

Camden County Board of Commissioners

Public Meeting

February 8, 2005

7:00 p.m.

Camden County High School Cafeteria
Camden, North Carolina

A public meeting regarding Black Bear Landfill, LLC was held Tuesday, February 8, 2005 at 7:00 p.m. in the Camden County High School Cafeteria, Camden, North Carolina. 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
County Attorney Herbert Mullen
Clerk to the Board Ava Murgia

Chairman Jeralds called the meeting to order and welcomed everyone to the public meeting. Chairman Jeralds stated everyone was present tonight to learn more about the proposed landfill and that the agenda had set times to speak in opposition and in favor of the issue, a presentation by John Thompson, a presentation of the Black Bear Facility Plan by Black Bear Disposal LLC, and a presentation from Paul Crissman of DENR. Chairman Jeralds stated this is a very emotional issue, asked that all act like ladies and gentlemen at all times, and to give our neighbors respect.

For safety purposes, Chairman Jeralds identified all fire exits in case of an emergency. Chairman Jeralds asked that all cell phone ringers be silenced.

Chairman Jeralds asked all to pray together the Lord's Prayer, followed by the Pledge of Allegiance.

Public Comments – John Thompson – Against

Chairman Jeralds called on John Thompson for his presentation.

John Thompson, Camden County Action League (CCAL), gave a power point presentation. Mr. Thompson stated that they are concerned about the Black Bear Landfill that was started July 1, 2002 and reviewed a power point presentation timeline he had prepared regarding rezoning, public meetings, special meetings, changes to the UDO, Joint Meeting with the Planning Board, approval of the UDO, public hearing rules, franchise ordinance for sanitary landfill, franchise agreement, and host fees. Mr. Thompson cited several issues in his timeline presentation that he felt were not conducted properly. Mr. Thompson stated if the public did not know about the landfill, then they could not say anything about it. Mr. Thompson reviewed the Franchise Agreement and asked the people attending the public meeting how many knew about the landfill and how many opposed.

Mr. Thompson's power point presentation, letter from attorney John D. Runkle, and the printed signature sheets that were distributed at the meeting were entered into the record per Mr. Thompson's request.

Mr. Thompson yielded the balance of his time to Lars Simenson.

Lars Simenson, attorney for the Ashton-Lewis Family, stated the Ashton-Lewis family owned land immediately to the south of the landfill property and is very concerned about the course the county has taken with respect to the Black Bear LLC Landfill. Mr. Simenson stated there were procedural flaws regarding the minutes, zoning ordinance and franchise ordinance that affects the course the county has taken. Mr. Simenson stated this is a very bad deal for the county. Mr. Simenson stated that the Board needs to look at the

landfill as what is best for the county, and not what is best for Black Bear LLC, and not rush to judgment.

Public Comments – For

Chairman Jeralds called upon Forrest Pugh.

Forrest Pugh, Alder Branch Road, explained the rules of ordinances; the county adopted a Unified Development Ordinance to slow growth and to establish a set of rules so that all people and all developers who move into the county have the same set of rules to abide by so everyone will be treated fairly. Mr. Pugh stated that Black Bear has to abide by the rules of DENR and ten (10) years ago he was against landfills just as the CCAL is today because he was ignorant of how landfills were operated. Mr. Pugh stated through education, contacting state employees and other county Commissioners who have landfills in their county, he found out that landfills are and can be operated safely. Landfills today are licensed and regulated by DENR. Mr. Pugh stated that after accusations by the CCAL, the Commissioners were investigated and cleared of any wrong doing. Mr. Pugh corrected several erroneous issues in a paper distributed by the CCAL. Mr. Pugh stated the nearest landowner will be one and one half mile from the landfill site and 2,000 feet when the landfill is complete.

