

APPROVED 2/21/2012

**MINUTES  
ORANGE COUNTY BOARD OF COMMISSIONERS  
CHAPEL HILL TOWN COUNCIL  
HILLSBOROUGH BOARD OF COMMISSIONERS  
CARRBORO BOARD OF ALDERMEN  
January 26, 2012  
SOLID WASTE/ROGERS ROAD JOINT WORK SESSION**

The Orange County Board of Commissioners met with the Towns of Chapel Hill, Carrboro and Hillsborough for a Solid Waste/Rogers Road Joint Work Session on Thursday, January 26, 2012 at 7:00 p.m. at the Southern Human Services Center in Chapel Hill, N.C.

**COUNTY COMMISSIONERS PRESENT:** Chair Bernadette Pelissier and Commissioners Valerie Foushee, Alice M. Gordon, Pam Hemminger, Earl McKee, and Steve Yuhasz

**COUNTY COMMISSIONERS ABSENT:** Commission Barry Jacobs

**COUNTY ATTORNEYS PRESENT:** John Roberts

**COUNTY STAFF PRESENT:** County Manager Frank Clifton, Clerk to the Board Donna Baker (All other staff members will be identified appropriately below)

**CHAPEL HILL TOWN COUNCIL MEMBERS PRESENT:** Mayor Mark Kleinschmidt, Ed Harrison, Jim Ward, Penny Rich, Lauren Easthom, Lee Storrow, Gene Pease, Matt Czajkowski, Donna Bell, Town Manager Roger Stancil

**CHAPEL HILL TOWN COUNCIL MEMBERS ABSENT:** Laurin Easthom,

**CARRBORO BOARD OF ALDERMEN MEMBERS PRESENT:** Mayor Mark Chilton and Aldermen Randee Haven-O'Donnell, Dan Coleman, Jacquelyn Gist, Michelle Johnson, Lydia Lavelle, Sammy Slade and Interim Town Manager Matt Efird

**CARRBORO BOARD OF ALDERMEN MEMBERS ABSENT:**

**TOWN OF HILLSBOROUGH COMMISSIONERS:** Mayor Tom Stevens, Michael Gering, Town Manager Eric Peterson

**TOWN OF HILLSBOROUGH COMMISSIONERS ABSENT:** Frances Dancy, Eric Hallman, Evelyn Lloyd

Chair Pelissier called the meeting to order. She said that Commissioner Jacobs was unable to attend this evening.

Mayor Kleinschmidt called the Chapel Hill Town Council to order.

Mark Chilton called the Town of Carrboro to order.

Mayor Stevens called the Town of Hillsborough to order.

Chair Pelissier said that in October 2011, the Orange County Board of Commissioners voted unanimously to ask for a joint meeting to discuss issues related to the Rogers Road solid waste issues and other related matters. This is why this joint work session has been called. She said that this is not what people are used to knowing as an Assembly of Governments meeting. This is a work session between the four boards.

**1. Municipal Solid Waste Landfill Closure Decision**

Solid Waste Director Gayle Wilson reviewed the following information:

**BACKGROUND:** The Board of Commissioners (BOCC) has previously stated, subsequent to the unsuccessful search for a Transfer Station site, that following the closure of the MSW landfill Orange County would deliver its waste to the City of Durham Transfer Station for an

interim period until a more permanent waste management solution is established. Discussions with the City of Durham have indicated a willingness of Durham to receive wastes delivered from Orange County, although no written agreement is currently in place.

### Landfill Closure

Staff has presented the BOCC with options for the timing of the closure of the landfill that ranged from closure according to its current permit capacity that would indicate a closure sometime in late 2013. With a minor permit amendment disposal capacity could be extended to mid- 2017 and to mid- 2018 with a major permit amendment (based on recent incoming tonnages). These types of landfill permit amendments are generally considered routine from a regulatory perspective. On October 4, 2011 the Board instructed the staff not to seek an extension past the projected useful life of the landfill, which is anticipated in the spring of 2013, and inform the municipalities that the County intends to close the landfill no later than June 30, 2013.

