

**Members:**

Ed Donaldson, Chairman  
Horace Humphrey, Vice-Chair  
Joseph M. Dykes  
Vickie Mullins  
George Lott



**Alternates:**

Yvette Carson  
Winton McHenry  
Nathan Feinberg  
Joseph Decosta  
Alfonso Ferguson Sr

**CUMBERLAND COUNTY BOARD OF ADJUSTMENT**

130 Gillespie Street  
Fayetteville North Carolina 28301  
(910) 678-7602

MINUTES  
MAY 21, 2015  
7:00 P.M.

**Members Present**

Ed Donaldson, Chairman  
Vickie Mullins  
George Lott  
Joseph Dykes  
Horace Humphrey

**Absent Members**

None

**Staff/Others Present**

Patricia Speicher  
Katlyn Allen  
Robert Hasty, Jr. (Assistant  
County Attorney)

Chair Donaldson called the meeting to order at 7:00 p.m. in Public Hearing Room #3 of the Historic Courthouse.

1. ROLL CALL

Ms. Speicher called the roll and stated a quorum was present.

2. SWEAR IN STAFF

CHAIR DONALDSON: swore in staff members.

3. ADJUSTMENTS TO THE AGENDA

There were none.

4. APPROVAL OF THE JANUARY 15, 2015 MINUTES

**Mr. Lott made a motion to approve the minutes as submitted, seconded by Mrs. Mullins. The motion passed unanimously.**

	IN FAVOR	OPPOSED
DONALDSON	YES	NONE
MULLINS	YES	
DYKES	YES	
HUMPHREY	YES	
LOTT	YES	

5. ABSTENTIONS BY BOARD MEMBERS/BOARD MEMBER DISCLOSURES

CHAIR DONALDSON: Any abstentions by any of the board member on this case? I assume everybody's looked at their packet. Does anybody have any reason why they shouldn't hear this case?

MS. SPEICHER: No sir.

6. PUBLIC HEARING DEFERRALS/WITHDRAWALS

There were none.

7. POLICY STATEMENT REGARDING APPEAL PROCESS

Ms. Speicher read the Board's policy regarding the appeal process to the audience.

8. PUBLIC HEARING(S)

**A. P15-03-C: CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW A BORROW SOURCE OPERATION IN AN M(P) HEAVY INDUSTRIAL DISTRICT ON 35.96+/- ACRES, LOCATED ON THE WEST SIDE OF CLAUDE LEE ROAD (SR 2341) AND NORTH OF LAZY ACRES STREET, SUBMITTED BY GS MATERIALS (OWNERS).**

Chair Donaldson read the case heading and called Mr. Gallagher as speaking in favor forward.

Ms. Speicher reviewed the zoning, sketch map, and land use of the area surrounding subject property. She briefly reviewed board packet material. She also recommended an additional condition: the board consider delegating to staff to approve yard waste to borrow pit, will amend that condition if done and no access through Cornell Drive as an added condition, as it would be through a residential subdivision.

Chair Donaldson asked board members if they had any questions.

CHAIR DONALDSON: Can you go forward on the slide? I think that one shows a little more detail of what they want to do. Is there a different slide anyone wants to see? I think for the purposes of looking at this right now, helps us some. I have on the sign-up sheet, for petitioners: Mr. Bailey, Mr. Smith and Mr. Cagle. Opposed is Scott Sanders. Where are you Mr. Sanders? Mr. Sanders, if you'll come up here please. Who wants to speak first for the petitioners? Mr. Bailey, Mr. Smith, or Mr. Cagle? Are all three of you going to speak or just one of you going to speak for right now?

Chair Donaldson swore in the speaker, Jack Bailey, Vice President of GS Materials, Inc. 2637 NC 87S Graham, NC.

CHAIR DONALDSON: Go ahead, sir.

MR. BAILEY: Well I don't have much to say other than we've had this pit for several years.

CHAIR DONALDSON: Before we start, I have one quick question; I have a question. What is the legal definition of a borrow pit? Is there a definition set out for it?

MR. BAILEY: (laughs)

MS. SPEICHER: I have the county's zoning ordinance.

MR HASTY: I've looked at the legals and it's basically a sand pit

CHAIR DONALDSON: Because, well, this is the first time we've ever had this issue. I basically know what it is, you know, but what's the definition the county says?

MS. SPEICHER: The County calls a Borrow Source Operation the removal of soil, sand, or other soil materials with further processing limited to dry screening to remove roots, trash, objectionable and other—deleterious—material. The provisions of this ordinance shall not apply to a bona fide farming activities, operation subject to the NCDOT contractual agreements, or jurisdiction for the duration of the contract only and any operations exempt from the state mining commissions regulations. These exemptions shall apply in all zoning districts. And just for the board's personal knowledge, the zoning ordinance also has quarry operations. Quarries are approved by the BOC only as a conditional zoning.

CHAIR DONALDSON: Right.

MS. SPEICHER: The primary difference between the two is that a borrow source is the dry removal of soils whereas a quarry involves a wet process.

CHAIR DONALDSON: Okay, alright. Everybody understand now what it is? Alright, go ahead, Mr. Bailey.