Randy Keaton, County Manager of Pasquotank County, stated he worked for Camden County when Camden County had a privately owned landfill in Riddle. After the owner gave the county six (6) months notice that the landfill operation was closing, Camden County began negotiating with Pasquotank County. Mr. Keaton stated that Pasquotank-Elizabeth City operated a landfill behind the water treatment plant in the swamp for many years and then opened a new landfill in 1984, which at that time was considered a state of the art landfill. This landfill did not have a liner or a leachate collection system, but did have compacted clay for the base of the landfill. In 1984 Camden County brought their trash to Pasquotank County because Camden did not have a place to dispose of garbage. The Pasquotank landfill closed in 1994 and began taking garbage to the new regional landfill in Bertie County. Mr. Keaton stated there have been concerns that the landfill in Pasquotank County is leaking and poisoning water. Mr. Keaton explained the Pasquotank County landfill construction, how the groundwater is tested twice a year and sent for state review. Mr. Keaton also explained how the land surrounding the landfill was developed by building a park and digging a freshwater lake, where many people fish, many people go swimming, and have never had any trouble with the water quality. Mr. Keaton stated that Pasquotank County has had good relationship with the State regarding the landfill and a good monitoring program in place. To Mr. Keaton's knowledge Pasquotank County landfill has never been cited for a violation.

Commissioner Andrews asked Mr. Keaton how tall the landfill was at Fun Junction.

Mr. Keaton stated fifty feet (50').

Commissioner Andrews inquired where Pasquotank carried their trash now.

Mr. Keaton stated to the landfill in Bertie County.

Commissioner Andrews inquired if Pasquotank County would be bringing trash into Camden.

Mr. Keaton stated they have three (3) years remaining on their contract, and will be looking at alternative sites, not because they would not go back to Bertie, but to explore other options.

Gary Meiggs, South Mills Township, stated the board has heard the views of those who oppose the landfill and now he would like the board to consider to views of the residents who wish to see Camden united, move forward and see Camden County prosper. Mr. Meiggs stated the only way for Camden to move forward is to allow the landfill to begin operations. The citizens will have to rely on the NCDENR to enforce their regulations to require safe measures to be implemented and monitor the landfill to eliminate any

potential negative environmental impact. Mr. Meiggs stated the contract with Black Bear has been signed and if the county backs out now, the county will be sued and our children and grandchildren will inherit our debt. Mr. Meiggs stated he is truly concerned about the negative financial impact Camden County will suffer if the county denies the building of the landfill or if the landfill is stopped. Mr. Meiggs stated his concerns regarding sewer issues, school needs, financial problems and depending on growth in the county to alleviate the current financial problems. Except for the landfill, Mr. Meiggs stated that he knows of no other businesses planning to locate in Camden County and the county does not have the luxury of waiting another five (5) to ten (10) years while we hope to find another revenue source. Mr. Meiggs stated the citizens of Camden County do not want their taxes raised and the landowners will have no choice but to sell their land to developers which will only bring more houses, more students, and more budget problems.

Open Public Comments – Against

Chairman Jeralds stated that at this time there would fifteen (15) minutes of open public comments, and he would call out the name of those who signed up to speak prior to the meeting. Chairman Jeralds asked that the person speaking limit their comments to two (2) minutes each.

Chairman Jeralds called Dennis Morse from the sign up sheet to speak.

Dennis Morse, Main Street, South Mills, stated he had looked over the contract or agreement and can not believe that any legal or technical educated person reviewed the contract on behalf of the county. Mr. Morse recommended that the Commissioners learn who reviewed the contract so that they never hire him or her again. Mr. Morse quoted *Page 3, III. 3. Service Area*. The service area will include the area located east of interstate highway 75. The current estimated population with the service area is 82 million people. The company may accept waste from outside the service area. Mr. Morse stated that the news media will make great sport of past and present Commissioners for signing on for the entire USA and maybe more.

Chairman Jeralds called Perry Morrow from the sign up sheet to speak.

Perry Morrow, 150 Keeter Barn Road, South Mills, stated he strongly opposes the landfill and Black Bear is not welcome in the county. Mr. Morrow stated the landfill is not the counties answer to the fiscal debt. The landfill is a quick fix for a short term, and stated his concerns regarding the liner leaking. Mr. Morrow was also concerned regarding public awareness of the proposed landfill. Mr. Morrow asked the Waste Industries representatives if they were going to put a written guarantee that their liner was not going to leak.

Chairman Jeralds called Joe Higginbotham from the sign up sheet to speak.

