

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, JANUARY 5, 2015

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on January 5, 2015, at the Citizens Center, Commissioners' Room, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 6:30 PM.

Commissioners Present:

Carrol Mitchem, Chairman
Bill Beam, Vice Chairman
Martin Oakes
Cecelia Martin
Alex Patton

Planning Board Members Present:

Christine Poinsette, Chairman
Darrell Gettys, Vice-Chairman
Dr. Crystal Mitchem, Secretary
Jeffrey Todd Burgin
John Dancoff
Floyd Dean
Jamie Houser
Keith Johnson

Others Present:

Kelly G. Atkins, County Manager
Wesley Deaton, County Attorney
Amy S. Atkins, Clerk to the Board

Call to Order: Chairman Mitchem called the meeting to order.

Invocation: Pastor Luke Johnson, of Highland Drive Freewill Baptist Church, gave the Invocation and Chairman Mitchem led in the Pledge of Allegiance.

Adoption of Agenda: Chairman Mitchem presented the agenda for the Board's approval.

AGENDA
Lincoln County Board of Commissioners Meeting
Monday, January 5, 2015
6:30 PM

James W. Warren Citizens Center

115 West Main Street
Lincolnton, North Carolina

Call to Order

Invocation - Pastor Luke Johnson, Highland Drive Freewill Baptist Church

Pledge of Allegiance

1. Adoption of Agenda
2. Consent Agenda
 - Tax Requests for Releases - Over \$100
 - November 16 - December 15, 2014
 - Tax Requests for Refunds - Over \$100
 - November 3 - 16, 2014
 - CDBG Status Updates
 - Minutes for Approval
 - Surplus Property
 - Budget Ordinance Amendment #6
 - Vehicle Tax Refunds for November
 - Amendment to Retention Schedule for Tax Administration
3. Zoning Public Hearings - Randy Hawkins

PCUR #154A B.V. Hedrick Gravel and Sand Co., applicant (Parcel ID# 56506, 34252, 84029, 85905, 31188, 30239, 52622, 02860, 52621, 02862, 73724, 78254, 78253, 02861 and 74885) A request to amend a conditional use district and conditional use permit to remove a condition that states that the applicant will abide by an restrictive covenant agreement with Pulte Homes (an agreement that has been nullified), to revise a site plan to enlarge future mining areas near portions of the northern boundary of the applicant's property and to specify the size of a planned berm along a portion of that boundary. The request involves a 498-acre site located at 6941 Quarry Lane, about 1,600 feet west of N.C 16 Business and 4,200 feet north of Old Plank Road, in Catawba Springs Township.

CUP #340 Frank Greco, applicant (Parcel ID# 77944) A request for a conditional use permit to sell vehicles in the I-G (General Industrial) district. The 2.5-acre parcel is located at 6321 Denver Industrial Park Rd., on the west side of Denver Industrial Park Road about 1,500 feet north of Sinclair Street, in Catawba Springs Township.

4. Public Comments (15 minutes allowed per Rules of Procedure – 3 minutes per person)
5. Resolution #2015-1: Amended Resolution for Prospective Bonus - Audrey Setzer and Wesley Deaton
6. Motion to Approve Sole Source Vendor, Charter Media, for the Health Department to Implement the approved communication plan for childhood immunizations - Maggie Dollar and John Henry

7. Other Business
8. Motion to Enter Closed Session Pursuant to NCGS § 143-318.11. Closed sessions.

(a)(3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged, and (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee

Adjourn

UPON MOTION by Commissioner Martin, the Board voted unanimously to adopt the agenda as presented.

Consent Agenda: **UPON MOTION** by Commissioner Oakes, the Board voted unanimously to approve the Consent Agenda.

Consent Agenda

- Tax Requests for Releases - Over \$100
 - November 16 - December 15, 2014
- Tax Requests for Refunds - Over \$100
 - November 3 - 16, 2014
- CDBG Status Updates
- Surplus Property
- Budget Ordinance Amendment #6
- Vehicle Tax Refunds for November
- Amendment to Retention Schedule for Tax Administration

New Business/Advertised Public Hearings:

Parallel Conditional Use Rezoning #154A – B.V. Hedrick Sand and Gravel Co., applicant: Randy Hawkins presented the following information concerning PCUR #154A – B.V. Hedrick Sand and Gravel Co., applicant.

The transcript of this case, provided by Marianne S. Aguirre, with Bridges Court Reporting, is incorporated by reference and hereby made a part of these minutes.

Conditional Use Permit # 340 Frank Greco, applicant:

Randy Hawkins presented the following:

The applicant is requesting a conditional use permit to sell vehicles in the I-G (General Industrial) district. Vehicle sales is a conditional use in the I-G district.

The 2.5-acre parcel is located at 6321 Denver Industrial Park Road, on the west side of Denver Industrial Park Road about 1,500 feet north of Sinclair Street. A 6,000-squarefoot storage building is under construction on this parcel. A variance was approved by the Zoning Board of Adjustment to permit a portion of the building to extend into the road yard setback. This property is surrounded by property zoned I-G. Land uses in this area are primarily industrial. This property is part of an area designated by the Land se Plan as industrial.

