

Camden County Board of Commissioners

Special Meeting

January 17, 2005

8:00 a.m.

Senior Center Dining Room

A special meeting of the Camden County Board of Commissioners was held Monday, January 17, 2005 at 8:00 a.m. in the Senior Center Dining Room, Courthouse Complex. The meeting was originally advertised to be held in the County Manager's Conference Room. The following members were present:

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

Commissioner Clayton Riggs was out of the country.

Also attending was Attorney Herbert Mullen and Planning Director Dan Porter.

Chairman Jeralds called the special meeting to order.

Consideration of the Agenda

County Manager Randell Woodruff asked that the agenda be amended to add *Item III. Old Business, b. Odessa Williams Subordination Agreement.*

Commissioner Andrews asked that the agenda be amended to add *Item III. Old Business, c. Report from County Attorney and County Manager Regarding the Landfill.*

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

Domestic Violence Investigator Grant Application

Chairman Jeralds stated that Sheriff Perry was presenting the Domestic Violence Investigator Grant Application with changes.

Sheriff Perry stated that the pre-application will not be effective until July 1, 2005, as it takes several months for the application to be reviewed. Sheriff Perry stated there is no cash match, just existing equipment that the Sheriff's office has in place and portions of that match will be used next year when the grant is revisited this time next year.

Commissioner Carolyn Riggs questioned at the end of the two (2) years as provided by the Grant, the Board is not saying the County will pay for the Domestic Violence Investigator, and that the person hired will be aware of that when taking the job.

Chairman Jeralds stated that is correct.

Commissioner Andrews made a motion to approve the Governor's Crime Commission application for a Domestic Violence Investigator by Sheriff Perry with the stipulation that there is no cost to the County at this time, and the person hired realizes that this position could be terminated at the end of the grant period. The motion passed with Chairman Jeralds, Commissioners Jennings, Carolyn Riggs, and Andrews voting aye; no Commissioner voting no; Commissioner Clayton Riggs absent; and no Commissioner not voting.

Odessa Williams – Subordination Agreement

County Attorney Herbert Mullen stated that it is his understanding that Odessa Williams received a Community Development Block Grant and wants to borrow money from RBC Sentura Bank. The subordination agreement requires her to keep the house for seven (7) years. It is not the county's obligation to collect the money.

Commissioner Andrews questioned what the additional funding was for.

John Thompson, 132 Country Meadows Road, asked that this matter was brought before the Board without all the information.

Official Report Regarding the Landfill

Commissioner Andrews stated on December 2, 2005 he made a motion to have a public hearing/meeting on the landfill because of past questions regarding how things were handled. Originally the meeting was supposed to be on February 21, 2005 and the County Manager and County Attorney were supposed to research and present at a later Commissioners meeting a full report; time, date, place, documents. Commissioner Andrews stated he asked for a timeline. At the last Commissioners meeting, Attorney Mullen gave a brief report on the landfill and it was his opinion that it was a progress report because the Board is not doing what he intended, and his motion for the meeting on February 21st is for the citizens to be able to express their concerns now that the landfill is out in the open and apparently in the past it wasn't. Commissioner Andrews further stated that now setting February 8, 2005 as the public meeting, which Black Bear Landfill will be giving their presentation, is his meeting and is for the citizens and does not think allowing Black Bear Landfill to meet one of their obligations at the February 8 meeting should be considered for them to meet one of their permitting process because this is his meeting he asked for to show the citizens and listen to the citizens.

Commissioner Andrews stated that he feels he has not received an official report of timelines, etc. that citizens can see. Commissioner Andrews stated he does not have a problem with that report being presented at the February 8, 2005 meeting.

Chairman Jeralds stated the meeting was moved from February 21 to February 8 due to the availability of the building. The County Manager did the best he could to get the meeting close to the February 21 date and to avoid any conflicts with the school activities, which the school was, the largest building in the county to hold the meeting.

