

Camden County Board of Commissioners

February 10, 2005
(Recessed February 7, 2005 Meeting)
7:00 a.m.
Camden County Courtroom
Camden, North Carolina

The February 7, 2005 recessed regular meeting of the Camden County Board of Commissioners reconvened on Thursday, February 10, 2005 at 7:00 a.m. in the Camden County Courthouse Courtroom, Courthouse Complex:

The following members were present:

Chairman Melvin J. Jeralds
Vice Chairman Clayton Riggs
Commissioners Jeffrey B. Jennings, Carolyn Riggs and Mike Andrews
County Manager Randell Woodruff
Clerk to the Board Ava Murgia

Also attending was County Attorney Herbert Mullen, Planning Director Dan Porter, and Finance Officer Clarann Mansfield.

Chairman Jeralds called the meeting to order.

Amendment to the Agenda

Clerk to the Board Ava Murgia stated the Scattered Site Housing Program 2002 was advertised for a public hearing, not as Old Business as set on the agenda, and to comply with the public notice, a public hearing is required.

Chairman Jeralds asked that the agenda be amended to hold a public hearing as advertised on the Scattered Site Housing Program 2002 and to amend the agenda to consider approval of the Black Bear Facility Plan.

Commissioner Jennings made a motion to approve the agenda as amended. The motion passed with Chairman Jeralds, Commissioners Jennings, Carolyn Riggs, Clayton Riggs, and Andrews voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Public Hearing – Scattered Site Housing Program (SSH) 2002

Commissioner Riggs made a motion to go into public hearing to receive comments from the public regarding the Scattered Site Housing Program 2002. The motion passed with Chairman Jeralds, Commissioners Jennings, Carolyn Riggs, Clayton Riggs, and Andrews voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Planning Director Dan Porter stated the purpose of the public hearing is to announce the accomplishments of the CDBG received for the SSH project for Camden County in 2002. The Community Development Block Grant program is funded through the United States Department of Housing and Urban Development (HUD), and administered through the North Carolina Department of Commerce, Division of Community Assistance.

With this grant the County had the funding to remove four (4) low to moderate income families from dilapidated housing and replace their existing house with a new double-wide modular home. These four (4) applicants were chosen on the criteria of income, the number of children and elderly living in the household, whether any of the inhabitants were handicapped, and the condition of disrepair of the house. What started out as a Rehabilitation Program was amended to a Relocation Program after an assessment of

applicants' houses proved that the structures could not be brought to current building codes within the allotted budget (\$29,999.)

The Relocation Program funds the costs for demolition of the existing house, the removal and proper disposal of lead and asbestos material, the removal and replacement of old or non-functioning septic systems, the installation of a new driveway, and the installation and construction of a new double-wide modular home. Costs for utility hookup and relocation funds were also covered by the grant.

The County is eligible for the Community Development Block Grant every three (3) years and the total amount of money received for each round of funding is \$400,000.00.

Chairman Jeralds called for any questions or comments.

Hearing no questions or comments, Commissioner Jennings made a motion to close the public hearing and return to regular session. The motion passed with Chairman Jeralds, Commissioners Jennings, Carolyn Riggs, Clayton Riggs, and Andrews voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Black Bear Facility Plan

Chairman Jeralds called for any discussion from the Board regarding the Black Bear Facility Plan.

Commissioner Carolyn Riggs asked the County Attorney that in his expert opinion that there was absolutely no legal recourse to get out of the Black Bear contract.

Attorney Mullen stated none that he knew of.

Commissioner Clayton Riggs issued the following statement: For all those who came this morning expecting the Board to vote whether Black Bear was going to come to Camden County or not, that decision was made November 2002. This morning's vote is to approve Black Bear's plan of operation, facility plan, and not to approve whether the landfill is going to come or not. The franchise agreement granted that privilege to Black Bear when it was voted on. Today's vote only approves Black Bear's plan of operation.

Commissioner Clayton Riggs questioned Ben Victory, Branch Manager of the Black Bear Landfill, regarding paragraph 7-1 *Introduction*, "*The proposed land use for the remainder of the 1,037 acres include 50 acres future commercial, 91 acres future light industrial, and 192 acres wildlife conservation/wetlands. The future commercial areas may be used for borrow material in support of landfill operations.*"

Commissioner Clayton Riggs stated under the Camden County UDO a borrow pit requires a special use permit and Black Bear has to have a special use permit to open a borrow pit.

Ben Victory, stated Black Bear Disposal understands the special use permit requirements, and as borrow pits are needed, they will apply as soon as they can.

Commissioner Clayton Riggs cited *Section 7.3.1.1. Types of Waste Accepted*, and asked Mr. Victory if NCDENR defines what industrial is and does that include hazardous or toxic materials.

Ben Victory stated that definitions of waste accepted will be determined by NCDENR, and the Black Bear Disposal is not a hazardous waste facility. It is a commercial, industrial and no hazardous waste will be taken.

Commissioner Clayton Riggs cited *Section 7.3.1.2. Average Disposal Rate* and questioned "*Typically, average monthly disposal rates are not anticipated to fluctuate more than 25 percent from 257,000 tpm*".

Ben Victory explained that due to extreme weather conditions, such as hurricanes, that may force the facility not to accept waste for a day or two, three or four, then when the following week comes, they may have to double up to satisfy the customers at the facility.

