

MARCH 27, 2001

The Board of Commissioners of Franklin County, North Carolina, reconvened meeting recessed from March 19, 2001, in the Commissioners Meeting Room located in the County Administration Building with the following Commissioners present: Chairman Robert L. Swanson, Vice Chairman George T. Wynne, Commissioner Harry L. Foy, Jr., Commissioner John R. Ball, Commissioner Edward G. Strickland.

Chairman Swanson reconvened public hearing that was recessed on March 19, 2001, for the purpose of receiving comment on a request for a Special Use Permit by F. Norbert Hector and Juan Carroll for a Construction and Demolition Landfill on US Highway 1 in Franklinton Township in the Heavy Industrial District.

Chairman Swanson called for public comments and the following people spoke:

Leonard E. "Butch" Joyce, Joyce Engineering, Inc., 2301 W. Meadowview Road, Greensboro, NC

stated that all conditions required by the Planning Board, plus additional conditions added by the Planning Board had been met; Construction & Demolition Landfill will never be other than that - will not be a municipal solid waste landfill, not in that type business; state does not require financial assurance for a C&D landfill but if County required would provide; explained closure - final cap - 18" clay soil & 12" top soils at a cost of approximately \$75,000 per acre and stormwater management at \$25,000 per acre and would apply to the number of active acres - would be \$1 million for closure renewed each year; post closure - C&D landfills only required for five years - state find cause to extend the post closure; monitoring wells in place, operating and sampling before the operation begins; set aside \$30,000 to \$50,000 per year; \$250,000 financial assurance for County; Planning Board had stipulated no outside waste, but Leary & Joyce had discussed bringing in at a higher host fee rate; not cost effective to bring in from other sources; approximately 140 trucks per day; several options host fees - 5% of gate fee applied to disposed tonnage \$1.50 per ton \$170,625/no limitation on outside \$2.50 per ton preprocessed; 7% of gate fee applied - \$2.10 per ton \$238,875/no limitation on outside tonnage; report on tonnage must go to State and County would be provided a copy; would provide a capital investment in County - \$9 million range - land acquisition; sewer line; construction of industrial park; improvements to US 1; the conditions established by the Planning Board could be made a part of the franchise agreement; costing Material Recovery money and request the County to approve the request for the Special Use Permit

Harry Strother, 10 North Chavis Street, Franklinton, NC

paying for the cover and post closure won't do any good if the company is gone; county manager got raise and I don't like it; too much waste in county government

Larry Kearney, Mayor, Town of Franklinton, 101 Nash Avenue, Franklinton, NC

company made a presentation in January and the Franklinton Town Commissioners had concerns; two miles outside town limits; Town Commissioners wanted to go on record opposing the landfill and a letter was prepared and unanimously signed; safety concerns with 140 trucks in and out of the landfill; across from Martin Marietta quarry also with truck traffic; trash will be a real problem because there is no guarantee that trucks will be covered; will end up as dead land with no allowable use for tax value; request that the Board deny request for the Special Use Permit

Ollie Hinton, 33 American Legion Road, Franklinton, NC

no industrial park will want to be near landfill with 140 plus trucks per day; turn lanes will not help with all that additional traffic; a real safety issue; what action will be taken if monitoring wells show leaks; there are two ponds on the property to be contaminated

Fred Coats, Franklinton Town Commissioner, 116 Oak Ridge Road, Franklinton, NC

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Franklin County cannot survive as a bedroom community to Wake County; must have desirable location to attract industries to create jobs and it is not in the best interest of the county to put a landfill on such a valuable site - 4-lane road, gas, water, sewer; Commissioners are charged to make decisions that will impact the future of the county for generations; old and young citizens cannot continue paying high taxes; if used for landfill there will be no tax base for future generations; Franklinton Town Commissioners have gone on record in opposition to this proposed landfill

Mary Jane Jennings, 566 Jones Chapel Road, Louisburg, NC

lived in neighborhood where attempt was made to locate a sanitary landfill; serves on the Solid Waste Task Force and is very concerned about the environment & recycling; the demolition landfill could be an excellent thing if done correctly; concern with the dead land issue; state is considering new regulations regarding C&D landfills; C&D is non toxic, no groundwater contamination; major concern sediment & erosion control; litter control; the area is already zoned heavy industrial; with a \$9 million investment would bring in nice looking industry; on behalf of neighbors wants assurance that vote taken by board in July, 1999, regarding the sanitary landfill stills stands to insure that if the Special Use Permit is approved the door will not be open for any MSW landfills in Franklin County; could be an excellent thing if all standards and conditions are adhered to

Wyatt McGhee, 5631 US 1 Highway, Franklinton, NC

everyone knows him to be an avid promoter of recycling and believes that recycling is the only answer to reducing the solid waste stream; very difficult to find sites - not in my backyard - C&D material can be recycled and thus not fill up the sanitary landfill; if restrictions are enforced the proposal has some positive benefits