The suggested timetable for closure:

- Final BOCC Closure Decision
- Development of construction documents, contractor bidding and award process and execution of closure construction contract/notice to proceed – 245 days
- Mobilization – 84 days
- Landfill Closes (June 30, 2013?)
- Construction – 182 days (regulations require closure construction to be completed within 6 months from last day of receiving waste)

Engineering estimates indicate a Municipal Solid Waste Landfill closure cost of about \$3,116,720. A minimum 30-year post-closure period would result in post-closure monitoring, maintenance and reporting cost of about \$4,824,555. Additional closure and post-closure cost for the Construction & Demolition (C&D) Landfill is estimated at about \$4,025,326, for a total closure and post-closure estimate of \$11,966,601. As of June 30, 2011 the total liabilities of solid waste fund was \$16,999,996, including capital lease and debt obligations, post-employment health care obligations, and compensated absences. As of June 30, 2011 total Solid Waste Fund cash reserves are \$12,941,892. The Solid Waste enterprise fund, without considering the sale of any assets, is about \$4,058,104 short of meeting all long-term liabilities.

### Landfill Utilization by Towns & County – FY 2010/11

The proportional use of the landfill (tons of municipal solid waste) by the Towns and County are as follows:

Carrboro –	6,650	19 %
Chapel Hill –	15,008	42 %
Hillsborough –	3,185	9 %
County –	10,497	30 %
Total	35,340	

### Single Stream Recycling

County and Town elected officials have for several years expressed interest in moving to single stream recycling collection. The Solid Waste Planning Work Group, the Solid Waste Advisory Board and various individual county residents have also advocated this change.

Consistent with the adopted Fiscal 2011/12 Solid Waste Budget, Orange County recycling programs are now planned to transition to single stream recycling by July 2012. This change will be implemented for all county recycling programs – Rural Curbside, Urban Curbside, Solid Waste Convenience Centers, Multi-family, Commercial, Schools, etc.

Single stream recycling is the practice of comingling all recyclable materials (paper and containers) together for collection rather than separating containers from paper (normally referred to as dual stream). There may be some slight variations among programs as discussed in the attached memorandum to the County Manager.

An example of the efficiencies gained by the switch to single stream is best illustrated by the expected reduction in contract cost in the Urban Curbside program. The current cost to the County for this collection is \$4.17 per household per month resulting in a Fiscal Year 2011-12 budget of \$931,395 for this service. Once the landfill switches to single stream collection, the costs is expected to be between \$3.00 and \$3.75 per household per month. Using the current population, if the cost is as high as \$3.75 per household per month, the contract cost could be as low as \$823,500 per year. Roll carts may be incorporated into the collection cost or bid separately, depending on which is most economical.

It is anticipated that roll-carts will be utilized for the Urban Curbside Program (contracted service) and that the Rural Curbside Program (county staff provided service) will continue to utilize 18-gallon bins, at least for the near term. It is currently understood from resident comments that portions of the Rural Program may not be suitable for roll-carts and staff will, over the next year or two, assess areas where roll-carts can be reasonably used with the expectation that eventually roll-carts can be provided for certain select rural areas.

The Town of Chapel Hill is currently evaluating solid waste alternatives for all facets of solid waste management within the Town. Therefore, it is questionable as to whether Orange County should commit to acquisition for recycling roll carts for distribution within the Town at this time. Orange County will need a formal commitment from all of the Towns prior to making the investment in roll-carts and executing an agreement with a contract service provider that includes the Town. The existing urban curbside collection agreement expires June 30, 2012.

#### Solid Waste Convenience Centers (SWCC)

Based on recommendations from the Solid Waste Planning Work Group, consisting of representatives from the Towns and County and the Solid Waste Advisory Board, the BOCC has decided to begin implementation of the first convenience center in a longer term objective for upgrading and modernizing all five county convenience centers. The Walnut Grove Road Solid Waste Convenience Center site design and construction bidding is currently underway. Staff expects to return for a construction bid award in March, 2012 with completion of construction in July, 2012. Other sites will be considered for upgrades through the annual budget process, with the potential for one center to be modernized each year.

The Work Group recommended a District/Neighborhood Center approach with District Centers more centrally located having expanded hours of operation and more services. Neighborhood

Centers would have somewhat reduced hours of operation and reduced services available. Walnut Grove Church Road and Eubanks Road were recommended as District Centers.