Chairman Mitchem opened the public hearing concerning Conditional Use Permit #340 – Frank Greco, applicant.

Frank Greco, applicant, said he has developed this piece of property and wants to be able to buy and sell retail vehicles at this site. He said he will be detailing these and housing them in his building, there will be no mechanical work on site. He said he will sell fifteen to twenty cars per year at this site. Mr. Greco said he does a lot of internet sales.

Lee Killian stated this family developed this park and he asked that this request be approved.

Rudy Bauer said at last report, there were ten used car lots in the Denver area, there are now eleven and this will make twelve. He asked the Board not to approve any more car lots.

Being no additional speakers, Chairman Mitchem declared the public hearing closed.

The Planning Board reconvened to the second floor balcony to deliberate the cases.

Chairman Mitchem declared a brief recess and called the meeting back to order.

Public Comments: Chairman Mitchem advised that this was the time the Board of Commissioners would receive comments from the citizens regarding any matter they desired to address.

Robert Avery, 4466 Hwy 182, Crouse, asked the Board to consider a Citizen Review Board.

Being no speakers, Chairman Mitchem declared the Public Comments section closed.

Resolution #2015-1: Amended Resolution for Prospective Bonus - Audrey Setzer and Wesley Deaton: Audrey Setzer, Human Resource Director, presented the following Resolution for the Board's approval:

**RESOLUTION #2015-1
RESOLUTION FOR PROSPECTIVE BONUS**

WHEREAS, pursuant to N.C.G.S. §153A-92, the Board of Commissioners shall fix or approve the schedule of pay, expense allowances, and other compensation of all county officers and employees, whether elected or appointed; and

WHEREAS, all Lincoln County employees received yearly evaluations at which, based upon their departmental evaluation of merit, employees were given a merit-based salary or wage increase of between zero percent and 3.5 percent of their salary to become effective on January 1, 2015; and

WHEREAS, the Board of Commissioners previously approved said recommended merit pay increases; and

WHEREAS, the Board of Commissioners desires to clarify its merit pay increases as provided below; and

WHEREAS, the Board of Commissioners desires to provide prospective incentives to those of its employees who have been granted merit-based salary increases to maintain a high quality of work, to strive to serve the public to the best of their abilities, and to do their best at all times.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED:

On or before January 15, 2015, the County shall pay to all Qualified Employees a Merit-Based Bonus, as said capitalized terms are defined herein.

As used in this Resolution, the following capitalized terms shall apply herein:

Merit-Based Bonus: A bonus that is calculated by taking a Qualified Employee's merit-based pay increase percentage that the Qualified Employee received effective July 1, 2014, multiplied by the total pay the employee received from July 1, 2014, through January 14, 2015.

Qualified Employee: An employee who:

1. Was employed with Lincoln County effective July 1, 2014;
2. Obtained a merit-based salary increase to be effective January 15, 2015; and
3. Is still employed by the County on January 15, 2015.

That this Resolution shall become effective immediately.

Adopted this 5th day of January, 2015.

LINCOLN COUNTY

By: _____
Carrol Mitchem, Chairman
Board of Commissioners

ATTEST:

Amy S. Atkins, Clerk to the
Board of Commissioners

UPON MOTION by Commissioner Patton, the Board voted unanimously to adopt Resolution #2015-1: Resolution for Prospective Bonus.

Motion to Approve Sole Source Vendor, Charter Media, for the Health Department to Implement the approved communication plan for childhood immunizations – Lena Allen presented the following:

The Health Department has been awarded additional State funding from the NC Division of Public Health in the amount of \$5799 for the Childhood Immunization Program. The funds must be used to implement a local communications plan to promote public awareness of childhood immunizations and reduce incidents of childhood diseases. They are proposing to run a 21 week ad on Charter Media and asking the Board to approve Charter Media as the Sole Source Vendor.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to accept the State funds and approve Charter Media as the Sole Source Vendor, as presented by Lena Allen.

Other Business: Kelly Atkins stated that the meeting between the Lake Norman Marine Commission and Catawba Wateree group had been scheduled, but will be rescheduled.

UPON MOTION by Commissioner Patton, the Board voted unanimously to appoint Commissioner Martin as the Voting Delegate for the upcoming Legislative Goals Conference.

Closed Session: **UPON MOTION** by Commissioner Oakes, the Board voted unanimously to enter Closed Session pursuant to NCGS § 143-318.11(a)(6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy issues may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or

removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting.

The Board returned to Open Session and Chairman Mitchem announced that no action was taken in Closed Session.

Adjourn: UPON MOTION by Commissioner Beam, the Board voted unanimously to adjourn.