Joe Higginbotham, 115 Deer Trail, South Mills, stated he bought his property in 2001, built in 2002, and after several months heard that there was a dump coming in behind his property. Mr. Higginbotham stated he did not receive a zoning map, and asked Vin Poole of Waste Industries how far the garbage dump would be behind him since he is the last house of the south side. Mr. Higginbotham stated Mr. Poole told him it would be 3,000' behind his property. Mr. Higginbotham stated this was wrong because it is 3,000' off the center line of US17. Mr. Higginbotham stated his concerns regarding the operating hours. Mr. Higginbotham questioned Waste Industries and everyone in the room creditability because this is the largest landfill in North Carolina.

Chairman Jeralds called Cheryl Morrow from the sign up sheet to speak.

Ms. Morrow stated she would allocate her time to the South Mills Fire Chief Kenny Swinson.

Kenny Swinson, Volunteer Fire Chief, South Mills, stated he represents thirty two (32) men and women who protect Camden County. Mr. Swinson stated what the county is

proposing tonight, they are not prepared for, and stated he has asked for money before, and gave a ten (10) year plan, done everything that has been asked of him but with no results. Mr. Swinson stated he was concerned about hazardous wastes, methane gas, and biohazards. Mr. Swinson asked the Board how they expected him to protect the landfill with what he has to work with, with volunteers, when the county does not have the money to pay a fire department.

Chairman Jeralds called Gene Linstrom from the sign up sheet to speak.

Gene Linstrom, 107 Deer Trail, South Mills, stated he did not receive a zoning letter. Mr. Linstrom stated he agreed that all counties and people need a landfill in their communities but they need to be constructed in an area where the property and ground is suitable. Mr. Linstrom stated concerns regarding the liner being constructed and placed directly on the ground and well water quality.

Chairman Jeralds called Bob Chandler from the sign up sheet to speak.

Mr. Bob Chandler declined to speak.

Chairman Jeralds called Susan Harris from the sign up sheet to speak.

Ms. Harris did not respond.

Chairman Jeralds called Cliff Johnson from the sign up sheet to speak.

Cliff Johnson, 203 Spencer Ave., South Mills, stated he was against the landfill because it is unsafe.

Chairman Jeralds called for James Davis from the sign up sheet to speak.

James Davis, 121 Shore Drive, Shiloh, spoke in opposition of the landfill and reminded the Commissioners that they work for the citizens.

Open Public Comments – For

Chairman Jeralds called for Clarence Jennings from the sign up sheet to speak.

Clarence Jennings, 164 Trotman Road, Shiloh, Chairman of the Camden County Board of Education, addressed the financial issues the Commissioners face in preparing the budget. Mr. Jennings thanked Black Bear for the \$5,000.00 contribution to Camden County School Project Graduation. Mr. Jennings stated that two (2) schools are overcrowded, one school recently remodeled is at the limit, and according to the Local Government Commission Camden County can not borrow any money at this time because there is no revenue available. Mr. Jennings stated the county is in desperate need of a new middle school. The county needs business to generate revenue to build a new school because houses and subdivisions have never generated enough revenue for capital development of schools. One thousand (1000) houses will generate approximately 1500 students, which will generate three (3) additional schools. The present cost of one (1) school is \$9 million, and by the time the county can build the new school, it will be \$10 million. Mr. Jennings stated that landfills do not generate a need for education. The landfill will be more economical for the school system and more profitable for the county than a subdivision. Landfills are not a new thing to Camden County; it is not the first landfill to grace the doors of Camden County, and the first landfill was not owned by Camden County; the second landfill was between Camden and Belcross on US158 now has buildings on top, and the third landfill is in Riddle with pine trees growing on top of it now. These landfills have been here, and not caused any problems. Mr. Jennings stated if the county does not pursue the revenue source that Black Bear is offering, the quality of education will decrease.

Chairman Jeralds called for G. Wayne White from the sign up sheet to speak.

G. Wayne White, 122 Pine Street, Camden, stated that Camden is the third in the state for fastest school growth. Mr. White stated he serves on the Board of Education along with several other boards and stated that the schools have run out of space to put children. Mr. White stated the county needs to keep the schools running, and that he respects the views of the people, but the landfill is the only funding source to do this.

Chairman Jeralds called for Chris Wilson from the sign up sheet to speak.

Chris Wilson yielded to Clarence Jennings.

