

## SEPTEMBER 5, 2000

The Board of Commissioners of Franklin County, North Carolina, met in regular session at 7:30 P. M. in the Commissioners' Meeting Room located in the County Administration Building with the following Commissioners present: Chairman George T. Wynne, Vice Chairman Robert L. Swanson, Commissioner Harry L. Foy, Jr., Commissioner James T. Moss, Jr., Commissioner Edward Strickland.

Upon motion by Commissioner Swanson, seconded by Commissioner Moss with all present voting "AYE" duly carried the following Consent Agenda Items approved:

- A. Minutes of meeting held August 21, 2000
- B. Tax Collector's Report for month of August, 2000
- C. Tax Releases and Refunds for August
- D. Proclamation declaring September 17-30, 2000 as Litter Sweep in Franklin County

Proper notice having been given this is the time and place set for a public hearing to receive comments on a petition by Al Stallings for a Special Use Permit to establish a demolition landfill on 36 acres off SR 1133 in Youngsville Township in the Heavy Industrial District.

Chairman Wynne declared the public hearing open and recognized Mr. Matt Livingston, Planning Director, who made comments regarding this Special Use Permit request.

Chairman Wynne then called for public comments and the following people spoke:

Charles F. McDarris, 4601 Six Forks Roads, Raleigh, NC (attorney for Al and Deborah Stallings)

stated that Mr. Stallings had lived in County all his life and feels there

has been a misunderstanding of what he is proposing; not a dump, a recycling center for logs, stumps, construction debris such as wood, bricks, cinder blocks, asphalt; these items will be recycled to be used as mulch, wood chips, small stones for landscaping, asphalt will be made into useable asphalt; there will be no pit; there will be a natural buffer of 50 feet; water basins & berms will be constructed for run off; forest & vegetation mostly; will fence if instructed to do so; will not diminish property values in the area; Mr. Stallings planning to develop a subdivision approximately 1 1/2 miles away; will provide economic and employment opportunities for citizens; a recycling permit must be issued by the NC Department of Environment & Natural Resources and request approval of the Special Use Permit contingent upon issuance of permit by the State if necessary

Tommy Peacock, Rummel, Klepper & Kahl, Consulting Engineers,  
5800 Faringdon Place, Suite 105, Raleigh, NC

his company employed to prepare a brief environmental assessment to determine the potential noise, traffic and other environmental impacts that will result if a proposed recycling site is developed on SR 1133,

Bert Winston Road; there is a need for a recycling site; the recycling operation is nature friendly and will make mulch, top soil and boiler fuel out of waste material; proposed recycling development is expected to add approximately 100 vehicles per day on SR 1133; will have only minor impact on SR 1133; a left-turn lane on SR 1133 is not necessary and is not required by the Department of Transportation; if County requires left-turn lane the developer is willing to provide; increased traffic on SR 1133 may require a left-turn lane on US 1 at SR 1133 to be responsibility of the Department of Transportation; site is located adjacent to the Seaboard Coastline Railroad with no impact to the CSX Railroad; land uses less sensitive to noise are predominantly rural, undeveloped and agriculture in nature such as the proposed recycling site; not anticipate any adverse affect on the air quality of the area;

property not in floodplain area; erosion control devises such as silt fences, berms, silt basins and retention basins added to prevent run-off into

Cedar Creek; no historic or prehistoric sites in area; recommend approval of the Special Use Permit for the recycling facility

William Parrish, Parrish Realty, 510 North Stradford Drive, Zebulon, NC represents property owners, Phillip & Linda Stroud; the site has a very

accessible road; properly zoned; environmentally safe; debris can no longer be buried or burned; will not be a detriment to property values or development in the area; when facility is completed neighbors will

accept and approve; request approval of the Special Use Permit

Steve Williams, Land Appraiser, 7716 Chapel Hill Road, Raleigh, NC 27607

covers a thirteen county area with twelve commercial appraisers; does appraisals for residential and industrial uses; has inspected proposed site for compliance measures and things are in place; zoning already in place and site is suitable for recycling; satisfied that proposal is in harmony with surrounding uses and will not hurt land values; request approval of the Special Use Permit