Convenience centers received 457,632 total visits in 2010/11 and are considered a core county service. Improvements include:

- increasing hauling and waste handling efficiencies by using compaction and larger containers
- preparing for landfill closure as SWCC's will be the primary waste infrastructure in the County
- facilitating enhanced services such as adding new materials for recycling and expanding salvage opportunities
- addressing current site issues such as improving traffic flow, reducing container loading height, paving to enable better cleanup of spills/reducing dust/reducing maintenance, reducing noise and odor, etc.
- reducing labor and collection costs
- improving safety

**FINANCIAL IMPACT:** Decisions with regard to the landfill closure will have considerable financial impacts which include funding of closure and post-closure, the additional costs related to the delivery of local waste to the Durham Transfer Station (or other disposal destination) and for significantly reduced future enterprise fund tipping fee revenue. There is an unknown financial impact if the Towns choose to contract separately for their own recycling services.

**RECOMMENDATION(S):** The Manager recommends that the Board, along with the elected Boards of the Towns of Carrboro, Chapel Hill and Hillsborough, discuss the various issues related to local solid waste management, including landfill closure in 2013, decisions regarding utilization of alternative disposal facilities and the transition to single stream recycling.

Commissioner Yuhasz made reference to the urban recycling program and said that the current contract expires in June. He asked if it would be possible to extend the contract for another year and Gayle Wilson said yes.

Commissioner Yuhasz asked if the bins could be used for a short period of time as opposed to the rolling carts. Gayle Wilson said that it could be possible, but he will check.

Councilmember Ward asked about the connection between the landfill decision to close and the single-stream recycling.

Gayle Wilson said that there is not much of a connection other than they are both managed from the County's Solid Waste Department.

Commissioner McKee asked about the process to extend the life of the landfill, if needed.

Gayle Wilson said that the process is considered a minor permitting process and is routine. If the Board of County Commissioners decided to submit a minor permit amendment, the likelihood of it being approved is fairly high, so the timing would not be a major issue.

Mayor Chilton asked about the type of financial commitment Orange County is making for single-stream recycling.

Gayle Wilson said that currently the County pays \$4.17 per household per month for dual-stream collection out of bins. Going to single-stream, he hopes to achieve a cost closer to \$3.25 to \$3.50. The investment in the roll carts would be \$900,000, which will be paid off by the savings in the collection costs over a period of four to five years.

Mayor Chilton said that he would assume that there would be collaboration between the County and the towns.

Alderman Coleman said that he wanted updates from the towns before commenting on this.

## **2. Updates from the Towns**

Hillsborough Town Manager Eric Peterson said that Hillsborough would go along with the Countywide solution.

Carrboro Interim Town Manager Matt Efird said that the Town of Carrboro has plans in place to begin transferring waste to Durham. It will require additional personnel and equipment, as the trip to Durham's transfer station is an additional 20-25 miles each way and about 40 minutes each way for the drivers. The Board of Aldermen still needs to discuss the preferred alternative, but from an operational standpoint, the plan is already in place, but at significant cost.

Chapel Hill Town Manager Roger Stancil said that the Town of Chapel Hill conducted a pilot program and chose to take its trash to Durham to see how much it would cost. The additional cost is about \$600,000 a year. This has caused them to look at the entire solid waste operations. Staff is currently interviewing for a consultant to look at the solid waste operations.

Chair Pelissier asked when this process would be complete and Roger Stancil said that they are in the last steps of identifying the consultant and the hope is to move this along rapidly.

## ***MORE COMMENTS ON LANDFILL CLOSURE***

Mayor Chilton said that his concern is that it does not seem responsible to close the landfill and have no other plan or facility in place in Orange County. He does not think that there is room in the budget to come up with this kind of money and he does not think the taxpayers can afford the tax increase to make it happen.