MR. BAILEY: Well there isn't much to say other than we had it several years ago. Uh, we did it basically for two NCDOT projects that we had, and we got a borrow out of that; it was approved—the highway department, DENR and everyone else. Now we need to renew it because we're doing a lot of projects again here in this area. Um, in fact, our sister company has two Walmart site contracts. We have several others; we like working in Cumberland and we just want to continue as needed to have it zoned properly and have the extended use permit to be able to do so. I have with me, of course, Mr. Cagle who's in charge of all of GS Materials permits, I have our engineer Brandt Smith who can answer any technical questions. I don't know anything other to say other than we'd be glad to answer any questions you have.

CHAIR DONALDSON: Mrs. Mullins, do you have any questions?

VICKI MULLINS: None at this time.

CHAIR DONALDSON: Mr. Lott?

MR. LOTT: The um, borrow pit as it is now, all the material has been taken out at one time?

MR. BAILEY: No, sir. A portion of it has. We're wanting to extend the borrow pit for future projects.

MR. LOTT: That's the future excavation?

MR. BAILEY: Yes, sir.

MR. LOTT: But the piece that's been, that you're asking for now, it has already been?

MR. BAILEY: Well, a portion of it has. Those portions already have buffers and trees and in our request for this permit, we're also agreeing to put up berms and Cyprus trees around the other bounds of it. We have a permit from DENR as far as the erosion and so on and so forth. And in answer to your question, they call borrow pits mines with DENR so we have to go through the whole permitting thing and get approval from them. We have that approval from them. I think they have a representative here tonight, but I'm not sure. I think, Patti, you have a copy of that permit? For erosion control?

MS. SPEICHER: I have a copy of the permit for yard waste.

MR. BAILEY: Right, okay.

MS. SPEICHER: It is my understanding. If I could, to the board, this is Melissa Joyner with DENR. She's been working on this project.

CHAIR DONALDSON: Okay.

MS. SPEICHER: She is not prepared or even here for a presentation, but only if the board has specific questions related to the DENR process.

CHAIR DONALDSON: Oh, okay.

MR. LOTT: I'm also assuming that this material has done been approved by DOT for use on your projects.

MR. BAILEY: Absolutely. It's been approved. You know, you have to get approval before you can use it.

MR. LOTT: Yes, sir.

CHAIR DONALDSON: Mr. Dykes?

MR. DYKES: No questions.

CHAIR DONALDSON: Mr. Humphry?

MR HUMPHRY: No sir.

CHAIR DONALDSON: Just explain. Now what we're talking about here is basically dry, natural waste, right? Just give me an example. Like if DOT is going out to clear a place for a new road or something...

MR. BAILEY: The waste we have out there now, sir, is twofold. We have one pile of crushed concrete that came off of one of the—concrete that's being piled, and we're bringing in a portable crusher to crush it and recycle it. There's another pile of brush there and trees that we use to grind up and make mulch out of.

CHAIR DONALDSON: This is stuff from like, as you used the example, it was from the highway, DOT when they're building highways or doing any expansions, when they go out and clear stuff, right?

MR. BAILEY: Yes, sir. DOT or commercial projects, whatever.

CHAIR DONALDSON: Right, I mean, they just truck it right? But there's no wet waste stuff; it's all dry?

MR. BAILEY: Oh, Lord no. We don't wash anything out there.

CHAIR DONALDSON: Okay, and what you're proposing to use the future is... What are you proposing to use the future evacuation for?

MR. BAILEY: Well, for a borrow pit to use on projects.

CHAIR DONALDSON: Okay. How big is that pit anyway?

MR. BAILEY: (To Brandt Smith) How big is it Brandt? The whole areas 36 acres. How big is the new borrow pit? Or the request for the new borrow pit?

CHAIR DONALDSON: I was just wondering what the dimensions were.

MR. BAILEY: I think it's on the plans, isn't it?

CHAIR DONALDSON: Well, it's a little hard to see this...

MR. BAILEY: Our engineer is going to calculate it. Don't want to deprive him of that.

CHAIR DONALDSON: Okay. 200 x 200 is an acre.

MR. BAILEY: A little over 2 acres.

CHAIR DONALDSON: Now you understood her condition about not having access through Cornell Street, right?

MR. BAILEY: Yes, yes sir. We don't... Well, we want to keep the same access we've always had.

CHAIR DONALDSON: They just don't want any trucks going through a residential neighborhood.

MR. BAILEY: Oh, no sir, we'd just get a whole bunch of complaints.

CHAIR DONALDSON: So you don't have any objection to that?

MR. BAILEY: No, sir.

CHAIR DONALDSON: Okay. Do you have any objection, if we grant this, that we delegate to the staff the enforcement of any additional requirements? Consistent with the ruling.

MR. BAILEY: No, sir. We agree to everything. We've carefully read the ordinance and we agree with all of the conditions.

CHAIR DONALDSON: Alright, well I don't know that it's necessary for the other two gentlemen to testify right now, unless you all want to hear from them. Thank you, sir. Have a seat. Mr. Sanders? Do you want to come up to testify?

Chair Donaldson swore in the speaker, Scott Sanders, 3422 Clemson Drive, Fayetteville, NC 28306.