Amy S. Atkins, Clerk
Board of Commissioners

Carrol Mitchem, Chairman
Board of Commissioners

In The Matter Of:
*PCUR154A B.V. Hedrick Gravel and
Sand Company*

*Lincoln County Board of Commissioners Meeting
January 5, 2015*

*Bridges Court Reporting
P.O. Box 2156 Rutherfordton, NC 28139
P.O. Box 6545 Spartanburg, SC 29306
828-429-7839
Laura@LBridgesCourtReporting.com*

Original File CommissionersM.txt
Min-U-Script® with Word Index

* * * * *

LINCOLN COUNTY BOARD OF COMMISSIONERS MEETING

OF

PCUR #154A B.V. HEDRICK GRAVEL AND SAND COMPANY, APPLICANT

HELD AT

JAMES W. WARREN CITIZENS CENTER

115 WEST MAIN STREET

LINCOLNTON, NORTH CAROLINA

MONDAY, JANUARY 5, 2015

* * * * *

Reported By:
Marianne S. Aguirre
Bridges Court Reporting, Inc.
P.O. Box 2156
Rutherfordton, North Carolina 28139
828-429-7839
Contact@LBridgesCourtReporting.com

A P P E A R A N C E S

VAN WINKLE LAW FIRM, PLLC

Attorneys for B.V. Hedrick Gravel and Sand Company

111 North Market Street

Asheville, North Carolina 28801

BY: CRAIG D. JUSTUS

cjustus@vwlawfirm.com

FOR THE LINCOLN COUNTY COMMISSION:

CHAIRMAN CARROL D. MITCHEM

MS. CECELIA A. MARTIN

MR. ALEX E. PATTON

MR. BILL BEAM

MR. MARTIN OAKES

MR. WESLEY DEATON, COUNTY ATTORNEY

MR. KELLY ATKINS, COUNTY MANAGER

FOR THE LINCOLN COUNTY PLANNING BOARD:

MS. CHRISTINE POINSETTE, CHAIR

MR. DARRELL GETTYS, VICE-CHAIR

DR. CRYSTAL MITCHEM, SECRETARY

MR. JEFFREY TODD BURGIN

MR. JOHN DANCOFF

MR. FLOYD DEAN

MR. JAMIE Houser

MR. KEITH JOHNSON

I N D E X O F E X H I B I T S

EXHIBIT: D, previously marked

DESCRIPTION: Approved 2007 Site Plan

PAGE NO.: 21

EXHIBIT: A-1

DESCRIPTION: New Site Plan

PAGE NO.: 21

EXHIBIT: 1

DESCRIPTION: Blasting Study by Austin Powder Company

PAGE NO.: 54

EXHIBIT: 2

DESCRIPTION: Noise Impact Study by Arpeggio Acoustic Consulting, LLC

PAGE NO.: 54

EXHIBIT: 3

DESCRIPTION: FL Value Study by Fortenberry Lambert, Inc.

PAGE NO.: 54

EXHIBIT: 4

DESCRIPTION: Adjoining Property Uses

PAGE NO.: 54

EXHIBIT: 5

DESCRIPTION: Mining Detail Diagram

PAGE: 54

EXHIBIT: 6

DESCRIPTION: Document

PAGE: 85

County Board of Commissioners

CHAIRMAN MITCHEM: Randy, we have the zoning hearings, PCUR #154 B.V. Hedrick Gravel and Sand Company is the applicant.

MR. HAWKINS: The applicant is requesting to amend a conditional use district and conditional use permit to basically do three things.

One, remove a condition that states that the applicant will abide by a restrictive covenant agreement with Pulte Homes. That's an agreement that was nullified when Pulte Homes notified Hedrick that it had elected not to purchase the property where a 55 and older community had been approved. Number two, to revise a site plan to enlarge future mining areas near portions of the northern boundary of the applicant's property. And three, to specify the size of a planned berm along a portion of that boundary.

To clarify what's proposed under number two, amending the site plan, the applicant prepared a new exhibit today and it shows in purple, the area that would be added to the future pit area. If you can pass that around please. Again, the purple area is the area

that they're requesting to add to the future
pit areas that are shown on the
(unintelligible) 2007 plan.

COMMISSIONER BEAM: Areas in the white that say the pit has already been approved?

MR. HAWKINS: Correct.

CHAIRMAN MITCHEM: Randy, you say -- you say to add. Is that, the purple, does that put the boundaries back to where they originally was?

MR. HAWKINS: The 2000 --

CHAIRMAN MITCHEM: Before it was taken away from the Pulte agreement?

MR. HAWKINS: No, the 2007 parallel conditional use rezonings, one of the effects of that was to allow Hedrick to expand onto the parcel that's north of Forney Creek. Prior to the 2007 agreement under the zoning regulations, they were not permitted to expand beyond the current parcels where they were already operating quarry operations. This is a 500-acre site, approximately 500 acres located west of NC 16 and north of Old Plank Road. It was rezoned to conditional use general industrial in 2007 to bring the grandfathered quarry operation into conformity and to

1 permit future expansion into the area shown
2 on the 2007 plan as future pits, future
3 mining areas.