Bob Hornik, Jr., 1829 E. Franklin Street, Suite 800-A, Chapel Hill, NC, Attorney for the North Youngsville Community Association

wants to express opposition to the proposed demolition landfill; tonight is the first time ever heard it called recycling center; was not listed as a

permitted use did not have to use demolition landfill term; no matter what it is called the same number of trucks and cars will enter & exit; traffic will increase on Bert Winston Road by 20%; in order to approve a Special Use Permit the Board must consider certain conditions based on the evidence presented; must consider access roads or entrance & exit drives sufficient in size & properly located to ensure automotive & pedestrian safety; must be access in case of emergency; minimize economic, glare, odor impacts on adjoining properties; would local fire departments be able to

control fire at site; roads unable to handle additional traffic especially trucks; much too dangerous with school buses also using road; ordinance requires a non-climbable fence, will the entire 36 acres be fenced; has been stated that it will not be sanitary landfill - dump; who will monitor; number of employees needed to operate from the time debris brought in, recycled and hauled off; the State may not require a permit; the current zoning is HI but the Land Use Update Committee has recommended the site be rezoned Mixed Use, Development/Employment; if approved will be acting contrary to what the Committee has recommended; will have negative impact for future development in the area; the Towns of Franklinton & Youngsville, the Franklin County Economic Development Commission have requested that the Board deny the request; does not believe the County has sufficient information regarding the proposed site to make findings to each condition necessary to find that the issuance of the Special Use Permit is in the best interest of the County and therefore request that the SUP be denied

#### MINUTES OF MEETING OF SEPTEMBER 5, 2000---continued

Dennis Brown, 141 East Fleming Farm Road, Youngsville, NC

proposed site surrounded by residential areas; Bert Winston Road zoned HI but the industries there considered LI; if the SUP is approved citizens living in the area will become disenchanted with the neighborhood thereby causing changes in the property values in the area; the area is a natural setting with accessibility to work and shopping centers; because of the location it allows for larger lots, safer neighborhoods and cheaper homes; inserting a landfill will cause a decrease in the development of the area thereby decreasing Franklin County tax values; request that the Board vote no to the SUP request

Cathy Horky, 12 Bert Winston Road, Youngsville, NC

stated she lived 5/10 of a mile from the proposed site; she put her house on the market in May and house had been shown 25 times; the feedback she received was everyone loved the house and the location but would not consider purchase until the landfill issue was settled; had signed a contract contingent upon a no vote; know it is impacting values in the area because she had to lower the value on her house by \$5,000 to get it to sell; please vote no on behalf of the homeowners in that area

Peter Hurbert, 633 Fleming Farm Road, Youngsville, NC

safety is a real concern; there are four school buses twice a day - Cedar Creek Middle, Franklinton High, Youngsville Elementary; two activity buses; has talked with school bus driver and she said the road was very narrow and made her very nervous when meeting big trucks; the road is only 18 feet wide - not enough room for

meeting loaded dump trucks; large tree stump fell off truck and put large hole in the road, he filled with sand until the DOT could come and repair; new developments taking place and the growth there will certainly make the school bus count go up; it is a very bad mix, please consider the safety issue and vote no to the SUP request

Hilary Haas, 455 Dreamcatcher Trail, Youngsville, NC

lives ½ mile from proposed site; Mr. Stallings stated in newspaper article that there was a need for this proposed site because the PIP Landfill located on US 1 would be full in two years; Allen Perry, owner of the PIP Landfill plans to expand the operation he has; this landfill is in an excellent location near the rock quarry and the fact that US 1 is a four lane highway; there is no grinding, no dust, produces top soil; the residents will not know what is being stored on the proposed landfill site; will accept building materials that could contain PCP, lead paint, asbestos; the state does not inspect unless a complaint is filed; residents not opposed to the establishment of a landfill/recycling center but are opposed to its location on Bert Winston Road; consideration of matter was deferred from the Board meeting on August 7 until this meeting in order that Mr. Stallings could meet with the residents in the area and he did not contact anyone; request that the Board deny the SUP request

Lisa Turner, 100 Gregory Manor, Youngsville, NC

presented to the Board a petition containing 372 signatures in opposition to the proposed landfill on Bert Winston Road