*Alderman Michelle Johnson arrived at 7:33 PM.*

Mayor Chilton said that it is also not a responsible use of diesel fuel to send the trash to Durham. It will take about 65,000 gallons of diesel fuel per year extra to drive their trash to Durham. He said that he read through the minutes of the County Commissioners and the Town Council of Chapel Hill regarding this landfill siting from 1972. He said that repeatedly, all through the minutes and articles, the landfill was referred to as a 40-50 year facility. This would mean that the closing would be somewhere between 2012 and 2022. He said that they could build a transfer station if all entities would commit, and the landfill could be kept open until it was built. He suggested the site at the corner of NC 86 and I-40. He said that his board passed a resolution in support of this on Tuesday night. He said that if the landfill is closed in late 2013, that is still 17 months away. He wonders if 17 months is enough time to build a transfer station, and if it takes longer, then they could discuss short-term arrangements to transfer their trash to Durham. He said that he felt frustrated by this issue and he is concerned that all the parties want to walk away. He asked the Board of County Commissioners to direct staff to look at the feasibility of the proposed site on I-40 and NC 86. He said that \$750,000 is an outrageous amount of money to take trash to Durham. He said that the individual taxpayer gets nothing extra for this investment.

Alderman Gist said that this resolution was unanimous for the Town of Carrboro. The reason this was unanimously passed is that there is no one in this state that knows more about researching solid waste management than Mayor Chilton. She said that there is nobody more sensitive to issues of social justice than Mayor Chilton. She said that she would like for everyone to take this resolution seriously since it came from Mayor Chilton.

Alderman Coleman said that Triangle Transit is completing a parking deck in north Chapel Hill and this suggested site was found to be a suitable site for a transfer station, since it was not used for a parking deck.

Councilmember Pease said that, clearly, they want to close the landfill site, but to pick a date without a plan makes no sense to him. He said that this has placed a burden on the Town of Chapel Hill and they will try to find an alternative to paying \$600,000 to take their trash to Durham. He said that the Town Council is asking the Manager to take as much time as possible to look at other options.

Council Member Bell said that there is a group of citizens that have been waiting for the closure of the landfill. She said that the County has a plan, but a plan that not all of the towns have agreed upon. She said that because all of the partners did not agree to the plan, it feels like there is not enough time to look at viable options. The County is balancing a social justice issue and a political issue.

Mayor Kleinschmidt said that it seems to him that these issues are not incompatible, but what is best for Chapel Hill should not impact the closure of the landfill or looking at the proposed transfer station site. He said that this information would be helpful to the consultant. He hoped that the other elected officials do not feel that the Town's process should change the closure of the landfill, because he is for it. He said that the southern municipalities should take the closure of the landfill as an opportunity to look more comprehensively at their processes. He said that the closure forces the municipalities into a mode of cooperation that they may have resisted in the past. He said that there is a larger social impact of taking the trash to someone else's backyard.

Commissioner Hemminger said that a lot of elected officials have talked about this issue for a long time and some of them are newer. She said that it was not a fun decision and they asked for input from the towns. The reality is that the landfill has to close at some point. She does not like the option of taking trash to Durham, but the other option was worse. She wants to work together to find another site, but everyone must work together.

Council Member Rich said that she does like Mayor Chilton's idea and it is important for the County to look at this option. She does want the landfill to close in 2013. She does not like the idea of transfer stations but would rather look at other alternatives that are environmentally sustainable. She said that the Town is choosing a consultant soon and she suggested that all the entities stay together on this issue and not to branch out on their own. She feels for the taxpayers and everyone has had a couple of years of difficult budgets.

Chair Pelissier said that the only way Orange County can have a plan is for all the municipalities to have a plan with them but no one has come forward until the County chose a concrete date. The County only generates 30% of the waste and she does not think it is fair for everyone to blame the County.

Council Member Ward said that this has been facing the elected officials for some time but they are paying the price of inaction, and the cost to Rogers Road is high. He said that it is time to do something. He said that part of this conversation needs to explore the use of the rural buffer. He said that if they are committed to having something in Orange County then they need to do it. He said that with Mayor Chilton's suggestion, it does not make sense to do this unless all at the table agree the rural buffer is in play.

Council Member Storrow said that in the Council discussion they decided no municipality wants their trash except Durham. This leaves finding a location in Orange County for a

transfer site or alternative technology. He said that the solid waste technologies are not there yet. He is supportive of Mayor Chilton's proposal and would like to see this explored. He would like for everyone to work together.