MR. SANDERS: I live in the Lake Lynn subdivision which backs up directly to the property. This is kind of my personal opinion, this is new to me, and some of the wording was a little confusing about the borrow pit vs. the initial letter that we got. Um...

CHAIR DONALDSON: That's why we were having to ask questions. To my knowledge, it's the first time it's come up, the entire time I've been on the board.

MR. SANDERS: Now I kind of understand a little bit about the borrow pit, but our letter that we got said it was going to be for surface mining.

CHAIR DONALDSON: That's because, as he stated, it's a mine as far as the state's concerned. We, the county, consider it a pit, but the state, they consider it a mine.

MR. SANDERS: Well, and that's where it raised concern to me and my wife and maybe some of the other people here. You know, because we did a little research on surface mining; what that could involve. Possible drilling and even blasting and doing different things like that.

CHAIR DONALDSON: That's not going to happen. That's not the case in this.

MR. SANDERS: Okay. See then, that's my biggest issue with that. We don't want any drilling and blasting and anything like that.

CHAIR DONALDSON: The worse you're going to have are trucks and excavation materials in there digging it out, and then trucks delivering stuff in there, right?

MR. BAILEY: Yes, and I'd be more than happy to address that. We may have two to three employees—an excavator operator, loader operator and someone counting trucks or operating scales. That's it. And as far as rocks concerned, believe me, if we hit rock, we've got other problems. We don't want it. We want loose good dirt.

MR. SANDERS: Okay. Also, just to make sure I understand exactly... Are you going to bringing other materials in to dispose of? Like rocks and trees and debris and things to kind of backfill some of this area?

MR. BAILEY: Right now, we're talking about grinding the trees there into mulch, recycling that. Then we talked about taking the broken concrete that's in there and recycling that into gravel stone to either use it or sell it.

MR. SANDERS: Okay, and then also, I heard you saying the new area was roughly five acres or something.

CHAIR DONALDSON: It's 400 by 200 and an acre is 200 by 200. I'd have to do the math real quick. It's a little more than two acres. Roughly two and a half, three acres.

MR. SANDERS: Like I said, I'm just trying to get clarification. I live, kind of, on the south end of the pit, closer to Claude Lee Road, no, I'm sorry, the airport. Now it's already probably 35-40 feet deep somewhere in that area. Now do you anticipate going any deeper there or is it mainly in the new area?

CHAIR DONALDSON: Well you can't really see it on that. The new area is the white area we're looking at (points to map)

MR. LOTT: No, that's actually the approved yard waste area.

CHAIR DONALDSON: Yeah, that's right. Go back to the point you were at.

MR. LOTT: I mean, essentially, over the lifetime of this pit it should be 35 acres.

Mr. Bailey brings out larger map to go over with Mr. Sanders.

MR. SANDERS: (while looking at map) We've got some standing water issues over here. Has anyone tried to set it up for drainage? I don't know how deep that water is, but it appears to be several feet deep—the water that's standing. I guess we're just a little concerned about how deep they possibly could go, and the water standing issues because of wells in the area. We're all on city water for drinking water, but use wells for gardening and filling swimming pools and things like that. We're a little iffy about how far they could go and possibly contaminate some of the wells and things like that.

MR. BAILEY: I think at the most, it'd go out another ten feet.

CHAIR DONALDSON: Alright, show me exactly on the map right here that we've got up where they plan to put this additional two plus acres. Because they're going further down, away from your house. They're going south of where they are now. Yeah, they're on the Snowhill Road side.

MR. SMITH: Now in relation to what he was talking about, we are proposing to go another ten feet there. If they hit water, they don't pump it out, it stays there until it drains out, let it dry, then use it.

MS. SPEICHER: May we please get the engineer's name and address for the record?

CHAIR DONALDSON: I'll get it.

MR. LOTT: What's the longevity of the site you think it'd be? Five years, ten years?

MR. BAILEY: To be honest with you, it depends on how many projects we get. I would say five years to ten years max if that.

MR. LOTT: That's about the life of most of them. And normally, after you're through with them, they're reclaimed? Because, well, that's it, there's no further use for them.

MR. BAILEY: That's correct, we reclaim it. We work with DENR over here (points to Ms. Joyner) and we uh, reclaim it, and that's it.

MR. LOTT: So you're looking at five to ten years from now, you're going to have a big field of woods behind your house more or less.

CHAIR DONALDSON: Alright go ahead, Mr. Sanders. Did you have any other questions?

MR. SANDERS: Uhm, well, I think there was some concern from some other people about maybe bringing in concrete and grinding and all with noise levels and things like that.

CHAIR DONALDSON: Well, they're doing that now. Aren't they? Aren't y'all doing that now?

MR. BAILEY: I don't think we've ground any lately.

CHAIR DONALDSON: But you have, right?

MR. BAILEY: We've processed some.

MR. SANDERS: As far as the actual digging and borrowing of dirt, I don't think any of us have an objection to that, cause it's been going on and it's not a big deal. And it's their land, we understand you have to get dirt from places for projects you know, but like I said we're a

little concerned about possible additional noise with the grinding of the concrete and grinding of mulch and things like that.

