

Ms. Henzey clarified for the record, that Mr. Starkweather has already resigned from Affordable Housing and the Triangle South Workforce Boards.

Commissioner Kost moved, seconded by Commissioner Cross, to approve Staff's recommendations for the Grand Trees of Chatham. The motion carried four (4) to zero (0).

Commissioner Stewart moved, seconded by Commissioner Kost, to approve the requested revisions to the Advisory Committee Policy and Addendum A. The motion carried four (4) to zero (0).

#### Multiple Committee Membership:

Ms. Henzey explained that the intent is, that if you serve on two boards that are not under the Commissioners full authority and they have their own bylaws (or it may be a regional group i.e. Triangle J or the Workforce Triangle Development), she thinks that the Board of Commissioners has limited authority there; therefore, the only time the Board has power is the advisory committees where the Board controls all of the appointees in the bylaws. She stated that she thinks the Board is saying that if someone serves on one of those, they can't also serve on these other boards.

Chairman Bock stated that the idea with this is that they want as broad a representation as possible without one or two people dominating several different committees. He stated that he felt, with a County the size of theirs, they probably have enough people that they can start nominating folks that aren't the same people year after year to multiple committees. He stated that he felt that was the original intent.

Ms. Henzey stated that one of the original things for which Commissioner Kost had asked is who would be impacted with this change. She stated that she was interpreting it in the way she just explained it. There are probably three or four more people that serve on committees that are not under this policy.

Commissioner Stewart moved, seconded by Chairman Bock, effective October 1, 2011 individuals serving on an advisory committee under this policy or candidates for service are not allowed to hold other commissioner-appointed volunteer positions on boards, committees, or commissions that are not part of this policy. By October 1, 2011, individuals serving on advisory committees under this policy should either resign their advisory committee position or the other appointment(s) in conflict with this policy. The motion fails two (2) to two (2) with Commissioners Stewart and Bock voting for and Commissioners Cross and Kost voting against the motion. The policy will remain as it is.

The County Attorney explained that with respect to the advisory boards that the Board of Commissioners controls, they can pull members off if they are on too many boards. Those boards that the Board of Commissioners does not control (i.e. CCCC Board), members cannot be removed.

Commissioner Kost stated that with regard to the confusion in interpretation, she would return to the conversation that we had that it was clear that this policy was only impacting the boards and committees that are in the policy. It had nothing to do with those outside of this policy. If someone wanted to serve on the Planning Board and were on another board, they could. She stated that if they are looking to clarify the confusion, she would return to the minutes of that discussion as it was very clear. She stated that she didn't think that we revert back to the intent of this policy by what the Board just did.

Chairman Bock stated that they revert back to what they approved. Commissioner Kost stated that what they were saying is that this was supposed to clarify it and the discussion clarified it. If the policy was "wishy-washy", go back to the minutes and the Board's intent was very clear.

The Chairman stated that this matter would be returned to the Board at a later date.

### **MANAGER' S REPORT**

The County Manager had no reports.

### **COMMISSIONERS' REPORTS**

#### **SB709 and 781 Bills:**

Commissioner Stewart stated that after the last Board of Commissioners' meeting, she stated she was going to investigate the S709 and S781 Bills to receive clarification from the State level. She stated that she received a prompt reply from Representative Tillis and State Senator Berger. She stated that she pulled the Governor's veto which stated the things that she was not approving. She thinks everyone is in agreement that they want to see more research and data on this topic before they start moving forward. She stated that what the Governor did not approve of and was saying is as follows:

"Senate Bill 709 is unconstitutional on its face. By directing the Governor of this State to enter into a compact with the Governors of South Carolina and Virginia, the General Assembly is intruding on the constitutional power of the Executive Branch and is, therefore, violating separation of powers principles that are enshrined in our Constitution. Furthermore, and even more basically, the General Assembly lacks the authority to instruct the Governors of other states to do anything at all. That's why I am vetoing this bill."

Commissioner Stewart stated that is why she vetoed the bill. There is nothing in there about the fact that she did not agree with the energy exploration, etc. She stated that after revisiting the bill, there were other things about offshore leases, offshore energy exploration and there are a lot of committees and work being done looking into all of it. Much of the bill addresses that. It also talks about onshore shale gas, non-edible biofuels crops, offshore energy exploration and other alternative energy sources, development of a Governor's Regional Interstate Offshore Energy Policy Compact which is what the Governor was objecting to. What 709 is essentially trying to do is to look into getting together with the surrounding states and talking about the exploration. She stated that she asked about not only 709, but 781. The response is as follows:

"Thank you for your email to Senator Berger requesting clarification on these two bills. The final version of S709 clarifies the need for energy exploration in North Carolina. The long term goal of this type of legislation is to increase energy production in our state to develop a secure, stable, and predictable energy supply to facilitate economic growth, job creation, and expansion of business/industry opportunities. Within the bill language we recognize the need for North Carolina to have a seat at the national table to secure energy jobs and revenue. Having a voice for North Carolina in these types of coalitions will promote a better understanding of our State's unique resources and our potential for energy development in connection with federal agencies and Congress. By recognizing the need for



greater coordination between surrounding states regarding energy jobs, S709 is a critical step towards securing a robust energy jobs sector.

The main concern from your email appears to be the handling of onshore shale gas. S709 directs the Dept of Environment and Natural Resources to provide a comprehensive study report to the governor and General Assembly on the commercial potential of our state's onshore shale gas resources as well as the regulatory framework that would be required to develop this resource. The study will also consider and review existing laws and regulations in North Carolina.

