

A motion was made by Commissioner Jacobs, seconded by Commissioner Hemminger to approve adopting option B- City of Durham Transfer Station:

- (1) Authorize the County manager to proceed with validating an interlocal agreement between Orange County and the City of Durham formalizing future arrangements as an intermediate solution (3-5 years). Staff should seek in such discussions to assure to the greatest extent possible Orange County's continued leadership in reducing solid waste and promoting recycling.
- (2) Direct County Management to begin working with the towns on amending the 1999 Interlocal Agreement as necessary with regard to the County obligation to provide solid waste disposal facilities and formalizing waste stream flow commitments so that any agreement with the City of Durham provides the towns and county with the best rate possible over the course of a long term agreement.
- (3) Reengage the towns as full, proactive participants in the Inter-Local Agreement and in solid waste planning, and determine what they are willing to support, knowing already what they oppose.
- (4) Direct County staff and the Solid Waste Advisory Board to establish a discrete timeline and framework for a public process to evaluate alternative methods for solid waste disposal, with an emphasis on strategies that are environmentally sensitive, socially responsible, cost-effective, and multi-jurisdictional across county lines. Said framework for evaluation to return to the Board no sooner than September 2010.
- (5) No additional funding for consultants to pursue these matters shall be authorized without explicit direction from the Board.

A friendly amendment was made by Commissioner Nelson, seconded by Commissioner Hemminger:

- (6) To exclude the Millhouse Road -Rogers Road-Eubanks Road communities from any future solid waste facilities.

Commissioner Jacobs and Commissioner Hemminger agreed with the friendly amendment.

Commissioner Gordon said that she came into the meeting with some thoughts that she wanted to share, but she has decided to cover only the highlights of her statement. She said that the County Commissioners had agreed to site a WTS in Orange County and made a commitment to a defined site selection process. Of the candidate sites, she did not believe that there was one that was ideal, but she did believe that following the site selection process means rejecting the site in Eubanks Road area.

A motion was made by Commissioner Pelissier to add a friendly amendment. She said that there is still a landfill in Orange County, and if the County Commissioners want to stick with their values, they need to take care of their own trash. She said that in the interim, and with the study between the jurisdictions, they need to specify to look at the possibility for a landfill in Orange County. She said that if everyone is concerned

about having trash in their own backyard, they should be concerned about where they are sending it. She wants to stick to the values.

Commissioner Jacobs did not accept this as a friendly amendment. He said that his motion does not preclude considering a landfill.

Commissioner Yuhasz said that he too is concerned about the long-term solution for trash and Durham County is only an intermediate solution. He said that he would have been very pleased to have accepted Commissioner Jacobs' motion, but now he is concerned about adding on commitments that may tie the hands of some future Board of County Commissioners and will raise expectations among certain people that they are off the table. He said that if there is going to be a clear, transparent, fair process, nothing should be off the table. For this reason, he is hesitant to support the motion as stated.

Chair Foushee said that she is happy that they are finally removing the Rogers-Eubanks-Millhouse Road community from the site list. She said that this is a consideration of environmental injustice.

VOTE: Ayes, 6; Nay, 1(Commissioner Yuhasz)

A motion was made by Commissioner Pelissier, seconded by Commissioner Nelson to specifically consider a landfill when the staff looks at solid waste alternatives.

Commissioner Nelson said that he seconded this motion because he does not believe it is consistent with this community's values to shift its waste to a poorer, less affluent community somewhere, whether it's Virginia or rural North Carolina. He is deeply opposed to this.

Commissioner Jacobs said that there is part of him that agrees with this, but having voted in 2000 as a unanimous Board against siting another landfill in Orange County, he suggested that since 2/3 of the waste is produced in Chapel Hill and Carrboro, there is an inherent injustice with putting a landfill on the other end of the County. He said that he is not in support of putting the waste of 2/3 of the people in the backyards of 1/3 of the people. He respects the motion but cannot vote for it.

Commissioner Yuhasz said that he will vote against this motion because it presumes that the community is seen as only Orange County. He said that a solid waste solution should come from the regional community. He does not want to concentrate energies in merely an Orange County solution.

Commissioner Nelson said that the reality is that the waste is being shipped to a poorer county that is largely minority and it is not consistent with Orange County's values to take waste from an affluent county that ship it to a county that is poorer because it is easy to do. He said that it will be a nightmare for another community.

Commissioner Yuhasz said that the suggestion to take waste from Chapel Hill and Carrboro and send it to some place in a remote part of Orange County is the same philosophy as taking the waste from an affluent community and sending it to another community. He said that whatever group is constituted to look at the solid waste problem should be allowed the latitude to look at it with complete freedom to find the best solution. This is why he voted against the previous motion.

VOTE: Ayes, 3 (Commissioner Foushee, Commissioner Pelissier, and Commissioner Nelson); Nays, 4

THE MOTION FAILED