CHAIR DONALDSON: Well y'all are doing the grinding of concrete sometimes now, aren't you?

MR. BAILEY: We have processed some. (To Alvin Cagle) When's the last time we processed concrete? We're trying to figure it out, we've got several of these pits.

MS. SPEICHER: If I could...

CHAIR DONALDSON: Wait, just one person at a time. I don't want to know how much was done, I just want to know the last time y'all ground any concrete.

MR. BAILEY: I don't know, we're trying to figure it out.

CHAIR DONALDSON: Well, was it a year ago? Ten years ago? Twenty years ago? Somebody's got to know something. Give me a rough estimate.

MR. CAGLE: Probably several months

CHAIR DONALDSON: A few months?

MR. CAGLE: There's been some this year.

CHAIR DONALDSON: This year?

MS. SPEICHER: If I could, for the board, the staff approved that process in March of this year. That's the site plan that you're looking at.

CHAIR DONALDSON: Oh, okay. Well apparently they've been doing it and you haven't heard any noise about it yet, have you? Any additional noise?

MR. SANDERS: Well, I'm generally at work when all of this is goin' on. My wife is at home and she does complain, ya know, about noise with dump trucks and things like that. I don't know if she actually knows if there's a difference in grinding concrete and things like that, she just complains about noise a lot.

MRS. SANDERS: Well before now I had no idea what they were doing. I didn't know they were grinding concrete and all that. It's horrible in the morning trying to have a cup of coffee at 6 a.m. and hearing all that.

MS. SPEICHER: Chair, we need everyone to speak directly into the microphone for the recording systems or it's not going to pick it up.

MR. SANDERS: Yeah, I'll walk closer.

CHAIR DONALDSON: Alright.

MR. BAILEY: We won't operate at night. It'll only be during the day. It will be a short lived thing. The pile there now, how long will that take? Four or five days?

CHAIR DONALDSON: Do you do stuff on the weekends?

MR. BAILEY: No, we don't.

CHAIR DONALDSON: Rarely?

MR. BAILEY: Not unless there's some emergency project somewhere. I can't remember us ever grinding material over the weekend.

CHAIR DONALDSON: Okay. Anything else, Mr. Sanders? That we haven't addressed?

MR. SANDERS: Um, no, I don't think so. Like I say, I'm going to give you my personal opinion. If it continues like it has been, you know, getting dirt, I don't think any of us have an objection to that.

CHAIR DONALDSON: Well you understand that they're actually going farther away from you...

MR. SANDERS: Correct

CHAIR DONALDSON: With the new borrow pit. It's going to be farther away from you, distance wise

MR. SANDERS: Yes, sir.

CHAIR DONALDSON: Okay.

MR. SANDERS: Well, yeah. Before this meeting even started, this lady (points to Ms. Speicher) did clear up some things for us that we didn't know because we were very concerned about the different type of permit. That's what alarmed me.

CHAIR DONALDSON: Okay.

MR. SANDERS: And like you said yourself, you didn't know what that permit was for. Then when we researched it, we were seeing, like, for coal mining and different things like that. That's the main reason that, that I'm here, to make sure nothing like that's going on.

CHAIR DONALDSON: This permit is really kind of narrow as far as what they've got in there. It's not hazardous waste or anything like that, and it's not any liquids that are going to seep in. The only thing, basically, that it is, is concrete from roads I guess, where they tear up

commercial projects, you know, tearing up stuff. Also, how about asphalt. Do y'all do asphalt?

MR. BAILEY: We don't have any now, but we do recycle asphalt.

CHAIR DONALDSON: The rest of it is trees and woods and stuff that have been cut down; debris. You've probably seen where DOT, where they do, projects where they just go in and start grading down trucks of wood. It's all piled up in one big pile, then they start hauling it off to recycle. That's what they're doing, they're hauling it off to their site for them to recycle.

MR. LOTT: Yeah, I don't think they burn any more on these large construction sites. A lot of it gets ground up.

MR. SANDERS: As far as the depth, is there like a maximum depth than can be gone to? Or is it as long as they can get to clean dirt, you know?

CHAIR DONALDSON: Mr. Hasty?

MR HASTY: I, I don't know. I think it'd be up to the engineers

MS. SPEICHER: The county ordinance doesn't specify, does the DENR ordinance?

MS. JOYNER: No, it does not.

CHAIR DONALDSON: The depth really, they just have to continue it. It's continuous thing where they have to continually comply with the rules, whatever DENR says, or the county ordinance says. Uhh, yeah, I guess, theoretically they could go to China if they could get there, you know. I mean, the likelihood of that happening, though, is... It's not likely to happen, so there's a practical limit to how far they can go anyway because of the equipment, you know, using it and all.

MS. JOYNER: If I may, regarding the answer I just gave, I'm not sure, if we could please strike that answer.

MS. SPEICHER: Okay.

CHAIR DONALDSON: Okay. Anything else, sir?

MR. SANDERS: I-I don't have anything personally, I don't know if...

CHAIR DONALDSON: Anyone else want to be heard on this? You need to come up here if you want to speak, ma'am. You'll need to be sworn in.

MR. SANDERS: This is my wife.

CHAIR DONALDSON: Okay.