Alderman Slade said that he agreed with a lot of the comments and many agreed to look at Mayor Chilton's proposal. He said that the pressure is on and they need to thank the Board of County Commissioners for setting a deadline to close the landfill and to help the Rogers Road area. He said that they need to bear the costs of their own solid waste, and he hopes that Chapel Hill's consultant will look at zero waste.

Commissioner Foushee said that she is not opposed to looking at the proposed transfer station site of Mayor Chilton, but this discussion would need to be parallel to discussions on the rural buffer. She said that she understands that everyone is frustrated, but none of them is as frustrated as the people who live in the Rogers Road community. She reminded everyone that the citizens of Rogers Road are also taxpayers and the elected officials need to be responsible to them as well. She is amenable to having discussions about a remediation program for these residents. She is quite frustrated that they continue to meet to talk about delaying the decision to help people who have borne this burden for 40 years. She will not be for delaying this any further. She will not change her position on this. She said that governing bodies have continued to change their position or delay their decisions until nothing for 40 years has been done.

Commissioner McKee said that he read Mayor Chilton's comments and agrees with almost all of them. He wants the County to be responsible for its own trash and find another site. He said that he sat in a meeting a few years ago and watched as every site that was brought up as a possibility was shot down. He said that the County is out of time. He is not willing to go through a process only to be beaten back again, knowing that they are out of time.

Town Commissioner Gering said that he is in favor of both suggestions that both Mayor Kleinschmidt and Mayor Chilton are proposing.

Council Member Czajkowski said that Commissioner Foushee has spoken on this matter many times and she never uses inflammatory terms. He said that he does not see how all of them that claim they are intent on social justice can let this matter go on. The landfill needs to be closed.

Commissioner Yuhasz said that he is willing to close the landfill at any time. He said that this is the only place to take the trash until they come up with something else. He said that it comes down to finding someplace close or sending it away. Any site outside of the rural buffer will require a substantial additional expenditure and carry a substantial environmental cost.

Mayor Chilton said that, based on what he is hearing from the Board of County Commissioners and his Board members is that many want to close the landfill in 2013. He said that he can live with this decision if, in the meantime, they have selected a site for the long term for their solid waste, even if that means they have to ship their trash to Durham in the interim. His proposal is to leave the landfill open for a little bit longer while the transfer station is being built and spending some of the money that would be saved by not shipping trash to Durham and build a transfer station. He said that it is worth recollecting what happened in 1972, which is that Chapel Hill and Carrboro had been landfilling trash on the Horace Williams tract for many years, and UNC kicked them out and in June of 1972 set a firm deadline of September 1, 1972, at which time that Chapel Hill, Carrboro, and Orange County would not be allowed to landfill on this property. Immediately after that, Chapel Hill Board of Aldermen (as it was then called) passed a resolution calling the Board of County Commissioners to exercise a purchase option of a potential landfill site on NC 54 in Bingham Township. He read sections of the minutes from 1972. He said that he believes that at some point in the future some type of large-scale composting facilities or some other emerging technologies will happen in the

region. Either way, in order for Orange County to get the trash to that facility, there will have to be a transfer station.

Alderman Slade said that he wants to make sure that no one forgets that these facilities are put where people are.

Mayor Stevens said that Hillsborough is mainly observing. He said that Hillsborough is very interested in participation in a solution that mirrors its values. He encouraged the elected officials to consider Mayor Chilton's proposal.

Alderman Gist said that she is hoping that the County will direct staff to examine the property that Mayor Chilton has brought forward.

Commissioner McKee said that this property is directly adjacent to a mobile home park that has been there for years.

Chair Pelissier said that the Board of County Commissioners really wants to close the landfill and will discuss this at the next regular Board of County Commissioners' meeting. She said that going forward it will be really important for everyone to be in this together.

Council Member Ward asked the Mayor to put on the Town Council agenda the exploration of the issues related to the rural buffer. He asked if it would stop the process if Chapel Hill did not change the rural buffer rules for this and it was answered yes. He said that they should not put staff resources into looking at the technical end until there is a vote taken that the municipalities are willing to explore this site in the rural buffer.