Patty Huber, 633 Fleming Farm Road, Youngsville, NC

believes that the number of trucks entering the facility will be well over 140 per day; there will be trucks hauling out the recycled materials and trucks associated with the Al Stallings mulch business; there is no guarantee that any creditable industries would be interested in locating near a landfill; the 189 acres to be used for the landfill would be best used for industrial park because of the number of employees it would attract; there are approximately 600 employees in the Franklin Industrial Park; if the landfill is approved the land will be tied up for 25-30 years; not convinced it is the site for a landfill; need smart growth

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

was stated earlier that the 189 acres would be tied up for 25-30 years, but because of the phases it will be more like 80 years; will be dead land for future generations

Penny Young, 9 Clegg Street, Franklinton, NC

serves on the Franklinton Planning Board and is opposed to the landfill; the corridor along US 1 has the

potential to be a revenue maker for the county

Pete Colbert, 204 East Green Street, Franklinton, NC

when grinder was operating at the present landfill there was noise, dust from trees & stumps - what will it be like when grinding concrete, bricks, etc.; site located on 4-lane highway has a more valuable use; property tied up for 40 years and after closure too expensive to erect any structures therefore the land is dead; don't forget election time - none will be re-elected if you vote for the landfill

Ronnie Goswick, Franklin County Economic Developer, 112D Wheaton Drive, Youngsville, NC

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site contains 287 acres; west side has a ridge where the roads will come in; site will work because there is enough dirt; Material Recovery liked the site due to the fact that it was shaped like a bowl and would require less excavation; on a scale of one to ten that site is a four as being a poor industrial site

Chuck Murray, Finance Director, 113 Market Street, Louisburg, NC

Jim Wrenn, Acting Tax Administrator, 215 East Nash Street, Louisburg, NC

did a comparison as to the amount of revenue to be generated by an industrial park vs a landfill using the Franklin Industrial Park; 103 acres in the park; value of the land and buildings (no equipment) \$18,558,300; tax revenue (no fire tax was included) is approximately \$400,000 per year

Matt Livingston, Planning Director, 215 East Nash Street, Louisburg, NC

when asked if he thought the Planning Board members understood the issue of no materials being brought in from outside the county - he was not clear himself on this issue

Ralph Edwards, Chairman, Planning Board, 803 E. Mason St., Franklinton, NC

stated that the Planning Board's condition was that materials would be processed on site only

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

County Attorney Batton advised that it was the Board's responsibility to set as judges and rule as to whether they felt that the company had met each of the six required conditions regarding the issuance of the Special Use Permit and if it was in the best interest of the County to approve or disapprove the request for the Special Use Permit.

County Attorney Batton read the following required conditions necessary for the Special Use Permit and instructed the Board to respond as to whether or not the conditions had been met:

All applicable specific conditions pertaining to the proposed use have been or will be satisfied.

Commissioners Ball, Foy, Strickland, Swanson, Wynne agreed had been met.

Access roads or entrance and exit drives are or will be sufficient in size and properly located to ensure automotive and pedestrian safety and convenience, traffic flow, and control and access in case of emergency.

Commissioners Ball, Swanson, Wynne agreed had not been met.

Commissioners Foy and Strickland agreed had been met.

Off-street parking, loading, refuse, and other service areas are located so as to be safe, convenient, allow for access in case of emergency, and to minimize economic, glare, odor, and other impacts on adjoining properties in the general neighborhood.

Commissioners Ball, Swanson, Wynne agreed had not been met.

Commissioners Foy and Strickland agreed had been met.

Utilities, schools, fire, police, and other necessary public and private facilities and services will be adequate to handle the proposed use.

Commissioners Ball, Foy, Strickland, Swanson, Wynne agreed had been met.

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The location and arrangement of the use on the site, screening, buffering, landscaping, and pedestrian ways harmonize with adjoining properties and the general area and minimize adverse impacts.

Commissioners Foy, Strickland, Swanson agreed had been met.

Commissioners Ball and Wynne agreed had not been met.

The type, size, and intensity of the proposed use, including such considerations as the hours of operation and the number of people who are likely to utilize or be attracted to the use, will not have significant impacts on adjoining properties or the neighborhood.

Commissioner Ball, Swanson, Wynne agreed had not been met.

Commissioners Foy and Strickland agreed had been met.

Upon motion by Commissioner Wynne, seconded by Commissioner Ball that the request for a Special Use Permit by F. Norbert Hector & Juan Carroll for a Construction and Demolition Landfill on US Highway 1 in Franklinton Township be denied based upon the findings of the required conditions necessary for the issuance of a Special Use Permit contained in the Unified Development Ordinance and in the best interest of the citizens of Franklin County.

Chairman Swanson then requested the Clerk to the Board to poll the Board members for a roll call vote and the following votes were cast:

Commissioner Foy - "NO"

Commissioner Strickland - "NO"

Commissioner Swanson - "YES"

Commissioner Wynne - "YES"

Commissioner Ball - "YES"

Upon motion by Commissioner Wynne, seconded by Commissioner Ball with all present voting "AYE" duly carried that a 1994 F379 Ford Ambulance, Vehicle Number 1FDKF37M7RNB68294 owned by Franklin County and used by the Franklin County Emergency Management Services be declared surplus and donated to the Epsom First Responders.

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

ROBERT L. SWANSON, CHAIRMAN JEAN GORDON, CLERK