

TOWN OF UNIONVILLE MINUTES OF SPECIAL MEETING

The December 8, 2008 Town of Unionville special meeting for the purpose of hearing a presentation by Griffin Brothers regarding the purchase of Griffin Farm and Landfill was held at 7:30 p.m. at Town Hall, 1102 Unionville Church Road, Monroe, NC. Mayor Simpson and Commissioners Jim Baucom, Randy Baucom, Robert Crouch and Edd Little were present. Attorney Tom Griffin was also present. Commissioner Ken Brown was absent.

Everyone stood and recited the Pledge of Allegiance to the United States flag, after which Commissioner Crouch led the prayer of invocation.

Mayor Simpson called the meeting to order and reminded everyone that the sole purpose of this meeting was to hear a presentation from Griffin Brothers regarding the purchase of Griffin Farm and Landfill.

Mr. Mike Griffin stated that Griffin Brothers are not related to Richard Griffin. Mr. Griffin began a power point presentation, stating that Griffin Brothers is a four-legged company. The company was founded in 1961 with one tire store in Charlotte. Now, there are seven stores in the greater Charlotte area. The second leg of the business is property holdings and development. The third leg is the golf and hospitality business. The fourth leg consists of five existing C&D reclamation facilities—three in Charlotte, one in Raleigh, one in Mullins, SC. Currently, the Rock Hill facility's permit is pending and the York facility has not yet been permitted. Mr. Griffin stated that Griffin Brothers has a strong partnership with local municipalities. They recently entered into a thirty-year partnership to process Harrisburg's yard waste, and have sold the rights to Concord to process their waste. Partnership with Apex was begun in 2002, and Griffin Brothers is saving the Town at least \$250,000 per year in disposal fees. They also assist towns in recycling, mulching and composting, and storm debris recycling and disposal. All these programs have lowered taxes and saved municipalities money.

Mr. Ron Gilkerson, of Griffin Brothers spoke about the C&D reclamation. He stated that in most cases, they recycle up to fifty percent of all products brought in. There are no hazardous liquids or waste or household garbage or asbestos accepted. C&D consists of lumber, bricks, roofing, siding, stumps, all materials from a building except lead-based paint or asbestos materials. Slides showed photographs of a finger screener for composting, a small tub grinder for mulching, and a rock-crushing unit. Griffin Farm and Landfill is currently closed (an orphaned site) because Mr. Richard Griffin didn't want to take on new state requirements for 30-years' post-closure care and groundwater monitoring, and the financial assurance the state requires. Currently, there are eight wells which are sampled semi-annually at a cost of \$15,000 per year, totaling \$450,000 over 30 years. No one wants an orphaned site. Groundwater regulations are updated every three years. At their sites, a camera inspects each load as it goes into the space, then

environmental technicians look at the materials, and finally a manager inspects the operation each day. If any unauthorized waste is brought in, it is collected in a certain can and taken to the appropriate landfill for disposal.

Mr. Gilkerson showed a slide of their proposed expansion of Griffin Farm and Landfill. First, Griffin Brothers would advance Griffin Farm and Landfill per the new regulations, and take on all closing responsibilities. They propose three phases totaling 60 acres of expansion. The closed elevation will be 640' above sea level, as the existing franchise agreement approves it. Existing topography on the west side of the property is currently approximately 560', therefore this cell would be approximately 80' higher. They do not plan to change the entrance road from Morgan Mill Road. They may change the scale house location into the south buffer. There is an existing metal 50' x 100' building that they plan to add 50' x 50' onto. In the northern area of the property, a two-story chicken house exists, where they plan to make a reprocessing area for compost or topsoil only made out of grass clippings, leaves or mulch. In the northeastern area, Griffin Brothers proposes a 12-acre park and an additional eight acres for an optional future park development. In the north, a 100-year floodplain exists. Expansion specifics call for a three-phase approach to operate in checkerboard fashion--nine cells of 6 acres each, with three cells in each expansion. They propose to stagger plantings of Leyland cypress on the western to the southern boundaries of the property, as there are few trees there. They are currently reviewing existing data on seven monitoring wells. They haven't seen any exceedence except for two things—manganese and iron. There is also potential arsenic contamination in the county. They have not completed all of their due diligence yet. There are some misconceptions on the rate of flow of groundwater. Well tests of bailing the well down and letting it fill up show less than 10 feet per year fill. NC Department of Environment and Natural Resources (DENR) shows that for it to move 200 feet would take approximately 20 years. Mr. Gilkerson shared a study performed on 24,000 samples collected over a huge area including Union County, which shows the highest level of arsenic in Union County because of manganese and iron. He commented that Union County has arsenic due to the type of bedrock and the weathering of the bedrock. Mr. Gilkerson showed colored charts representing existing and proposed topographical information. He stated that orphaned sites can and will affect real estate values. The MSW landfill site in Raleigh, NC has shown no depreciation of values in the surrounding real estate. The Foxhole Landfill in Mecklenburg County has had condos, residential subdivisions and a golf course subdivision built around it. Mr. Griffin's provided the website address for this presentation.