4 COMMISSIONER OAKES: The 2007 is Exhibit D, is
5 that correct?

6 MR. HAWKINS: Correct. This property is located
7 in the area designated by the Lincoln County
8 Land Use Plan as industrial. Under Section
9 9.11.10C of the Unified Development
10 Ordinance, a proposed amendment to a
11 conditional use permit shall be reviewed in
12 accordance with the standards which govern
13 his approval. Meaning that this is to be
14 reviewed under the standards of the zoning
15 ordinance that was in effect in 2007. The
16 UDO sets some setbacks for mining operations,
17 the zoning ordinance did not. The zoning
18 ordinance only had setbacks for structures.
19 It did not have special standards for mining
20 operations. So under the zoning ordinance,
21 this proposed amendment to the site plan is
22 in compliance with the zoning ordinance which
23 was in effect in 2007 in which the UDO says
24 this proposed amendment must be reviewed
25 under.

4 MR. HAWKINS: It's in your packet starting with
5 the letter from me to Jason Conner and it
6 lists the conditions that were part of the
7 2007 approval and it bears the approved 2007
8 site plan which shows what's noted on the
9 site plan as "Quarry and Pulte Buffer
10 Survey." Under the Pulte agreement, a buffer
11 line was established on the adjoining
12 property to the north and on the quarry
13 property. That agreement, of course, has
14 been nullified; however, the site plan shows
15 that as the boundary, as the buffer boundary
16 for the approved 2007 plan.

19 MR. HAWKINS: Correct.

20 COMMISSIONER OAKES: And we're modifying items 1
21 and 2?

22 MR. HAWKINS: You would be modifying the site
23 plan.

24 | COMMISSIONER OAKES: Which is item 2.

25 MR. HAWKINS: And modifying --

1 COMMISSIONER OAKES: And removing item 1?

2 MR. HAWKINS: Correct.

3 COMMISSIONER OAKES: Okay.

4 CHAIRMAN MITCHEM: Randy, does that put it back to
5 the original 2007 on this? Does this put it
6 back to the original 2007 line?

7 MR. HAWKINS: No. No, this would move the buffer
8 area to within 50 feet of the property line
9 between Hedrick's property and the Shea Homes
10 property.

11 CHAIRMAN MITCHEM: Maybe -- maybe I'm not asking
12 it right. Does this put it back prior to
13 2007?

14 MR. HAWKINS: No. Prior to 2007, Hedrick could
15 not have expanded into that area because
16 that's on a separate parcel from their
17 existing quarry operation. They needed a
18 conditional use permit to expand into that
19 area. So they couldn't have mined at all on
20 the north side of the creek.

21 CHAIRMAN MITCHEM: And what about the mining
22 regulations through the State?

23 MR. HAWKINS: I'll let Hedrick address that.

24 COMMISSIONER OAKES: Speaking of the creek, I

25 don't understand this topology -- topographic

1 instances there. Is the creek in a ditch or
2 something? Is it way down? Do they need to
3 build a bridge to get over to the new quarry
4 area?

5 MR. HAWKINS: They would need to build some kind
6 of crossing and there is also a flood plain
7 along that creek that a pit would affect that
8 flood plain, and that's why they would need a
9 map amendment or a approval of FEMA.

10 COMMISSIONER OAKES: FEMA? Not DENR or somebody?
11 FEMA?

12 MR. HAWKINS: Yes, FEMA. Also have -- of course,
13 since 2007, earlier last year the Pulte site
14 was rezoned to permit a similar type
15 development, Shea Homes was active in that
16 case, and I have a map that shows the Shea
17 Homes approved plan with that revised plan
18 that you have in your packet for comparison
19 and it will show -- it shows a buffer line on
20 the Shea Homes site that is in effect for
21 their -- for their project.

22 COMMISSIONER OAKES: Do you have that onscreen?
23 Randy, is that available onscreen?

24 MR. HAWKINS: So that blue line on the Pulte
25 Homes, I mean, on the Shea Homes site is --

they cannot build homes past that line.

COMMISSIONER OAKES: What's the difference between there and the boundary?

MR. HAWKINS: It varies from approximately 400 feet to approximately 800 feet from that line to the expansion area. There's a 50 foot buffer with a berm shown on part of the Hedrick property so to the pit area to the expansion area it varies from about 400 feet to 800 feet.

COMMISSIONER OAKES: Of which 50 feet is the berm?

MR. HAWKINS: Correct.

MS. MARTIN: That's the gold line, that's the
berm?

MR. HAWKINS: Correct. The original agreement between Pulte and Hedrick would have provided 1,000 feet approximately between the nearest home and the nearest mine area.

COMMISSIONER OAKES: So to the right of the berm, where it says green area and then around to the rest of the expanded area, there's no berm there, there's just a green boundary?

What is that?

MR. HAWKINS: That's an area where they would not be mining in.