It is my understanding that S709 does not "green light" shale gas extraction; rather, it begins the discussion on the topic through what is more like a feasibility study. Supporters of the bill recognize that it is in the state's best interest to support the development of a reliable and adequate supply of energy for North Carolina that is secure, stable, and predictable with a goal of economic growth, job creation, and expansion of business. It is certainly the duty of State government to protect and preserve its own natural resources, cultural heritage, quality of life, and above all - the public health and safety of its resident during the exploration, development and production of energy resources.

Now moving to your questions on S781 in consideration of S709 it certainly sounds like there is room for clarification. With the aforementioned explanation on S709, the studies conducted by the Dept of Environment and Natural Resources are to take in consideration the infrastructure and regulatory requirements in relation to shale gas extraction and energy exploration. The objective of S781 for all practical purposes is to reduce unnecessary and burdensome regulations being passed down from state agencies onto certain types of businesses. The bill does not cancel or put a stop to all rules and regulations. It is my understanding that the assertion of Jordan Lake and other water sources or wells going unprotected as a result of the adoption of S781 and/or S709 is an incorrect/misguided interpretation of the laws. The implication that "no additional regulations would be put in place to address the use of chemicals, predatory practices or address protecting our air and water quality" has no basis of truth through any current law or due to be enacted provisions in S709/S781. In fact, regarding environmental regulations via S781, the "**§ 150B-19.3. Limitation on certain environmental rules.**" section on Page 2 sets the parameters and purpose for setting new environmental regulations.

Again thank you for emailing Sen. Berger with your request for clarification on these bills. I have copied our Senior Policy Advisor on Environment, Energy, and Regulatory Affairs, Dr. Jeffrey Warren. In the event that you have any questions or additional concerns we are happy to assist in any way possible. And we certainly thank you for your service to Chatham County.

Sincerely,  
Mike Rusher  
Director of Constituent Services  
Office of Senator Phil Berger  
Senate President Pro Tempore  
919.301.2009 Office  
919.733.8740 Fax  
[mike.rusher@ncleg.net](mailto:mike.rusher@ncleg.net)

Commissioner Stewart stated that she hoped this clarified the matter for everyone.

Commissioner Kost asked if the timeline of the comprehensive study that sets the regulatory framework was set for May, 2012. Commissioner Stewart replied that was correct. Commissioner Kost explained that was one of the reasons for requesting to sustain the Governor's veto was to slow that down stating that it is unrealistic to underfund an agency as she had heard that there was less than \$50,000 allocated for this study and that they set a timeframe of May, 2012 which is unrealistic.

Commissioner Stewart stated that she asked Dr. Warren to clarify what type of study and what extensiveness they wanted to do this on. She stated that the bottom line is that the Governor stated that she was definitely for looking at the exploration. The shale gas was a

small part of the discussion as they have been talking about wind and offshore. She stated that we do need more information.

Commissioner Kost stated that her point is that the study that is authorized in the bill is underfunded and has an unrealistic timeframe.

**Cadavers:**

Chairman Bock stated that apparently there is a State Statute that says we have to provide body storage. Neither Chatham County nor most of the other counties in the State are doing that at this time. One of the funeral homes called him and stated that he was worried about liability issues by not taking the bodies or by taking the bodies. Chairman Bock stated that he wanted to bring it up and make sure that we are addressing the issue.

The County Manager stated that they are aware of it. He stated that they understand that UNC will still be able to take bodies until April, 2012; however, because of budget cuts, etc., they will no longer be able to take deceased on the weekends or at other odd times. Eventually, we will have to find another way to temporarily house the deceased.

Chairman Bock asked if UNC was taking them now. The County Manager stated that they had heard that, but he cannot substantiate it at this point. He stated that it had not been an issue per say, except over the course of the last two sessions because of changes in the budgets, etc. Chairman Bock asked the County Manager to work with whomever he needed to and return to the Board with suggestions.

**Planning Board Appointment:**

Commissioner Kost stated that she wanted to clarify a remark that was made at the August 15, 2011 Board of Commissioners' meeting, the Board voted down an appointment to the Planning Board by a vote of three to two. Commissioner Cross made reference that this had happened before and she asked him about it as she has been following this Board for some time. She stated that he replied that it was when he tried to appoint former Commissioner Patrick Barnes to the Economic Development Commission (EDC). She stated that she wanted to clarify that, at that time, there was no vacancy on the EDC. She stated that she believes Commissioner Cross requested this in December 2008. That fall, prior to his making the request, this Board (prior to her arrival on the Board) adopted a process for making appointments to the EDC. One Commissioner makes a nomination, but it is appointed by the full Board. At that time, there was someone in that slot and there was no vacancy on the EDC. She stated that she wanted to clarify that as it has been repeated a couple of times that this has happened. As she has been following the Board of Commissioners for eight years, the denial of the appointment was the first time it had happened.

Commissioner Cross stated that at the time, the policy in place prior to adopting the new rules of the EDC was that a Commissioner had the option of changing his appointee at the completion of an election cycle and had until February 15<sup>th</sup> to do so. He stated that was what he was doing.

Commissioner Kost stated that it was for the Planning Board and she didn't think it was for all the other boards.

Commissioner Cross stated that it didn't matter as the action has already been taken. He stated that it was not clear. The end result is that he had two appointments and that he didn't get to make them.

**ADJOURNMENT**

Commissioner Cross moved, seconded by Commissioner Stewart, to adjourn the meeting. The motion carried five (5) to zero (0), and the meeting adjourned at 7:01 PM.

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Brian Bock, Chairman

ATTEST:

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