Chair Donaldson swore in speaker, Angela Sanders, 3422 Clemson Drive, Fayetteville, NC 28306.

CHAIR DONALDSON: Okay. Just tell us what you want us to hear, or if you've got any questions, the board will try to answer them.

MRS. SANDERS: Okay, my thing is, until now, I didn't know anything about them recycling anything back there. Alls we thought they were doing was getting dirt. So when did they start that, or is that why this is? Or? The concrete or the trees, we've heard nothing of that.

CHAIR DONALDSON: Have y'all always recycled back there? Or has it just been excavation of dirt? Mr. Bailey?

MR. BAILEY: Back in February, I believe it was.

CHAIR DONALDSON: You started recycling in February?

MRS. SANDERS: Well, we knew we've heard more noise. But we, like I said, 'til right now, we knew nothing of that, we just thought it was a borrow pit.

CHAIR DONALDSON: Okay.

MS. SPEICHER: If I could explain to you, chair, for the inert debris, which is the yard waste, concrete, etc. That does not require a public hearing on property that is zoned industrial—which the subject property is.

CHAIR DONALDSON: Yeah.

MS. SPEICHER: And that is why the staff approved this site plan in March of this year.

CHAIR DONALDSON: You understand that?

MRS. SANDERS: Yeah, they can do it without our permission, but..

CHAIR DONALDSON: Because it's already zoned industrial use.

MRS. SANDERS: Right, okay. But I'm just saying, we didn't know nothing about it and that's part of this. So they can do that now as much as they want, and there's nothing that we have any say over, right?

CHAIR DONALDSON: Well it's already zoned for them to do it, so yes.

MS. SPEICHER: As much as they want within this general area.

CHAIR DONALDSON: Yeah.

MRS. SANDERS: Okay.

CHAIR DONALDSON: As long as they comply with the site plan and the setbacks from the road, and the trees and the berms, and all that, they can continue to operate.

MRS. SANDERS: We have a lot of stink with this project. I know y'all are following the guidelines on the setbacks with the land. But the ones that started this, the ones before y'all, they cleared all of the way to our fences. It took til just now, our trees finally got big enough for blockage. There was nothing.

CHAIR DONALDSON: Well, the new requirements, they have to keep the buffers there.

MRS. SANDERS: Right, right. That's what I'm saying, that's why we're here this time, because before and the guy didn't even want to put up buffers then. We just had all kind of problems.

CHAIR DONALDSON: The rules have all changed over the years about buffers. Before, people could do that. They could cut right to the property line. Now they're required to put buffers in, maintain them, and so forth.

MRS. SANDERS: Right... Well, actually, he couldn't then either, but he did.

CHAIR DONALDSON: Well anyway, if you read what they said, there's a berm that's got to be put around it and so forth. Is it fenced in? Is the property fenced in?

MR. BAILEY: No.

CHAIR DONALDSON: No? I didn't know if it was fenced in or not. Anything else ma'am?

MRS. SANDERS: Just, um, someone had about wells. About the water. About maybe anything that they do recycle?

CHAIR DONALDSON: Well they're not putting any hazardous materials in there, it's just debris like woods and trees and stuff like that.

MRS. SANDERS: But they said asphalt and stuff.

CHAIR DONALDSON: They're not putting asphalt in there they said.

MRS. SANDERS: So they're not going to be recycling it or nothing like that?

MR. SANDERS: I thought he said not right now.

MRS. SANDERS: Yeah, he said not right now. He just said not right now.

CHAIR DONALDSON: It's my assumption is that DENR would have some special requirements for asphalt, wouldn't they?

MS. JOYNER: We would actually refer it to the Division of Solid Waste who would have more knowledge on that at that time.

CHAIR DONALDSON: Right, because that's an oil based product.

MRS. SANDERS: I'm just wondering about smells and all, you know, anything like that you know.

MR. SANDERS: We're just scared, not what's been going on, just what could be going on later down the road with the permit.

CHAIR DONALDSON: Well they're not doing anything different than they're doing now. They're just doing it farther away from where you are.

MRS. SANDERS: Okay.

MR. SANDERS: Right.

CHAIR DONALDSON: Okay.

MR. SANDERS: If they're not doing anything different, then, I don't think, umm... Yeah, if this permit actually goes through, how long will it be good for? Before they have to renew or whatever?

MS. SPEICHER: A special use permit, once it's approved, runs with the land.

CHAIR DONALDSON: Runs with the land? So, if they sell it to another company that does the same thing, they can continue to do it. And any time they want to, they can close it up and plant over it to reclaim it. They're required by law to do that—reclaim it—if they close operations on it.

MR. BAILEY: Excuse me; may I address the asphalt question?

CHAIR DONALDSON: Yes, sir.

MR. BAILEY: I don't want to stir up anything, I just want to make sure they get a clear understanding. We've recycled everything in our other areas, pits, whatever, but it's never been to the point we contaminate anything. It's always up at the highest spot, it's always..uhh.. we-we clean it, we reclaim it, and.. uhh.. yeah. One in particular that comes to mind, we did a project right through the middle of a Charlotte subdivision, at a country club down there, where we had asphalt that came off the project. We recycled it, we cleaned it up, we got tests to prove that we got it all up. We even undercut the area that the pile set in. We reseeded, reclaimed and that was the end of it.