Chairman Jeralds called for Al Blount from the sign up sheet to speak.

Al Blount yielded to Wayne White.

Chairman Jeralds called for Pat Cuthrell from the sign up sheet to speak.

Pat Cuthrell, 104 Craven River Court, Shiloh, spoke that when the Commissioners invited the Education Foundation to participate in the QZAB loan, it worked out wonderfully, and she knew that the landfill would work out wonderfully. Ms. Cuthrell stated in her last electric bill there was information regarding what the electric companies like to do with landfills as far as an energy source, and there were all kinds of possibilities if you opened your mind. Ms. Cuthrell spoke in support of the landfill for the benefit of the schools.

Chairman Jeralds call for Brian Forehand from the sign up sheet to speak.

Brian Forehand, 104 Beech Tree Drive, Shiloh, stated as a Camden County native he has spent thirty five (35) years of his life as a teacher at Camden County High School. Mr. Forehand stated the county needs a new school now, and the extra income from the landfill will meet the counties needs to build a new elementary school by the fall of 2006. Mr. Forehand stated if the Commissioners say no to the landfill, the county still needs a school, and as a citizen, former Camden County student and teacher, Mr. Forehand asked the Commissioners to support the landfill.

Chairman Jeralds call for Kenny Simmons from the sign up sheet to speak.

Kenny Simmons, 625 Sandy Hook Road, Shiloh, stated Camden County has no Ford Plant, no Shipyards, no strip malls and not everyone can start small businesses. Mr. Simmons stated the county needs the landfill, and stated that the county pool their resources, put the petty differences beside, put the money in the school system, and get it done.

Chairman Jeralds call for Stephanie Schaad from the sign up sheet to speak.

Stephanie Schaad, 106 Wisteria Drive, Camden, stated she is a new resident because where she lived previously, she was taxed out. Ms. Schaad stated she would like to see revenue come into the county, and if the landfill provided just one job for some unemployed person so their child could have food in their stomach and a roof over their head, then she applauds the Commissioners and the landfill.

Chairman Jeralds call for Barbara Bartlett from the sign up sheet to speak.

Barbara Bartlett, 234 S. 343, Camden, spoke concerning the petty disrespect of the citizens, and felt that the Commissioners would never do anything that is detrimental to the citizens of Camden County. Ms. Bartlett spoke on the lack of job opportunity in the county and in support of the landfill.

Presentation of the Landfill Facility Plan by Black Bear Disposal, LLC

Chairman Jeralds called upon Ven Poole of Waste Industries to present the landfill facility plan.

Mr. Poole presented a power point presentation regarding the Black Bear Disposal, LLC. After a brief overview of the company and employees, Mr. Poole stated the site description is: a 1060 acre tract in northern Camden County with 490 +/- acres of actual waste disposal, estimated 100 million cubic yards of airspace, estimated life of site is 27+ years, no endangered species or archeological sites, next to a major transportation corridor, no impact on secondary roads, sparse population in immediate area, and US 17 improvements are underway. The transportation route is US17 with no schools, public parks, playgrounds, child care centers or churches along the access route.

Mr. Poole stated the financial benefits of the landfill as low disposal costs (\$145,500), real (\$76,000) and personal property (\$56,250) taxes, and with 5% to 7% of revenues from host fees (\$1,456,000).

Mr. Poole explained the permitting process: application and issuance of a franchise, zoning, site suitability study, and permit from NCDENR to construct application, NCDENR public comment on draft permit, construction, and then NCDENR permit to operate.

Mr. Poole introduced Tim Grant, Senior Project Manager and Professional Geologist, to explain the technical issues regarding the construction of the landfill.

Mr. Grant gave an overview of how landfills are constructed and referred to the model on display and a sample of the liner. Mr. Grant stated that the subsurface is prepared with a clay layer before placement of the liner. The components of the landfill are a liner system, leachate collection and removal system, cap and closure system, storm water management, groundwater monitoring and landfill gas collection system. The landfill is monitored for gas, air quality, liner leak detection and groundwater sampling.

Mr. Poole showed several existing landfill site with homes, day care center and nature walk near the landfill, and discussed the economic benefits of the landfill for the county.