1 COMMISSIONER OAKES: Okay. So -- but there's no
2 berm there?

3 MR. HAWKINS: Correct.

4 CHAIRMAN MITCHEM: Anything else, Randy?

5 MR. HAWKINS: That's all I have.

6 CHAIRMAN MITCHEM: Any other members of the Board
7 or the Planning Board have any questions for
8 Randy?

9 Randy, what is the plan -- the staff's
10 recommendations?

11 MR. HAWKINS: Staff does not make a recommendation
12 on conditional use permit cases. We haven't
13 heard all the evidence that will be presented
14 and that's our policy. We do not make
15 recommendations on conditional use permits.

16 CHAIRMAN MITCHEM: Okay. Thank you, Randy. We'll
17 open the public hearing on this. The
18 applicants will be the first one that would
19 speak. I have a -- does Hedrick want to come
20 first to plead their case? Your name and
21 address for the record?

22 MR. LORDI: My name is Joe Lordi. I live in
23 Asheville, North Carolina. I'd first like to
24 thank Randy and his staff, the Planning
25 Board, and the Commissioners for the

1 opportunity to speak with you tonight.

2 Again, my name is Joe. I work as the
3 divisionary president on Hedrick Industries
4 on our aggregate operations in Asheville.

5 I'm here tonight to speak as an ownership
6 representative of Lake Norman Quarry. There
7 are three things I'd like to key on and hit
8 on tonight in my sharing with you. The first
9 being the history of Lake Norman Quarry's
10 relationship with Lincoln County over the
11 last 30 years. A description of our
12 industry, a very brief description, kind of
13 what we do, why we're important, what
14 products we make. And third and lastly, the
15 reasoning behind us coming to ask for the
16 amendment to our current conditional use
17 permit.

18 To begin, Hedrick Industries is family-
19 owned and operated. We just celebrated this
20 past June, our 90th year of doing business in
21 the State of North Carolina. We have nine
22 mining operations throughout the state. We
23 provide aggregate, sandstone, and gravel to
24 general contractors, grading contractors,
25 municipalities, DOT in all shapes and forms.

1 We currently employ about 745 employees
2 across the state as well. About three
3 decades ago, our family spent six years
4 trying to identify a suitable piece of
5 property to locate a stone quarry in Lincoln
6 County. They ultimately settled on our
7 current location. For two reasons, first, it
8 was in a low density area at that time and
9 secondly, it had a very high quality, an
10 abundance of high granite construction
11 quality material. Since opening, Lake Norman
12 Quarry has provided aggregate and stone to
13 numerous projects, specifically to East
14 Lincoln County expansion, Highway 16
15 expansion, CMC Lincoln Hospital, the airport
16 expansion, countless homes, roads, et cetera.
17 We also have made it easier for citizens of
18 Lincoln County to access Charlotte through
19 resurfacing projects that we've done on 77
20 and 485. Since 1984, we've invested about
21 \$150 million into the operation at Lake
22 Norman Quarry; it's turned into really, our
23 flagship operation. About 85 percent of
24 those dollars have been spent in the State.
25 We currently employ about 25 highly skilled

1 employees. Payroll of about \$1.25 million
2 this past year. Through the delivery and
3 service of our products, we provide another
4 100 additional jobs to the community, mostly
5 in the form of truck drivers. Manufacturing
6 and processing granite materials, you can
7 imagine, requires heavy equipment. It's
8 industrial by nature. We have drills, we
9 blast our material, we extract it from the
10 earth using loaders, using large excavators,
11 using large haul trucks. We are also highly
12 regulated. We're regulated by air quality,
13 land quality, water quality. We're also
14 regulated on the safety side from a federal
15 agency called MSHA. At Hedrick, we are very
16 proud of our track record over the last 90
17 years. We have a very strong reputation
18 within the industry. We have plenty of
19 experience in terms of mitigating dust,
20 noise, and blasting. Not just at Lake Norman
21 Quarry, but across the state.

22 We come to you tonight because we do
23 recognize certainly things have changed in
24 the 30 years since we've opened our quarry
25 and opened that location. And it's really

1 not unique to us. This is an industry issue.
2 What has happened is communities grow in and
3 around active mining sites and it really is
4 to the benefit of the market for that to be
5 the case. Technological advances have made
6 it such that we now do have the capacity to
7 operate in ways that, in some cases, it might
8 seem like we have disparate or different
9 entities existing next to one another.

10 Studies have also shown that actually
11 restricting the reserve base of active mines
12 just opens up a different set of problems for
13 local municipalities, including more truck
14 traffic, higher costs of construction and
15 faster wear of infrastructure.

16 And so really the reason we come to you
17 tonight is we're just seeking some certainty
18 in terms of our reserve base. When I refer
19 to our reserve base, I'm really just talking
20 about the raw materials on our property that
21 we can extract up to our 50 foot boundary.
22 Our reserve base, and any mining operation
23 would say the same thing, is the single most
24 important factor of any sort of long-term
25 security. And so while our modification

1 request really involves a relatively small
2 footprint in terms of our overall site, 500
3 acres, those 20 additional acres that have
4 been referenced in purple, would yield an
5 additional seven million tons of aggregate
6 material. And just to kind of make that
7 something that you might be able to wrap your
8 minds around, seven million tons is the
9 equivalent, using industry standards, of
10 about 185 miles of four-lane highway, 185
11 miles. Similar in size and scope of Highway
12 16. It's the equivalent of roughly 20 to
13 30,000 single-unit residential homes. So
14 seven million tons is a big deal to us.

