

CAMDEN COUNTY BOARD OF COMMISSIONERS

Joint Meeting with the Currituck Board of Commissioners

August 16, 2005

6:00 P.M.

**Currituck County Historic Courthouse
Currituck, North Carolina**

MINUTES

A joint meeting of the Camden County Board of Commissioners and the Currituck Board of Commissioners was held Tuesday, August 16, 2005 at 6:04 P.M. in the Currituck County Historic Courthouse, Currituck, North Carolina. The following Board members and staff were present.

Camden County Board of Commissioners:

**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
Attorney Herbert Mullen**

Currituck County Board of Commissioners:

**Chairman Paul Martin
Vice Chairman Paul O'Neal
Commissioners Eldon Miller, and Owen Etheridge
County Manager Dan Scanlon
Attorney Katherine McKenzie**

Currituck Commissioner Ernie Bowen and Clerk to the Board Gwen Keene were absent.

Commissioner Andrews arrived at 6:18 p.m. and Commissioner Clayton Riggs arrived at 6:45 p.m.

Currituck County Board of Commissioners Chairman Paul Martin called the meeting to order at 6:04 p.m. and stated that Currituck and Camden Commissioners meet once a year to discuss common issues and problems, and this is a normal called meeting with the meeting devoted to receiving information regarding the proposed Black Bear Landfill. The meeting was called by the Currituck County Board of Commissioners.

Chairman Jeralds introduced Ven Poole, Vice President, Waste Industries, USA, parent company of Bear Disposal LLC.

Following introduction of the Black Bear Landfill staff, Mr. Poole presented an in-depth slide presentation of the proposed Black Bear Landfill project and the operation procedures. Mr. Poole stated a copy of the slide presentation is available on the Waste Industries website.

Chairman Paul Martin stated that the Board had heard that it was possible for the odor from the landfill to reach seven and one-half (7-1/2) miles and asked if that was true or false.

Mr. Poole stated false and invited the Board to visit the Waste Industries landfill in Sampson County. Mr. Poole stated that there are engineering solutions designed to control odor; that the landfill gas is valuable, and they will find a company that can use the landfill gas. State law requires that they maintain a small working space to make sure the working space is covered with soil as it is worked throughout the day.

Commissioner O'Neal stated that when Chesapeake gave their presentation to the Board previously, he asked if Chesapeake has addressed their concerns to the Camden Board of Commissioners and wanted to know if Waste Industries had done a presentation to the Chesapeake Council.

Mr. Poole stated that Waste Industries has offered to go to Chesapeake to make a presentation but they were told Chesapeake did not want to talk to them.

Commissioner O'Neal asked what other area was looked at to locate the landfill.

Mr. Poole stated no where. This site was chosen because the Commissioners and Waste Industries knew that in 1985 SIPSA performed an environmental impact statement for a landfill to be located on the NC/VA state line in Virginia next to the landfill in Camden County. Mr. Poole displayed a map and design of the proposed six hundred and ten 610 acre SIPSA landfill.

Commissioner O'Neal asked why Chesapeake was so strongly opposed to the landfill.

Mr. Poole stated until Chesapeake officials talk to Waste Industries, he does not know exactly. Mr. Poole further stated that he has offered to talk with Chesapeake and make a presentation as far back as when Chesapeake's staff called for a copy of the permit but was denied the opportunity to make a presentation to the Chesapeake officials.

Commissioner O'Neal inquired as to how many trucks per day, where the dirt to cover the landfill is coming from, and if Route 17 is closed, what is the alternate route to the landfill.

Mr. Poole stated at maximum capacity there would be four hundred (400) trucks per day.

Mr. Poole stated the dirt is located at the landfill site and if Route 17 is closed, the landfill is closed.

Commissioner O'Neal said the reason he asked about an alternate route to the landfill was because Chesapeake stated that whether Route 17 is closed or not, the barges of trash still come in.

Mr. Poole stated that is not true because the barge contractors in the Northeast have to have two (2) or three (3) alternate sites.

Commissioner O'Neal asked Mr. Poole if he could go on record tonight and say that they will never see any trucks going down US158.

Mr. Poole stated he did not know if he could say that, but does not see any reason they should be going down US158.

Commissioner Etheridge asked where the loading site was located.

Mr. Poole stated the only one he was aware of was the one that SIPSA is trying to obtain in Portsmouth.

Commissioner Owen Etheridge asked how long Waste Industries has been operating the Sampson County landfill.

Mr. Poole stated since May 23, 2000.

Commissioner Etheridge asked as far as Mr. Poole is aware of if there were any landfill liner failures.

Mr. Poole stated that according to the research he had done and talking with the engineers, there are no liner failures or leaky liners on record. Mr. Poole further stated the system has multiple redundant systems to protect the environment so that if one system were to fail the other would catch the failure and so forth.

Commissioner O'Neal asked how the landfill would affect the property value in Moyock.

Mr. Poole said he would tell the property owner their property value would be the same or higher in value.

Commissioner Etheridge referred to a recent memo questioning the financial ability of Black Bear.