#### MINUTES OF MEETING OF SEPTEMBER 5, 2000---continued

Elizabeth Allen, 99 Fleming Road, Youngsville, NC

recycling landfill will hurt the value of property; request that it not be approved

Bill Bland, 67 Bert Winston Road, Youngsville, NC

owns 67 acres on Bert Winston Road across from the proposed site; building contractor, does commercial construction and major companies will not come into the area if the proposed landfill site is approved; feels it will be detrimental to growth that Franklin County needs for tax base; has two contracts that will not be signed if proposed landfill site is approve; request that the Board vote against the SUP for the proposed landfill site

Michael Bower, 1084 Hicks Road, Youngsville, NC

the company he is employed by makes the grinding equipment and the equipment is portable and can be transported by truck to the site to grind the debris; he has knowledge as to how much diesel fuel the machine takes and that a large amount of fuel as well as antifreeze will be stored on the site and that is quite dangerous; feels the roads are not adequate for the truck traffic that would use the

facility; too dangerous for residents in that area; request that the Board vote no on the SUP

Bob Hornick, 1829 Franklin Street, Suite 800-A, Chapel Hill, NC  
(Attorney for

the North Youngsville Community Association)

presented a photo from the NEWS & OBSERVER showing an overturned truck loaded with stumps and dirt that was traveling on a road similar to Bert Winston Road; also presented photo showing water flowing through culvert under Bert Winston Road onto the property; if materials are stored on the property there is a good chance of leakage; Mr. Stallings has good intentions for a facility but not in that location; the PIP Landfill is just a short distance away; decision has to be to deny the request for the SUP

Ben Kearney, 861 Hicks Road, Youngsville, NC

already have a dump; too much development has taken place and the traffic is already heavy; school buses on that road and the kids have to walk to corner and there is traffic both ways; many accidents on that road; the traffic is worse every day and don't need trucks speeding down road

Vicky Rowe, 131 Cedar Creek Road, Youngsville, NC

would not have moved here if consideration was being given to the location of a landfill; moved here because of the quiet and safe area; concerned about the change from what was called a demolition landfill to a recycling center; what will be stored on the property and for what period of time; what are the plans for the other acreage there; inappropriate for this area; there is already a landfill near by

Walter Cox, 1455 Clifton Pond Road, Louisburg, NC

speaking as a concerned Franklin County citizen; agrees with the citizens who have spoken in opposition to the landfill; posed question to the Board would they vote for that landfill if it were near their property

MINUTES OF MEETING OF SEPTEMBER 5, 2000---continued

Charles McDarris, Attorney for Deborah & Al Stallings

feels there is still a misunderstanding as to what is proposed - it is a recycling center - not a dump; there will be no environmentally unsafe run off - State makes sure; access roads are appropriate and meet DOT standards; turn lane will be added if necessary; will be no burden on the fire departments; the Land Use Plan Update report is not an ordinance and inappropriate to be used; homes that were built in that area after the adoption of zoning were built in the HI District; will not recycle hazardous waste; every farmer stores at least 500 gallons of fuel; something must be done with the debris

Chairman Wynne called for further comments and hearing none declared the public hearing closed.

Commissioner Moss requested that he be excused from the deliberations and vote on the request for a Special Use Permit by Al Stallings for a demolition landfill (recycling site) on 36 acres off State Road 1133 in Youngsville Township in the Heavy Industrial District due to his ownership interest in the adjoining property.

Upon motion by Commissioner Swanson, seconded by Commissioner Strickland voting "AYE" Commissioner Swanson, Commissioner Strickland, Commissioner Foy, Commissioner Wynne; Commissioner Moss abstaining, Commissioner Moss excused from deliberations and vote on the request for a Special Use Permit by Al Stallings for a demolition landfill (recycling site) on 36 acres off State Road 1133 in Youngsville Township in the Heavy Industrial District due to his ownership interest in the adjoining property.

Upon motion by Commissioner Swanson, seconded by Commissioner Strickland, voting "AYE" Commissioner Swanson, Commissioner Strickland, Commissioner Wynne; voting "NO" Commissioner Foy; Commissioner Moss abstaining, that based upon evidence presented at the public hearing and in consideration of findings of conditions consistent with Special Use Permit Procedures that the request for a Special Use Permit by Al Stallings for a demolition landfill (recycling site) on 36 acres off State Road 1133 in Youngsville Township in the Heavy Industrial District be denied.