15 In 2013, the American Society for Civil
16 Engineers estimates \$3.5 trillion that will
17 need to be spent on infrastructure
18 improvements and upgrades. Lincoln County,
19 especially, East Lincoln County, at the
20 continued rate of growth will see some of
21 that work. As long as people are on the
22 roads, as long as there are bridges to be
23 built, the product we provide to the market
24 and to the community, will be of demand.

25 So really in addition, we're also

1 confident that the modification we're
2 requesting directly corresponds with the
3 county's own Land Use Plan. Two standards
4 which specifically state, the first, the
5 preservation of prime employment and
6 industrial sites which we consider ourselves
7 to be one of. And secondly, to ensure that
8 Lincoln County remains an affordable place in
9 which to build and live, which we also feel
10 quite confident that we can make a strong
11 case that we allow that as well.

12 So after explaining the merits and the
13 importance of our reserve base, there's been
14 a little bit of discussion from Randy in
15 terms of how it came to be in its current
16 designation. In 2007, as Randy mentioned
17 Pulte Homes came to Lincoln County and they
18 identified the parcel of property to our due
19 north as being suitable for building high-
20 density residential units, a retirement
21 community. The Board of Commissioners at
22 that time really urged Hedrick and Pulte to
23 sit down and work out an agreement. The
24 county recognized the potential conflict in
25 terms of having two disparate zoned entities

1 existing right next to each other. It was a
2 binding agreement. And in any agreement you
3 give a little and in our case, what we gave
4 was seven million tons of reserves. And
5 really, incorporated into that agreement was
6 two things that were very important to us.

7 The first thing was a very explicit
8 explanation to home buyers in the Pulte site
9 identifying our quarry and not just
10 identifying it at the state standard, but
11 going in-depth and explaining certain things
12 in terms of what potential home buyers might
13 expect to hear from their neighbor that has
14 been there for 30 years, what sort of noises
15 are commonplace occurrences in terms of our
16 operation. And so there's a very explicit
17 disclosure that was included in that
18 agreement that ultimately led us to sacrifice
19 so to speak those 20 acres in question.

20 And there was also a covenant not to sue
21 which has been referenced. The covenant not
22 to sue didn't protect us from operating
23 outside of our boundaries. What the covenant
24 not to sue did, was it protected us as an
25 operation from frivolous lawsuits from

1 structures. We don't have total clarity of
2 what is going to become of the property to
3 our due north. We do have certainty in terms
4 of what we'd like our direction to be moving
5 forward as an operation. We have certainty
6 in what our investment in this county has
7 been. We have certainty in terms of what
8 we'd like our investment to continue to be.
9 We also have certainty in the fact that
10 Lincoln County has a very bright future ahead
11 of it and I guess what we're looking for
12 tonight is a little bit of clarity in terms
13 of our place within that future.

14 And so most importantly, we're going to
15 be good neighbors every step of the way.
16 With 90 years of doing business the right
17 way, we're going to continue to do it that
18 way. And so at this point, I'm going to turn
19 it over to Craig Justus and they're going to
20 get into a little more depth in terms of
21 presenting some expert testimony from a
22 noise, blasting, and land value studies. So
23 I appreciate your time again. Thank you.

24 COMMISSIONER OAKES: Just one question.

25 MR. LORDI: Go right ahead.

1 COMMISSIONER OAKES: You say in the application
2 you're going to extend the life of the quarry
3 eight to ten years?

4 MR. LORDI: Right.

5 MR. OATES: What's your (inaudible) current
6 estimate of when the quarry will be done
7 generating material?

8 MR. LORDI: That's a little bit of a trade secret
9 in terms of our industry and so they all have
10 a finite life. We are self-consuming by
11 nature. We cannot order materials from China
12 and manufacture them on-site and so we would
13 like to have as much longevity as we possibly
14 could have. I would say -- I would say 30
15 years.

16 MS. POINSETT: Can I ask you a question? Maybe
17 you're not the right person?

18 MR. LORDI: I may not be.

19 MS. POINSETT: Do you have a time frame for when
20 you plan on expanding towards the Shea
21 property?

22 MR. LORDI: That's a good question. We don't have
23 an immediate time frame right now. There are
24 a lot of things that dictate in terms of, you
25 know, which reserves we go after and when,

1 depending on what we have access to. So
2 right now we don't have an immediate time
3 frame in mind at this present moment.

4 MR. JUSTUS: Good evening, Chairman, Board of
5 Commissioners. My name is Craig Justus and
6 I'm an attorney for the applicant. And at
7 this time I'm going really be more of a Vanna
8 White helping Jason Conner with an easel and
9 some exhibits for you to consider.