Commissioner Randy Baucom inquired as to how many feet off the stream the landfill would be. Mr. Gilkerson stated that the 100-year floodplain requires it be approximately 100 feet off the stream.

Commissioner Edd Little made inquiry as to a cemetery on the site. Mr. Gilkerson was not aware of that, but stated that the historical and archeological reviews have not been completed.

Town Attorney Tom Griffin advised Council to ask any questions they have regarding the presentation. He stated that an orphaned site will not be the responsibility of anyone who can afford to pay for it, but monitoring for 30 years after closure would be Griffin Brothers' responsibility once they take over the landfill. Griffin Farms and Landfill's permit expires in February, 2009, and if Griffin Brothers takes over, it must be done in a way that doesn't let GFL's permit expire due to new state regulations. The state also requires a public hearing be held, and public notices posted 30 days prior to the hearing. The Town would also be required to send letters to adjoining property owners advising them of the public hearing. A copy of the application must also be submitted to the Monroe branch of the public library. Previously, the Town appointed a subcommittee, although the law does not require it. After the public hearing, the comments must be transcribed by a court reporter. The Council must consider, discuss and vote on the franchise agreement at two regular Council meetings; it cannot be considered at a special meeting. With the deadline being February 9, 2009, we must have the first reading of the franchise agreement at the January 19, 2009 regular Council meeting. The Council may want to have a second special meeting to discuss any questions of the franchise agreement prior to the regular meeting on the 19th. Mayor Simpson stated that the earliest we could set the public hearing is January 9, 2009. Mayor Simpson inquired as to whether NC DENR would grant an extension of the existing permit. Mr. Gilkerson stated that DENR would not; although they would provide them additional time if there is a positive vote at the first reading of the franchise agreement. Commissioner Randy Baucom made inquiry as to the orphaned site. Mr. Tom Griffin stated that NC DENR would prefer that it not be an orphaned site, as it would fall back into their lap. Commissioner Little inquired as to the ownership of the 30-acre landfill site. Mr. Larry Griffin stated that this is not in Mr. Griffin's daughter's name; it is in Griffin Farm and Landfill's name. A question was asked about GFL being in bankruptcy. Tom Griffin stated that there is very little recourse.

Commissioner Randy Baucom made inquiry as to the requirements of closing the 15-acre site. Mr. Gilkerson stated that Griffin Brothers must bring the site up to 2009 state regulations and monitor it for 30 years. He stated that this is the reason the landfill is closed; because Richard Griffin didn't want to be responsible for the 30-year requirements. Mr. Baucom also made inquiry as to the elevation of the landfill. Tom Griffin stated that it may be up to 640 feet above sea level. Mr. Baucom made inquiry as to the elevation of the chicken house. Mr. Gilkerson reported that it is 550 to 555 feet. Mr. Baucom also inquired about water runoff at closure time. Mr. Gilkerson stated that the 100-year floodplain is a sizeable stormwater detention area; everything is routed to the basin and there is a fairly large buffer to the south. Before it gets to the creek in the north, it will go through a retention pond and clean water would discharge to the stream. This is monitored by NC DENR.

Commissioner Edd Little made inquiry as to the depth of the dam for the 100-year floodplain. Mr. Gilkerson did not know; this is determined by groundwater studies. Currently, there are 18-20 monitors, and they will install 18-20 more prior to determining their grading plan.

Commissioner Randy Baucom inquired about stump and shingle grinding. Mr. Gilkerson stated that no more stumps or shingles will be buried; they will be ground up and/or recycled.

Commissioner Edd Little asked about previous intake. Mr. Gilkerson reported 40,000 to 50,000 tons per year of C&D materials, or approximately 200 tons per day.

Commissioner Randy Baucom inquired about recycling concrete. Mr. Gilkerson stated that there is currently a 50' x 100' building on the property. They plan to add 50' x 50' to this building, where a rock crushing aggregate will be outside this building. Mr. Baucom asked about the noise level. Mr. Gilkerson stated that it is running in Concord, although you can't see or hear it; no rebar is allowed. The crushed concrete is used for driveway stone.

Several Unionville residents posed questions and comments to Mr. Larry Griffin, Mr. Mike Griffin and Mr. Ron Gilkerson.

Upon the recommendation of Town Attorney Tom Griffin, and upon motion duly made by Robert Crutch, seconded by Randy Baucom, Council agreed by a vote of 2-1 to set a public hearing no earlier than January 12, 2009 at 7:30 p.m. in Piedmont High School's auditorium, contingent upon receiving the application and the availability of Piedmont's auditorium.

Upon motion duly made by Edd Little, seconded by Robert Crutch, Council unanimously adjourned the special meeting.

Respectfully submitted,

Sonya W. Gaddy
Clerk

Approved as to form:

Thomas N. Griffin, III, Town Attorney