Ms. Mary Harris appeared before the Board to speak on behalf of the members of the art class who use the Arts Center Building to express concerns regarding the availability and the general use of the building by the arts class. Ms. Harris stated that the arts class was willing to share the Arts Center Building with the Arts Council but that the Council would have to cooperate. She presented a list of twelve changes the Arts Council had made that had not been to the benefit of the art class. She stated that the art class was appealing to the Board of Commissioners to restore to the artist the complete use of the classroom space and that the Arts Council not have control over the arts class. County Manager Leary informed the Board that there is no formal agreement, or one that can be located, between the art class or the Arts Council and the County. Chairman Wynne directed County Attorney Batton to draw up an agreement between the County and the Franklin County Arts Council and the Franklin County Art Class for use of the Franklin County Arts Center Building and bring back to the Board for consideration at a later date.

At the Board meeting on August 21, 2000, the Board voted to defer consideration of a proposal to establish a Shift Premium Package until this meeting. An amended motion is still on the floor, and the motion, as amended, is to approve a Shift Premium Package whereby County employees pre-scheduled to work a shift of twelve hours which begins at 6:00 P. M. or later would receive a shift premium of \$0.10 per hour with the funding of \$30,000 retained for the Internal Auditor position in the Finance Department.

#### MINUTES OF MEETING OF SEPTEMBER 5, 2000---continued

After deliberations by the Board of the amended motion, Commissioner Strickland withdrew his motion.

Upon motion by Commissioner Strickland, seconded by Commissioner Foy with all present voting "AYE" duly carried the following appointments made to the Franklin County Library Board:

Ellen Woodlief  
Mary W. McGhee  
Reappointment three-year term, July, 2003

Donald Tharrington  
Appointment three-year term, July, 2003

Commissioner Moss and Commissioner Strickland reported to the Board on the joint meeting between them and representatives from the Youngsville Board of Commissioners regarding water related issues. Main topics are who will provide water to the new development, Hampton Village, and the \$8.00 per service connection being charged by the County to the Town of Youngsville. The other topics discussed included delineating service area, capacity replacement fees, updating contract between the County and the Town of Youngsville; Town paid for installation of water line to the fire department; County operate and maintain Town system.

County Manager Leary informed the Board that the water line from the Town of Youngsville to the Hampton Village is a six inch line. He stated that he had been informed that tests had demonstrated that the Town of Youngsville's six inch line was not sufficient for the need at Hampton Village. Mr. Leary also advised that the Administrator for the Town of Youngsville has requested a meeting among her, the Town Attorney, the County Manager and the County Attorney to discuss water related issues.

The Board of Commissioners deferred any action until after the County Manager and the County Attorney meet with the Youngsville Administrator and Town Attorney.

The Board set Monday, September 25, 2000, at 7:00 P. M. in the Bunn Library as the date for a joint meeting with the Bunn Town Commissioners to discuss water related issues.

Upon motion by Commissioner Swanson, seconded by Commissioner Moss, voting "AYE" Commissioner Swanson, Commissioner Moss, Commissioner Strickland, Commissioner Wynne; voting "NO" Commissioner Foy the Board went into Closed Session pursuant to General Statute 143-318.11 (a) (5) in order that the Board may consider real property acquisition.

Upon motion by Commissioner Swanson, seconded by Commissioner Moss with all present voting "AYE" duly carried the Board reconvened into regular session.

Chairman Wynne stated that the following action is a result of the Closed Session.

#### MINUTES OF MEETING OF SEPTEMBER 5, 2000---continued

Upon motion by Commissioner Moss, seconded by Commissioner Swanson with all present voting "AYE" duly carried approve the acquisition of land consisting of 22 acres, at \$5,000 per acre, from the Pope Family in Franklinton to be used as a park contingent upon a survey and clear title and further accept the donation of 71.18 acres of land in Franklinton from the Pope

Family contingent upon the County paying the Real Estate Agent, Parrish Realty, a commission in the amount of \$8,500.

There being no further business to come before the Board, adjournment recorded at 10:30 P. M.

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GEORGE T. WYNNE, CHAIRMAN JEAN GORDON, CLERK