Chairman Jeralds called for any other comments from the Board.

Commissioner Andrews stated if the industrial park does not come to fruition, then the area could just become a borrow pit for cover of the landfill, and feels that there would be more tax value out of the businesses than a borrow pit.

Commissioner Andrews stated for public record that Mr. Ven Poole of Waste Industries have always treated him in a respectful manner. Mr. Poole has always been more than willing to answer any questions, provided him with any requested documentation. Mr. Poole has also been more than willing to meet with him on Commissioner Andrews' schedule as Mr. Poole did on Saturday morning, January 22nd at the Sampson County Landfill in Clinton, North Carolina. Commissioner Andrews thanked Waste Industries for answering his questions and concerns he presented from the citizens.

Commissioner Carolyn Riggs asked Planning Director Dan Porter if his department has reviewed the Facility Plan.

Planning Director Dan Porter stated the facility plan items are in compliance with the franchise agreement.

Commissioner Andrews asked Ben Victory if they were not allowed to transport through the Hampton Roads area, if Black Bear had a Plan B.

Ben Victory stated at this time he anticipates the volume that will be received at the facility using state routes will be in compliance with all laws that are applicable and they are not using secondary roads. Mr. Victory stated because of the state and federal highway laws, they do not anticipate any blockage of commercial vehicles and presently commercial vehicles go from North Carolina to Virginia without any problems.

Hearing no further comments from the Board, Chairman Jeralds called for a motion regarding the Black Bear Facility Plan.

Commissioner Andrews requested a roll call vote.

Commissioner Jennings made a motion to approve the Black Bear Facility Plan as presented by Black Bear LLC.

Chairman Jeralds instructed Clerk to the Board Ava Murgia to poll the Board for a roll call vote.

The Clerk requested a vote from Commissioner Carolyn Riggs. Commissioner Carolyn Riggs voted yes, as bound by law, to approve the Black Bear Facility Plan.

The Clerk requested a vote from Commissioner Jeffrey B. Jennings. Commissioner Jennings voted yes to approve the Black Bear Facility Plan.

The Clerk requested a vote from Chairman Melvin J. Jeralds. Chairman Jeralds voted yes to approve the Black Bear Facility Plan.

The Clerk requested a vote from Vice Chairman Clayton D. Riggs. Vice Chairman Clayton Riggs voted yes to approve the Black Bear Facility Plan.

The Clerk requested a vote from Commissioner Mike Andrews. Commissioner Andrews stated that he campaigned against the landfill and he is a man of honor, and also a man of his word. Commissioner Andrews stated this does not reflect Black Bear whatever. Commissioner Andrews voted no to the Black Bear Facility Plan.

The Clerk stated to Chairman Jeralds that the motion to approve the Black Bear Facility Plan as presented by Black Bear LLC passed 4-1.

Chairman Jeralds repeated to the public that the Black Bear Facility Plan as presented by Black Bear LLC passed on a 4-1 vote.

Resolution No. 2005-02-01 approving the Black Bear Disposal Facility Plan reads as follows:

Resolution 2005-02-01

**Resolution of the Board of County Commissioners
Camden County, North Carolina Approving
The Black Bear Disposal Facility Plan**

BE IT RESOLVED, that, pursuant to Camden County Franchise Ordinances 2002-10-01 and 2002-10-02 and the Franchise Agreement executed November 4, 2002; the Board of County Commissioners of Camden County hereby approves the Facility Plan as submitted on February 10, 2005 and attached hereto as Exhibit A and thereby grants its approval for the issuance of a sanitary landfill permit by the Division of Waste Management to Black Bear Disposal, LLC. The Board of County Commissioners hereby approves of the following items related to this proposed solid waste management facility:

1. The population and area to be served by the landfill shall be the portions of those States located east of Interstate 75, said area having an estimated population of 108,900,000;
2. The landfill may accept up to 3,080,000 tons per year of non-hazardous solid waste, including, but not limited to; municipal (MSW), industrial, construction and demolition (C&D) and other waste permitted by the Division of Waste Management;
3. The landfill as proposed in the facility plan will have an estimated useful life of 27 years; and
4. The landfill, as proposed, is subject to Camden County Franchise Ordinances 2002-10-01 and 2002-10-02, and is consistent with those Ordinances and the County's zoning laws.

Adopted, this the 10th day of February 2005.


Melvin J. Jeralds, Chairman
Camden County Board of Commissioners

(SEAL)

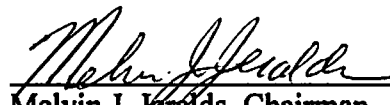
ATTEST:


Ava Murgia
Clerk to the Board

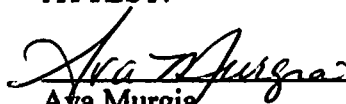
Adjournment

There being no further business to come before the Board at this time, Commissioner Clayton Riggs made a motion to adjourn the meeting. The motion passed with Chairman Jeralds, Commissioners Jennings, Carolyn Riggs, Clayton Riggs, and Andrews voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

The meeting adjourned at 7:21 a.m.


Melvin J. Jeralds, Chairman
Camden County Board of Commissioners

ATTEST:


Ava Murgia
Clerk to the Board