Commissioner Andrews stated he felt that the Board has not had the official report on the investigation and questioned what was going on the 21st that they could not use the gymnasium or cafeteria.

County Manager Randell Woodruff stated he reported at the last Board meeting that it is because of the basketball season and no parking would be available if the meeting was held the same night as a basketball game. County Manager Randell Woodruff further stated that February 8th was the only date Principal Penell could guarantee that there was no possibility of having to switch the date.

Commissioner Andrews asked if the meeting could be switched to the other schools.

Chairman Jeralds stated not at this late date since the meeting has been advertised for February 8th.

County Manager stated that it was never his understanding that Commissioner Andrews wanted a written report and it was never stated that it was to be written report, so he assumed what Attorney Mullen gave the Board was sufficient.

Commissioner Andrews voiced his concerned regarding the pace of the landfill picking up really fast, and has concerns that the meeting he asked to have to get public input may be used to further Black Bear's permitting process. Commissioner Andrews spoke in opposition of the landfill and stated he felt there were other options.

Commissioner Andrews stated he would have a problem taking his meeting on February 8 in the same night and voting to accept the Franchise Agreement.

Commissioner Jennings stated to Commissioner Andrews that he wanted to make something clear; that Commissioner Andrews is not voting to accept the Franchise Agreement. The Franchise Agreement is in place. The only thing he is going to vote on that night, even if he was going to vote, is the Resolution stating that Black Bear's operation plan is in accordance with the Franchise Agreement

Commissioner Andrews questioned the rezoning and advertising.

Commissioner Jennings stated everything was done according to law.

County Manager Randell Woodruff stated nothing was violated according to General Statutes. The only thing that was not done correctly was a thirty (30) day advance advertisement of the public meeting, according the North Carolina Administrative Code and, that is the only thing DENR pointed out that the county did not do.

Commissioner Andrews asked why just the surrounding property owners were considered in the public hearing.

County Manager Randell Woodruff stated that is up to DENR and they would have to answer that question. Paul Crissman was asked that same question at one of the meeting held and Mr. Crissman said the people he needed to be in contact with were closer, not the people several miles down the road.

Commissioner Andrews asked what the state law was regarding public hearing.

Chairman Jeralds stated the public hearing is to satisfy DENR is a rule, not a law.

Commissioner Andrews stated he felt that the Board should look at what the citizens feel as a whole and questioned whether Black Bear had purchased land.

County Manager stated Black Bear has purchased land.

Chairman Jeralds stated there is a transfer and transfer tax has been paid on the land.

Commissioner Andrews questioned if that document is available.

Chairman Jeralds stated it is in the tax office.

John Thompson, 132 County Meadows Road, stated his wife had been down on Tuesday to the tax office and pulled all the tax papers and pulled all the deeds.

Chairman Jeralds called Mr. Thompson out of order.

County Manager Randell Woodruff stated he talked with the Register of Deeds Friday night, and Ms. Kight stated she knew the deed had been recorded but was not sure of the date of recording or the acreage. County Manager Randell Woodruff stated Ms. Kight called him from the Register of Deeds office on Sunday and confirmed the date that the deed was recorded. Ms. Kight did not go to the office to record the deed on Sunday, but only to check when the deed was recorded.

Commissioner Andrews requested a copy of the transfer.

County Manager Randell Woodruff stated that it is his understanding that the deed has been recorded in the Register of Deeds, but it may take some time before the tax office updates their records.

Commissioner Jennings stated he knew there was a tax transfer of \$6.5 million and it was Black Bear LLC.

Commissioner Andrews again restated his concern regarding combining his meeting on the 8th to meet the requirements of Black Bear permitting process.

Set Public Hearing – Resolution No. 2005-02-01 A Resolution of the Camden County Board of Commissioner Granting Approval of the Black Bear Disposal, LLC Landfill Facility Plan Being in Compliance with the Franchise

Chairman Jeralds stated Commissioner Andrews's previous comments were related to this item.