Mr. Poole stated that sometimes it is misunderstood that landfills drive industry away, and that misunderstanding is the furthestest from the truth. Mr. Poole estimated that the landfill would bring over \$560,000,000 in local economic activity over thirty (30) years: new business for local suppliers and vendors, new business for local subcontractors, support services such as fuel and maintenance, a new commercial and industrial park. The landfill will create over fifty (50) new jobs: mechanics, drivers, equipment operators, administrative personnel, technicians, engineers, laborers, and supervisors and managers. Mr. Poole stated that after the meeting in South Mills in 2003, a number of local residents submitted job applications.

Mr. Poole stated that the landfill provided an economic driver for the county regarding state grants for county wide water and wastewater treatment systems, local school and community enhancements through partnerships, grants and involvement. The landfill attracts industry resulting in low taxes and low cost disposal for new industry seeking to locate in Camden County. Mr. Poole stated Waste Industries is very active in the community.

Mr. Poole stated there are hundreds of landfills within the service area.

Mr. Poole reviewed the actions required by the County, timetable, and the permitting process. Mr. Poole stated that support facility construction begins in May 2005, Cell 1 construction begins in June 2005, and Cell 1 operation begins October 2005.

Following the presentation, Mr. Poole answered a wide range of questions from the public.

Commissioner Andrews asked Mr. Poole about the number of additional trucks that would be added to the original contract if Waste Industries negotiated the contract with another company.

Mr. Poole stated that the number of trucks would basically remain the same.

Commissioner Andrews questioned if the trucks were basically contract trucks.

Commissioner Andrews questioned whether Waste Industries is considering running a water line up Highway 17 North to the neighborhood at the state line.

Mr. Poole stated that had been discussed with the previous Commissioners, and the Board decided on receiving the revenue for the county instead.

Commissioner Andrews questioned if Mr. Poole was aware of the height limitations due to the Coast Guard Base, and if they had contacted the Department of Defense and Navy as their proposed site was in the direct flight path of military helicopters.

Mr. Poole stated this was part of the state permitting process.

NCDENR – Paul Crissman

Chairman Jeralds called upon Mr. Paul Crissman to speak.

Mr. Crissman stated that all landfills in North Carolina that do not have liners are closed now and are monitored and checked for groundwater leaks. All landfills in North Carolina today have a composite liner system and the leachate is not allowed to build up on the bottom of the liner. Mr. Crissman stated the first lined landfill was constructed in 1982, and then seven (7) years later other lined landfills were constructed. Mr. Crissman stated that by adding a 300' buffer DENR believes that ample room is allowed to intercept any leak that may occur in the future. A properly designed and maintained cap should prevent leachate from contaminating groundwater even if the bottom liner does eventually fail because the cap prevents the infiltration of water. Regarding currently operating existing landfills, NCDENR's monitoring system have proven of value. Mr. Crissman cited several landfill monitoring issues that NCDENR was involved in correcting before any environmental impact occurred. Mr. Crissman stated that the landfills operated in North Carolina continue to have no indication of groundwater contamination; however, NCDENR continues to monitor and inspect each facility.

Mr. Crissman stated in summary, landfills are an important part of our society and are closely, closely considered, closely reviewed, carefully constructed, with continual inspection. Mr. Crissman stated that with a properly designed, reviewed, constructed, managed, and monitored landfill will be protective of the public health and environment based on past performances of landfills and NCDENR in North Carolina.

Mr. Crissman offered to stay after the meeting to answer any questions of concern regarding the landfill.

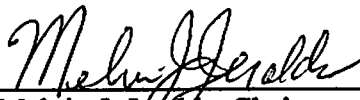
Following all presentations and comments, Chairman Jeralds asked the Board members if they had any questions.

Hearing no questions from the Board, Chairman Jeralds thanked everyone for attending the meeting, and stated the Board of Commissioners will take under consideration the comments received, and the information regarding the Black Bear Facility Plan. The Board will reconvene on Thursday, February 10, 2005 at 7:00 a.m. in the Courthouse to discuss the Black Bear Facility Plan.

Adjournment

Commissioner Riggs made a motion to adjourn the public 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 9:47 p.m.



Melvin J. Jerald, Chairman
Camden County Board of Commissioners

ATTEST:



Ava Murgia
Clerk to the Board