10 MR. CONNER: I'm going to go over the maps and
11 kind of what we're after.

12 (WHEREUPON, Exhibit D previously marked was
13 presented for review)

14 MR. CONNER: So this Exhibit D. And Exhibit D is
15 what was previously permitted in 2007 so I'll
16 show Exhibit A, what we have.

17 MR. JUSTUS: And just for clarity purposes, I
18 think for the record, we're going to be
19 calling this Exhibit A-1, because Exhibit A
20 was -- is part of our application that you
21 already have.

22 (WHEREUPON, Exhibit A-1 was marked for
23 identification)

24 MR. JUSTUS: Exhibit A-1 is just changing the
25 colors so you can better understand the

1 difference between the plan approved in 2007
2 and the plan we're asking to be approved
3 today.

4 MR. CONNER: So the gray, the future pit, as Randy
5 mentioned before, this was all, everything
6 south of this Pulte -- quarry Pulte buffer
7 survey, was all approved in '07. So what
8 we're asking for is basically to expand this
9 area, 13.5 acres, expand this northeast area
10 to 6.5 acres and then we're going to define
11 the actual berm to be --

12 COMMISSIONER BEAM: Is it currently in the gray
13 area, just south of that?

14 MR. CONNER: Right, here?

15 COMMISSIONER BEAM: Yes. Is that a pit now or is
16 that -- it says, on my map here that it's the
17 future pit. Is that correct?

18 MR. CONNER: Yeah. This is the present pit so
19 this would be future pit that we would
20 expand. We would mine over in this area.

21 COMMISSIONER BEAM: So that one is still not
22 currently a mine?

23 MR. CONNER: Correct. Correct. So what we're
24 after is to expand into this area an
25 additional 13.5 acres and then basically

1 construct a berm that is 50 foot in width 10
2 foot in height. I'm coming up with the
3 visual of that. So what we're after, so
4 within the mining permit, we have a 50 foot
5 offset off of an adjoining property owner and
6 any water -- waterway. So what we're
7 proposing to do is build our berm within our
8 50 foot buffer which we're allowed to do by
9 our state mining permit. Again, 10 foot
10 high, 50 foot in width. And this -- so we
11 would use to construct this berm, 2,000 feet
12 long. We would take the strippings, build
13 the berm, and then this is what your typical
14 mine would look like, so's the pit. So, and
15 within this -- all this, you know, our
16 industry is extremely heavily regulated and
17 everything that we do is controlled by the
18 state mining permit, air quality and water
19 quality.

20 COMMISSIONER BEAM: Okay. What you got a
21 conditional use permit or whatever that
22 allows you currently is to mine where you
23 haven't started mining yet, that gray area
24 there?

25 MR. CONNER: Yes, it allows us --

1 COMMISSIONER BEAM: And the gray area on the
2 right?

3 MR. CONNER: Correct.

4 COMMISSIONER BEAM: That's two locations that you
5 can currently mine that you're not mining?

6 MR. JUSTUS: That's correct.

7 MR. CONNER: Yeah. So we're asking in increasing
8 this area we'll gain another seven million
9 tons of reserves we're able to access.

10 COMMISSIONER BEAM: My question is basically, is
11 since we -- you've not even started to mine
12 on two locations that are by far much larger
13 than these two little small spots here, why
14 is there a need -- why is the need to do this
15 now and when you've not even started to mine
16 these other two locations at all?

17 MR. JUSTUS: Well, I can tell you in a large
18 degree, it's about fixed expectations. As
19 you heard from Joe, the mining industry is
20 unique in that the property itself is the
21 asset. You can't go to China and buy more.
22 The land itself is the unique thing. If we
23 had not reached an understanding with Pulte
24 that included the covenant not to sue and
25 included the disclosure requirements that

1 we've talked about, then in 2007 we would
2 have come and asked for exactly what you're
3 looking at here as Exhibit A-1. The only
4 reason we backed off, what's shown in purple,
5 was for the things that we got out of the
6 Pulte deal which included the covenant not to
7 sue --

8 COMMISSIONER BEAM: And that's not the company
9 that's doing the housing development?

10 MR. JUSTUS: That's correct. That agreement --

11 COMMISSIONER BEAM: Somebody else is there and
12 they won't agree to that?

13 MR. JUSTUS: They -- they did not want to agree to
14 the disclosure requirements nor did they want
15 to agree with the covenant not to sue. And
16 quite frankly, there was nothing that bound
17 them to that in the sense that Pulte didn't
18 close so the agreement was, as Randy said,
19 was nullified.

20 COMMISSIONER BEAM: How long have you all been
21 working, I mean, how long has all this been
22 going on?

23 MR. JUSTUS: Well, I've had a child and a second
24 marriage and --

25 COMMISSIONER BEAM: That's more information than I

needed right there.

MR. JUSTUS: But it has been going on since 2006.