Chairman Jeralds stated the public hearing at the conclusion of the public meeting on February 8th would not be combined, and a large crowd would be there and, if anybody had any opposition would have the time to be heard.

Commissioner Andrews stated he would rather hold the voting of the Resolution at another date and would like to have at the public meeting a completed report available and presented to the citizens of timelines and flow charts and any other documents including land transfer tax for citizens to view.

Chairman Jeralds called for a motion to set Resolution No. 2005-02-01 at the conclusion of the February 8th public meeting.

Commissioner Jennings made a motion to set Resolution No. 2005-02-01 at the conclusion of the February 8th public meeting. The motion failed 2-2 with Chairman Jeralds and Commissioner Jennings voting aye; Commissioner Carolyn Riggs and Andrews voting no; Commissioner Clayton Riggs absent; and no Commissioner not voting.

Joe Higgenbothan, spoke in opposition of the landfill.

John Thompson, spoke in opposition to the landfill.

Commissioner Andrews requested a copy of the land transfer monies into the county's coffers, a list of people who had received notification regarding the rezoning, signs that were posted, and receipts of advertising.

Commissioner Carolyn Riggs asked for a report of outside the cost of the property itself, what actual expenses Black Bear – Waste Industries has incurred.

Closed Session

Commissioner Jennings made a motion to go into closed session pursuant to G.S. 143-318(a)(3) for the purpose of consultation with attorney. The motion passed with Chairman Jeralds, Commissioners Jennings, Carolyn Riggs, and Andrews voting aye; no Commissioner voting no; Commissioner Clayton Riggs absent; and no Commissioner not voting.

The Commissioners entered closed session at 8:47 a.m.

Commissioner Jennings made a motion to come out of closed session and back into regular session. The motion passed with Chairman Jeralds, Commissioners Jennings, Carolyn Riggs, and Andrews voting aye; no Commissioner voting no; Commissioner Clayton Riggs absent; and no Commissioner not voting.

The Board re-entered regular session at 11:12 a.m.

Chairman Jeralds called for any motions from the Board.

Commissioner Jennings made a motion to set public hearing on Resolution No. 2005-02-01 A Resolution of the Camden County Board of Commissioners Granting Approval of the Black Bear Disposal, LLC Landfill Facility Plan Being in Compliance with the

Franchise for the February 21, 2005 regular Board meeting. The motion passed with Chairman Jeralds, Commissioners Jennings, Carolyn Riggs, and Andrews voting aye; no Commissioner voting no; Commissioner Clayton Riggs absent; and no Commissioner not voting.

Hearing no objections, Chairman Jeralds so ordered adding Appointment of Deputy Clerk to the February 21, 2005 agenda.

Amendment to Agenda

Commissioner Jennings made a motion to amend the agenda to allow a report from the County Manager regarding a meeting with the Local Government Commission. The motion passed with Chairman Jeralds, Commissioners Jennings, Carolyn Riggs, and Andrews voting aye; no Commissioner voting no; Commissioner Clayton Riggs absent; and no Commissioner not voting.

County Manager Randell Woodruff stated he, Commissioners Clayton Riggs, Dr. Dunn, Clarence Jennings, and the Finance Officer met with the Local Government Commission in Raleigh to review the county's current status of assuming additional debt. (i.e. \$9 million for a new elementary school) They were advised that the county is not in good enough financial condition to take on any more debt. The debt service level is approximately 13% and assuming a debt for a new school, the debt service would be over 19% and the LCG would not condone that. According to LCG the county has two (2) options: 1) find new revenue, or 2) consider a tax increase, which would be a 15 to 22 cent increase.

Adjournment

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

The meeting adjourned at 11:23 a.m.



Melvin J. Jeralds, Chairman
Camden County Board of Commissioners

ATTEST:



Ava Murgia
Clerk to the Board