CHAIR DONALDSON: Okay.

MR. BAILEY: So, I don't think they have to worry about contamination... IF we do. I don't know that we'll ever bring asphalt in there.

MRS. SANDERS: Well, we've got wells that are less than 50 feet deep. That's why.

MR. BAILEY: I understand, but it's not going to seep down through all that clay and come down to your well. If we were putting it in the bottom of the pit, I'd be concerned too. But we're not going to do that there.

CHAIR DONALDSON: Alright. Thank you sir. Anything else, ma'am?

MRS. SANDERS: [shakes head.]

CHAIR DONALDSON: Alright, thank you.

MS. SPEICHER: If we could get the two gentlemen's names—the engineer and Alvin—their name and address for the record, please.

Brandt Smith, engineer for G.S. Materials, Inc. 205 Sierra Drive, Wilmington, North Carolina, 28409.

Alvin Cagle, 2081 Leonae Drive, Randleman, NC 27317.

CHAIR DONALDSON: That's all we need. Thank you. Anyone have any questions about the board on anything? Anything? Alright. Anyone want to be heard? Mrs. Mullins?

MRS. MULLINS: I have nothing.

CHAIR DONALDSON: Mr. Lott?

MR. LOTT: Make a motion that we approve it.

MRS. MULLINS: I second it.

CHAIR DONALDSON: Wait until we go around the room please.

MR. LOTT: Oh, I'm sorry.

CHAIR DONALDSON: Mr. Dykes? Mr. Humphry?

MR. DYKES: No questions.

CHAIR DONALDSON: Okay. Any other comments or discussion? I hear a motion.

MR. LOTT: Sub made

MR. HUMPHREY: I second.

CHAIR DONALDSON: Motion for what?

MR. LOTT: To approve, I'm sorry.

MR. HUMPHREY: I second that motion.

CHAIR DONALDSON: Anyone opposing it? All those in favor?

	IN FAVOR	OPPOSED
DONALDSON	YES	NONE
MULLINS	YES	
DYKES	YES	
HUMPHREY	YES	
LOTT	YES	

CHAIR DONALDSON: Okay, motion carries, with the stipulations and conditions laid out with the additional, um, that there be no access from Cornell Drive, that they use the entrance that they're using now, and, um, delegate to the staff any additional changes to fine tune this.

MS. SPEICHER: That's consistent with this application.

CHAIR DONALDSON: Alright. With this application, and we don't have to address the violation, do we?

MS. SPEICHER: No, because this is a step in resolving that.

CHAIR DONALDSON: Okay.

MS. SPEICHER: But if I could get the board, somebody to go to their notebook, to the tab where it says special use permit, and the four findings please?

CHAIR DONALDSON: Ahh, yes. Okay. One, the use will not materially endanger the public health or safety—just a continuation of what's already been done there. There's no evidence showing that or anything. The uh, it's been there since.. When did you say? 1999 it was originally approved?

MS. SPEICHER: Yes, sir.

CHAIR DONALDSON: It's been in operation since 1999. This is just an expansion of the borrow pit there. The materials there are dry waste and natural waste exception for concrete and such things like that, that are being recycled. It meets all the requirements and

specifications that are set out in the ordinance and with the permits needed by DENR and, uh, what was the other permit I saw? I forgot who it was.

MS. SPEICHER: The yard waste permit.

CHAIR DONALDSON: Yeah, the yard waste permit. And um, the fact that it is a public necessity because the need for building projects to have a place to recycle the materials, number three. It's consistent with the location and character of the use. It's zoned industrial as it is, and it's continued use of the property in the same manner and mode. Do you need anything else?

MS. SPEICHER: That is wonderful. Thank you.

CHAIR DONALDSON: Thank you ladies and gentlemen. Y'all have a good evening. Enjoy Memorial Day weekend, ok. Be careful driving too.

MS. SPEICHER: Chair, if I could go over this document with them outside the room? But you all discuss the next item on the agenda and I'll be right back.

CHAIR DONALDSON: Yeah. We'll do that if you want to, and y'all can go out and talk to them, if they've got any questions. Thank you, Mr. Bailey, Mr. Smith and Mr. Cagle. Y'all have a nice trip back to Graham and Randleman.

MR. BAILEY: Thank you.

CHAIR DONALDSON: Okay, the next matter... Where did I leave my agenda? Oh, I was using it for notes on the back. If y'all could step outside... Mr. Sanders, excuse me sir, if y'all could step outside and talk we've got some other business that we've got to carry on. Okay. We have the issue now of um, the um, what we're going to do about the future of this board. I've been given the roster here. Mr. Dyke's term, and he's on his second term, expires August 31, and he's not eligible for reappointment. Mr. Humphrey, he expires June 30<sup>th</sup> of '16, and he's not eligible after that. MR. LOTT: is on his first term, and he expires August 31<sup>st</sup> of next year. And, um, my term, my second term is up—I guess, I don't, I haven't been on this thing 8 years. Is it two years or four years? 3? Hmm, well I was filling an unexpired term.