Mayor Kleinschmidt said that part of the due diligence is looking at the costs of water and sewer, and if they are asking the County to evaluate this site, then they would need to know this type of information.

Mayor Chilton said that he is not assuming that his proposed transfer station site needs sewer. He does not know about the water issues.

Commissioner Gordon said that to change the rules for the rural buffer, Chapel Hill, Carrboro, and Orange County would need to be in agreement.

Chair Pelissier said that this conversation would continue.

Mayor Chilton suggested talking about Item 4 next.

All agreed.

### **3. Need for New Solid Waste Interlocal Agreement**

John Roberts said that in September he met with the attorneys in Chapel Hill and their determination is that when the solid waste landfill closes, the Solid Waste Interlocal Agreement terminates only with respect to the disposal of solid waste. The County will continue to provide services in recycling. The Solid Waste Advisory Board is governed generally by the Interlocal Agreement. The C&D landfill and the Greene Tract are also discussed in the agreement. All of these things will continue. The agreement is a bit out of date. From his perspective, a new interlocal agreement would need to include more information about recycling. Also, a new interlocal agreement would need new reporting measures that would assist the County in complying with its mandates. Below is what will be needed in an interlocal agreement:

- a) Solid Waste Planning and State Reporting
- b) Recycling
- c) MSW Disposal After 6/30/13 (Durham Transfer Station)
- d) Greene Tract Commitments (104 Acres Jointly Owned)
- d) Solid Waste Advisory Board (Future)



Commissioner Yuhasz said that there is an interlocal agreement work group that consists of him, Mayor Kleinschmidt, Mayor Chilton, and Brian Lowen. They have met a couple of times to talk about this, and the conclusion is that it is premature to talk about the specifics of the new interlocal agreement. He thinks that the specifics of the agreement are going to have to wait until results of the Chapel Hill study are available.

#### **4. Historic Rogers Road Community**

Michael Talbert summarized this information as shown below:

##### **a) Accomplishments**

**BACKGROUND:** Beginning in 1972 the landfill was opened by the Town of Chapel Hill and in 1999 Orange County assumed ownership and operation of the Eubanks Road Landfill. The Historic Rogers Road Community has lived with the Orange County Landfill for 40 years. The Community is geographically split by the Towns of Chapel Hill and Carrboro. Orange County as the current owner/operator of the Landfill, is taking the lead to make remediation improvement to the Historic Rogers Road Community.

On May 17, 2011 the Board received a plan from RENA (Rogers-Eubanks Neighborhood Association) recommending actions to mitigate the long and short term impacts of Orange County's Landfill and Solid Waste operations on the health, safety and welfare of the Historic Rogers Road – Eubanks Road Community.

On October 4, 2011 the Board reviewed a variety of possible public improvements to the Historic Rogers Road Community.

A number of local government initiatives have been implemented to improve the quality of life in the Rogers Road Community and they are as follows:

1. The Solid Waste fund paid \$650,000 to extend public water service by the Orange Water and Sewer Authority (OWASA) to the Rogers Road area.
2. Solid Waste installed gas flares to reduce odors.
3. Town of Chapel Hill initiated bus service on Rogers Road.
4. Solid Waste has initiated a no-fault well policy to deal with failing drinking water wells remaining in the adjoining neighborhoods.
5. The Board of County Commissioners approved the appropriation of \$750,000 from the Solid Waste Fund Balance to Establish a Rogers Road Remediation Reserve Fund.
6. On July 1, 2011 the Board of County Commissioners established a \$5.00 tipping fee surcharge and a plan to incrementally increase the tipping fee each fiscal year by a minimum \$2 per ton as long and the landfill is operational to fund the Rogers Road Remediation Reserve Fund.
7. The Landfill Gas to Energy Project commenced operations on January 6, 2012 and will likely have an immediate and noticeable impact on the odor created by the operation of the landfill. The project will further provide a long-term renewable energy source to UNC, reducing dependence on increasingly expensive fossil fuels, and reduce carbon emissions.