Mr. Poole stated that as part of the permitting process the state has to make a determination or finding that the proposed operator is financially capable to operate and finance the landfill. Mr. Poole stated he has provided all the information to the state and the state knows that they are a financially viable company. The question the state has is the fact that the solid waste ordinance was written before the LLC ordinance was written. The Sampson County landfill is a LLC. There is no question of the financial capability of Black Bear Disposal LLC.

Chairman Martin questioned storm water run off.

Mr. Poole stated the sedimentation basin and storm water drainage are going to be designed so that if they overflow in a flood such as Floyd, the overflow will be to the West, and if it overflows, it will not be an overflow of garbage.

Chairman Martin stated in the Chesapeake presentation, that Chesapeake stated that the landfill could be operated up to ninety (90) years.

Mr. Poole stated that is absolutely false.

Commissioner Etheridge asked how large the wildlife conservation area was.

Mr. Poole replied one hundred ninety (190) acres.

Commissioner O'Neal asked why verbiage for expansion is in the agreement.

Mr. Poole replied that if changes are made to the design, public approval is needed, and other than squaring the property up to make the landfill more efficient, expansion is not something Waste Industries wants to do.

Commissioner O'Neal stated that Chesapeake told them, as far as the state permitting process, that Waste Industries had to get a Franchise Agreement from all adjoining government entities.

Mr. Poole stated that is not correct. The law states that they must first get a franchise agreement with the local government that has jurisdiction over the property.

County Manager Dan Scanlon asked if it were possible under language of the franchise agreement that Chesapeake showed them that Waste Industries could replicate that design one time to the north and one time to the south.

Mr. Poole stated that language may be included in the agreement, but Waste Industries must go by the Facility Plan and, outside of that, Waste Industries has to obtain another franchise agreement. The Facility Plan can not be changed.

Mr. Scanlon asked what material would be used for cover.

Mr. Poole stated borrow material out of the borrow pit on their property, and from the two (2) commercial borrow pits next to the landfill. The trucks from the borrow pit that are currently using Ponderosa Road will be using the landfill road.

Commissioner Andrews asked if they had considered fly ash as a cover.

Jerry Johnson stated they may be bringing in ash but not as a beneficial cover.

Commissioner Andrews asked if Waste Industries had any plans of shipping by rail.

Mr. Poole stated no, but a customer of the landfill may want to ship by rail after meeting all the regulatory requirements and process.

Commissioner Andrews expressed concerns regarding the planes flight path and the dangers of the birds from the landfill.

Mr. Poole stated he did not anticipate any problems.

Commissioner Clayton Riggs inquired who asked for an environmental study to be done, and if Chesapeake did not know there was going to be a landfill in Camden County, why did they have an impact study done one hundred (100) yards away.

Mr. Poole stated the environmental impact study was done for SIPSA in 1995 as SIPSA was planning to expand their Suffolk site or build another site at that location. Mr. Poole referred to the SIPSA environmental study and noted that there were no North Carolina people listed to be sent a copy of the study.

Chairman Martin voiced concerns regarding drainage in the Northwest River and asked if Mr. Poole anticipated neighborhoods developing near the landfill.

Mr. Poole stated the ground water will be handled on site through an infiltration basin, the system will be design to drain a certain way, and they will know where the ground water is draining.

Mr. Poole stated he fully expects neighborhood developments, and over the state line where the SIPSA property is located, there is a master plan unit development underway on the 4,000 acres for houses and commercial center.

There being no further questions, Chairman Martin thanked Mr. Poole for this presentation and thanked the Camden County Board of Commissioner for meeting with them.

Closed Session

Chairman Martin called for a closed session to discuss economic development. The motion passed with Commissioners Miller, Martin and O'Neal voted aye; Commissioner Etheridge voted no; Commissioner Bowden absent; and no Commissioner not voting.

Commissioner Jennings made the motion to join the Currituck Board of Commissioners in closed session pursuant to G.S. 143-318.11(a)(4) for the purpose of discussing economic development. The motion passed with Commissioners Jennings, Clayton Riggs, Andrews and Chairman Jerals voted aye; Commissioner Carolyn Riggs voted no; no Commissioner absent; and no Commissioner not voting.

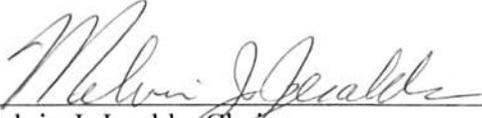
The Commissioner entered closed session at 7:55 p.m.

Commissioner Miller made a motion to come out of closed session and adjourn the joint meeting. The motion passed with Commissioners Miller, Martin and O'Neal voted aye; Commissioner Etheridge voted no; Commissioner Bowden absent; and no Commissioner not voting.

Commissioner Jennings made a motion to come out of closed session and adjourn the joint meeting at 8:15 p.m. The motion passed with Commissioners Jennings, Carolyn Riggs, Clayton Riggs, Andrews and Chairman Jerals voted aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

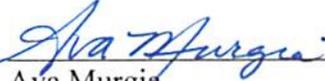
Adjournment

The meeting adjourned following closed session at 8:15 p.m.



Melvin J. Jerald, Chairman
Camden County Board of Commissioners

ATTEST:



Ava Murgia
Clerk to the Board