MS. SPEICHER: Right, you were. You were.

CHAIR DONALDSON: So that, that's why it's a second term. Okay. My term expires on September 30<sup>th</sup>, and I'm not eligible. Mrs. Mullins is on her first term and she's eligible. She's got uhh, up for reappointment August 31<sup>st</sup>. I assume that's up before the Commissioners sometime this summer, right?

MS. SPEICHER: Yes sir.

CHAIR DONALDSON: And then we got alternate members. All I can say is, three of us are going and possibly four if the board of County Commissioners don't reappoint you, but that's

unlikely. So, I'm going to make a proposal. You all can do what you want, if y'all want to vote on it, you can send it to the Board of Commissioners; however y'all want to do it. For continuity, I would recommend that since Mr. Humphrey's got until next...

MR. HUMPHREY: June

CHAIR DONALDSON: June, that he be made chairman since he's got time, and that would give y'all time to sort out who's going to take over for him next year, next summer, a year from now. That's just my recommendation. He's been here—he's actually been here longer than I have on this board because he was... Well, like I said, my first term I was filling out an unexpired term. So he's actually been here longer. If you've noticed, over the time that we've been here, that I've a lot of times delegated to him to make him do orders and all because I knew this day was coming at some point in time. And it would give a transition. That would be my recommendation. Do you see any problem with that?

MR. HASTY: No.

MS. SPEICHER: If I could clarify that this would not go to the Board of Commissioners, it would be amongst the members, the regular members.

CHAIR DONALDSON: Oh, that's right.

MS. SPEICHER: To vote for the chair and...

CHAIR DONALDSON: Only the reappointment for vacancies sometimes we don't want them. We've basically taken a policy in which we don't even recommend now.

MS. SPEICHER: On vacant positions.

CHAIR DONALDSON: Yeah, we just sort of say y'all do what you want to do because we don't know who we're going to offend. So, it would be, it'd be a vote then.

MS. SPEICHER: It's a motion and a vote.

CHAIR DONALDSON: What's...? Does it require just the majority?

MS. SPEICHER: Yes.

CHAIR DONALDSON: And all of us can vote, to include the proposed Chairman, right?

MS. SPEICHER: Yes.

CHAIR DONALDSON: And do, do we vote on it now, or do we have to wait until I come off?

MS. SPEICHER: We would prefer you vote on it now because we do not have any cases next month. We're already working on July's cases.

CHAIR DONALDSON: And they might be going away.

MS. SPEICHER: Well, ri--, true.

CHAIR DONALDSON: Because, summer time, for whatever reason, they all go away.

MS. SPEICHER: Right. Well, we need the Chairman and Vice Chair established by July 1.

CHAIR DONALDSON: Okay. I make a motion that Mr. Humphrey be appointed to Chairman upon the expiration of my term. I need a second.

MR. LOTT: Second.

Unanimous.

	IN FAVOR	OPPOSED
DONALDSON	YES	NONE
MULLINS	YES	
DYKES	YES	
HUMPHREY	YES	
LOTT	YES	

CHAIR DONALDSON: Now we have to talk about a vice chairman, which is, in all likelihood, will end up, depending on how things go, will probably be the Chairman after he leaves. That's typically how things go. The Vice Chair fills in when the Chair isn't here, though I don't think I've ever missed a meeting, have I? Did I ever miss a meeting? Maybe one.

MRS. MULLINS: One, you missed one. Something came up and you could not get here.

MR. HUMPHREY: Yeah, I've missed one. I've been sick and...

CHAIR DONALDSON: Anyway, I won't make a motion on that. I'll leave that up to y'all. You can nominate yourself if you want to.

MR. HUMPHREY: Let me just ask a question—is it open now?

CHAIR DONALDSON: Yeah.

MR. HUMPHREY: Mrs. Mullins, Mr. Lott, would you object to being nominated? For vice?

MRS. MULLINS: No.

MR. LOTT: No.

MR. HUMPHREY: Who's been the longest, up here? Or have you been here about the same amount of time?

MRS. MULLINS: No, no. I've been here a while. I was an alternate, and then, within weeks, I was moved right on in. I've been here, right after... Mr. Donaldson. Yeah, I've been here a while, so.

MR. DYKES: I would like to make a motion. I would like to make a motion that Mrs. Vicki Mullins be nominated Vice Chair when the position comes available.

MR. LOTT: I'll second that.

CHAIR DONALDSON: Do we have to do the vice chair now?

MR. LOTT: Yeah. She wanted it. Both of them, she said.

MRS. MULLINS: By July.

MS. SPEICHER: By July 1, and we have no June meeting.

MRS. MULLINS: Right, that's what I'm saying.

CHAIR DONALDSON: We have to do it now then.

MS. SPEICHER: Yeah, well. That's what I'm trying to say.

CHAIR DONALDSON: So the motion is for Mrs. Mullins to be the vice chair upon...

MS. SPEICHER: I'm not, I am not saying that you have to. I mean, we would survive and be fine.

CHAIR DONALDSON: Well if we don't do – somebody's got to do something. I mean, y'all can't select the Vice Chair.

MS. SPEICHER: Nope.

CHAIR DONALDSON: The Commissioners don't select it, so we've got to do it ourselves.