On October 4, the Board authorized the staff to proceed with a 'one-time' effort to clean-up illegal dump site within three-fourths of one mile of the landfill boundary, at no cost to the individual property owners. This process has started, but due to the complicated legal issues

surrounding both County and individual property owner's liability, the final release forms and procedures have not been completed. Staff has discovered one non-conforming solid waste disposal site that was owned and operated by a Historic Rogers Road resident since 1992; see the attached letter from the NC Department of Environment, Health, and Natural Resources. Staff will bring back to the Board a recommendation regarding illegal dump sites by the March 22, 2012 regular meeting.

**FINANCIAL IMPACT:** The financial impact of remediation in the Rogers Road Community could be considerable for Orange County and the Interlocal Agreement partners (as well as other users). The landfill is currently projected to close by June 30, 2013. The current Landfill tipping fee surcharge could generate \$480,000 over two years. Combined with the \$750,000 initial contribution from the Solid Waste Fund Balance, total revenues of \$1,230,000 could be established for the Rogers Road Remediation Reserve Fund.

**RECOMMENDATION(S):** The Manager recommends that the Board of County Commissioners and Town Boards provide guidance to staff regarding:

Requests from the Rogers-Eubanks Neighborhood Association (RENA), with knowledge that not all of those requests can be linked to the landfill or the proposed Remediation Reserve Fund (regardless of the merit of those requests otherwise).

Since this area clearly lies within or next to the municipal boundaries of the Towns of Chapel Hill and Carrboro, it would seem reasonable both towns might extend additional resources to address needs not directly/indirectly attributed to the landfill's location. Previous studies suggest that the direct involvement of the municipalities will be essential to success. (Municipal matching funds could be used to meet specific demands,)

**b) Requests from the Rogers-Eubanks Neighborhood Association**

- Additional Water Lines
- Sewer
- Community Center
- Illegal Dump Sites

Council Member Bell asked why the cleaning up of the private properties would fall to the County and not to the private owners.

John Roberts said that the clean-up responsibility does fall on the landowner but the County Commissioners have tried to relieve the Rogers Road community from this responsibility and set a policy to clean up illegal dump sites within  $\frac{3}{4}$  of a mile of the landfill. These two significant sites were found and because of the massive potential liability there, he cannot recommend that the County commit to those two sites. The County can continue with the smaller sites.

Council Member Bell said that these two sites would fall under some state or county regulations that would help navigate the community through the cleanup.

John Roberts said that the State is aware of the larger of these two sites, but has elected not to pursue the cleanup.

Michael Talbert said that a church is trying to develop this site at this time and it is now at the Town of Chapel Hill staff level. The Town of Chapel Hill is requiring the church to submit an approved remediation plan for the existing landfill located in the wetlands prior to the issuance of the zoning compliance permit.

Commissioner Hemminger asked what the towns think about the community center aspect since it is not on County property and if the towns would be willing to participate. She would like to make this community center happen.

Mayor Chilton said that he needed to know the financial scale of this site and what is being contemplated.

Commissioner Hemminger said that there is currently a community center for children run out of a house during afterschool and weekends. The anticipation is a bigger facility that would be similarly run, but it would have to be decided with the neighborhood.

Mayor Chilton said that the idea of a community center is a good substitute for what was promised in the 70's. He asked where the funding would come from to pay for these various remediation items. Only a small portion of the neighborhood is in Carrboro and he wants the financial responsibility to be fairly portioned out. He said that there are some legal constraints about the extent to which Carrboro tax dollars can be used to build something that is in the Town of Chapel Hill.

Council Member Starrow echoed a lot of Mayor Chilton's comments. He said that he has been able to participate in some of the activities of the community center. He said that people from all over the County attend things here. He hopes that everyone will make an investment, at least Chapel Hill, Carrboro, and Orange County.

Alderman Gist said that Carrboro and Chapel Hill are in the County and their taxes are paid predominantly by Chapel Hill and Carrboro. She does not want the citizens of the municipalities to be in a position where they are being asked to pay twice for something.

Commissioner Hemminger said that she would like to put together a task force to look at this process made up of elected officials and citizens to address this one issue.

Mayor Chilton said that part of the issue of the last task force was water and sewer issues and there was a lack of clarity about how these sewer lines are expected to be built.