MS. SPEICHER: Right.

CHAIR DONALDSON: And it depends on the good ruling of the board of not making anybody mad.

MR. HUMPHREY: And if I couldn't be here, you would need a Vice Chair.

CHAIR DONALDSON: Yeah, and you do need a Vice Chair. So the motion by Mr. Dykes is Mrs. Mullins be nominated to be the Vice Chair. Are there any other motions for anybody else? I mean, Mr. Lott, do you want to nominate yourself?

MR. LOTT: No sir.

CHAIR DONALDSON: Are you sure?

MR. LOTT: Positive.

CHAIR DONALDSON: All those in favor of Mrs. Mullins becoming the replacement Vice Chair?

Unanimous.

	IN FAVOR	OPPOSED
DONALDSON	YES	NONE
MULLINS	YES	
DYKES	YES	
HUMPHREY	YES	
LOTT	YES	

CHAIR DONALDSON: Mr. Humphry will be the Chairman until next summer. Mrs. Mullins will be the Vice Chair. You all are going to have to start looking into some new members, in a hurry.

MR. HUMPHREY: Well you'll be with us until September

CHAIR DONALDSON: Well, I understand that, but we'll probably only end up having one more meeting the way things are going.

CHAIR DONALDSON: Well, we are going to have to... Well, we're losing Mr. Dykes, I'm leaving... and, um, we're going to need two replacements. So the question becomes do we want to make a recommendation on anybody to the County Commissioners or do we want to do like we have been? Let them...

MR. HUMPHREY: Do we have a list?

MRS. MULLINS: That's what I was going to say.

MS. SPEICHER: I don't have a list of the current applicants that are at the clerk's office, um, and I have not polled the alternates to see if any of them want to be appointed.

CHAIR DONALDSON: Well, I move that we don't make any recommendations on my replacement and Mr. Humph—no, Mr. Dyke's replacement right now. Because Mr.

Humphrey, he is going to be on the board, and you've got to have two replacements for us two by August 31<sup>st</sup>. Because he goes off August 31<sup>st</sup>.

MS. SPEICHER: We'll have another case by then. We have another borrow pit that was cited in violation, so we may have another case by then.

CHAIR DONALDSON: Well if we do, we do. My motion right now is that we're not going to make any recommendations to the board. I know Mr. Quigley... We, one time, did make a recommendation and they looked at the applicant and said yes. But y'all can do what you want. If y'all want to overrule me, we can do that. That's not a problem. I just kind of find that, well, it's the County Commissioner's call. You never know who up there is a friend of somebody, you know, that they want on there. It gets into—I know its civic duty—but there are other issues too, as we well know.

MR. HUMPHREY: Especially when it's essentially up to the Board of Commissioners anyway.

CHAIR DONALDSON: Yeah, I mean they can disregard us, and that's what I said. I mean, they can disregard us, so why make a recommendation? Let them choose who they want to be on there. So, I make a motion, if there's a second, that we will not make any recommendations on Mr. Dyke's and my replacement. But that's uh—any second on that?

MRS. MULLINS: Second

CHAIR DONALDSON: Any opposition?

Unanimous.

	IN FAVOR	OPPOSED
DONALDSON	YES	NONE
MULLINS	YES	
DYKES	YES	
HUMPHREY	YES	
LOTT	YES	

MS. SPEICHER: Thank you for that. That will save us some time and phone calls.

CHAIR DONALDSON: That way they can just appoint who they want to. They've got their applications up there and they're going to appoint who they want to.

MS. SPEICHER: And if anyone is eligible to be reappointed, you need to apply and make sure they know. We'll tell the alternates that as well.

CHAIR DONALDSON: Well, Mr. Lott, yours is August of next year is when you're eligible. Mrs. Mullins, you're eligible right now; you've got to fill that out now.

MRS. MULLINS: Yeah, I do.

CHAIR DONALDSON: You need to get your application in!

MRS. MULLINS: Just got bumped up to vice and now I've got to reapply!

MR. DYKES: Can I reapply?

CHAIR DONALDSON: No.

MS. SPEICHER: If they say you're not eligible, then...

CHAIR DONALDSON: Two terms. Now, you can sit off a term, right? And then come back?

MS. SPEICHER: You can sit off for one year, according to the new commissioner's rules.

CHAIR DONALDSON: One year? One year, and you can come back if you want to.

MS. SPEICHER: I told Mr. Dykes earlier, that there are times they will suspend the rules. That's not up to us; it's not up to you all. It's, well, if you work that out, you work that out. We can't get involved in that.

CHAIR DONALDSON: Well, we serve at their pleasure anyway. So, I mean, I didn't know that they would suspend the rules. Not that I'm lobbying the stake, because I'm, well, ready to go. Anyway...

MS. SPEICHER: We have really enjoyed you and will not let this be the last meeting.

CHAIR DONALDSON: Well, I understand. Any other business?

Break for attorney-client privilege.

## 9. DISCUSSION

There was none.

## 10. UPDATE(S)

There was none.

## 11. ADJOURNMENT

Mr. Humphrey made a motion to adjourn at 8:19 p.m., seconded by Mr. Dykes.