Michael Talbert reminded everyone that the Rogers Road community is split equally between the ETJ of Chapel Hill and the actual Town limits of Carrboro.

Council Member Ward said that he is in favor of a community center but he still has a lot of questions.

Chair Pelissier suggested asking staff to ask OWASA staff for clarification about these issues.

Chair Pelissier said that the question before them is what kind of process is needed to ensure that some concrete actions and decisions be made about the community center and water and sewer. She said that the first thing is to have a deadline.

Commissioner Hemminger suggested having two separate groups – one for the sewer and one for the community center.

Commissioner McKee said that the County is about \$3.5 million short on closing the landfill now and it is also liable for 30 years on all costs related to the closing. If something happens within that time, the County has to pay for it. He said that he does not have a problem with the community center, but he has some reservations on the sewer because of the expense.

Commissioner Foushee said that she supported the comments that Mayor Kleinschmidt and Commissioner McKee made. She said that if they move toward a task force to determine what can be done, then they need to prioritize the issues. She said that a community center is a good first step. The sewer can be considered later.

Commissioner McKee agreed with Commissioner Foushee and said that they need to figure out what they can do as fast as possible and move forward with that.

Commissioner Yuhasz said that he is supportive of a community center and he understands the town's concerns about the taxes coming from the citizens twice. He does not have a problem with the county paying for the community center. With regard to sewer, all of the plans involve gravity sewer, and it is his understanding that this is OWASA's policy. He thinks that the homes in the Rogers Road community could be served with a smaller sewer system that relies on a pump.

Councilmember Rich said that they need to focus on the homes that have been there the longest. She asked to have another map.

Councilmember Bell said that she would like to get the results of whatever is decided by August 2012. She would like a first suggestion so that a decision could be made early in 2013.

*Many agreed by consensus.*

Chair Pelissier suggested having two people from each jurisdiction.

Alderman Coleman said that he does not understand what the mission would be of this committee.

Chair Pelissier said that the Ccounty has made a commitment to fund monies for a community center. The charge to the work group will be how all entities could collaborate together to see if there will be other commitments by the towns.

Alderman Coleman said that part of his concern is why there would not be some parameters by this committee and let staff flesh out the particulars.

Mayor Kleinschmidt said that is how it would work.

Councilmember Lee Starrow said that there is a need to find out where a community center would be located. He thinks that they need to find out where the best place could be.

Councilmember Ward said to include two representatives from RENA on the work group.

*All agreed.*

Mayor Chilton suggested having the committee work done by the next Assembly of Government's meeting in December.

## **5. Future Issues**

### **a) Search for Alternative Technologies Related to Solid Waste Disposal Options**

Michael Talbert said that this item is just to discuss any alternative technologies related to solid waste disposal.

Commissioner Yuhasz said that alternative technologies has been one of the issues that the SWAB has looked at in depth. Recently, there have been some presentations on an alternative technology that is possible. It is a high-tech, low-impact waste reprocessing system that takes the waste and creates a usable fuel out of it. It is the Insorga process. He thinks that this is the one that has the most promise for being able to meet the needs of Orange County in a timeframe that is reasonable. He encouraged the entities to move forward with investigating this.

Chair Pelissier echoed Commissioner Yuhasz's comments and said that this would provide opportunities for investment also. She thinks that the County should look at this.

Alderman Slade asked if the SWAB has looked at the zero waste option as an alternative.

Commissioner Yuhasz said that there is a policy to reduce the waste stream as much as possible.

Alderman Slade said that there are communities that are pursuing the zero waste option. He said that the issue with this technology is that it would have to be paid off, but conservation is contrary to the business model. He cautioned against the high-tech model.

Commissioner Yuhasz said that this technology is roughly a \$20 million investment and the payback is five to six years.

Alderman Coleman said that it would be important to evaluate the technologies that would be contrary to further waste reduction. He spoke in favor of composting waste.

Chair Pelissier said that one of the attractions of this technology to her is that it did not require huge volumes.

The meeting was adjourned at 10:09 PM .

Bernadette Pelissier, Chair

Donna S. Baker, CMC  
Clerk to the Board