But the reality is that the idea of my

client, Hedrick, was to come together and

present a plan that would say, "Here is the plan for the quarry for its useful life."

And the only reason we backed off of this

purple area was for the things we got and now

they're no longer there. And so we're coming

back and asking so that basically, ten years from now, someone can't say, "Well, I didn't

know what the plan was."

COMMISSIONER BEAM: Are they building houses over
on this other place yet?

MR. JUSTUS: My understanding, and again, it's my rough understanding, is they closed on Phase 1 only which is a lot further north and they're starting development on that property. Phase 2, which is an area that was closer to us, they haven't closed on.

COMMISSIONER BEAM: So they may not be building any houses back over here towards this quarry in our lifetime?

MR. JUSTUS: We can't control that. What we can control is basically, what is our plan and

1 what we're asking for is basically what the
2 State of North Carolina, with their extensive
3 regulations, what they would allow as a
4 statewide standard in North Carolina which is
5 a 50 foot buffer.

6 COMMISSIONER BEAM: Is that not apt to change?

7 MR. JUSTUS: The state standards?

8 COMMISSIONER BEAM: Yeah, the state standards and
9 anything we -- anything we do here today, is
10 it not liable to change?

11 MR. JUSTUS: Well, I'm not aware of the state
12 standards having been altered recently, but
13 the conditions that were in the 2007 --

14 COMMISSIONER BEAM: If it's at the state
15 government, they're going to change.

16 MR. JUSTUS: Well, they may, but the conditions
17 that were imposed upon us in 2007, all of
18 them carried forward to what's in purple
19 except for the first two and one of the main
20 requirements is that we have to abide by
21 state requirements. So if the state later on
22 decides to do something to us, then I guess
23 that's up to the state. But we're asking for
24 the assurances of what we can do with this
25 piece of property because again, mining is

unique and this is the only asset we've got.

CHAIRMAN MITCHEM: Okay. Any other questions?

COMMISSIONER OAKES: I have a couple. What's your current understanding of the restrictions on blasting hours and operating hours?

MR. CONNER: Say it again, sorry.

COMMISSIONER OAKES: What's your current

understanding of the restrictions that you have on when you can blast and when you can operate excavation?

MR. CONNER: Yeah. We can blast, you know, we're held by one inch per second and at 133 decibels (inaudible) blasting. But --

COMMISSIONER OAKES: I'm talking about time of day.

MR. CONNER: Time of day? We can -- 24 hours a day.

UNIDENTIFIED MAN: No, blasting would have to be before dark.

MR. CONNER: Before when?

UNIDENTIFIED MAN: Before dark.

MR. CONNER: Before dark.

COMMISSIONER OAKES: So it's dawn to dark?

MR. CONNER: Yes.

COMMISSIONER OAKES: Okay. What about operating

hours, excavating, same thing?

MR. CONNER: No. We can excavate at any point in time.

COMMISSIONER OAKES: Twenty-four hours, seven days a week?

MR. CONNER: Yes.

MR. JUSTUS: Right now, of course, this is what has been already approved and I don't believe there was any operational requirements imposed in 2007 as part of the county approval. We're asking for, of course, what's in purple. But I will say this, we are open-minded to any reasonable condition, so it's just a matter of we're asking for -- if you are asking for something, let's just have a discussion about it, but we're open-minded to any reasonable condition.

CHAIRMAN MITCHEM: Yes, sir. Go ahead, Keith.

MR. JOHNSON: Can you give us some mining detail?
Is the usable material 20 feet under the
overburden is there about a 20 foot
overburden there?

MR. CONNER: Yeah, correct.

MR. JOHNSON: So you would use the overburden to build the berm?

1 MR. CONNER: Yes, correct.

2 MR. JOHNSON: And so you would have no problem
3 with the condition that the berm be completed
4 before you start any blasting in that area.

5 I would think you wouldn't have a problem
6 with that because you're doing it with the
7 overburden?

8 MR. CONNER: Yes, correct.

9 MR. JOHNSON: And when you finish with the
10 overburden, the dirt slopes down to the first
11 blasting surface, it looks like would be 20
12 foot plus a 10-foot berm?

13 MR. CONNER: Correct.

14 MR. JOHNSON: Is that -- that's what it looks like
15 on the engineering --

16 MR. CONNER: Right.

17 CHAIRMAN MITCHEM: Any other questions?

18 MR. DEAN: Back when we were discussing Shea Homes
19 and the approval of the subdivision of Shea
20 Homes, we met down there and there was blast
21 set up -- were you there?

22 MR. CONNER: Yes.

23 MR. DEAN: Would you show us on the map, where we
24 were when the blast was, and where we were --
25 on the property at Shea Homes when the --

that day that we were down there and you had the decibel reading set up and -- I just want general information.

MR. CONNER: I don't have -- yeah, it would be up here, somewhere right in this area. It's 330 feet away from our property line. The blast was in this location.

MR. DEAN: And there were several Planning Board
--

10 COMMISSIONER OAKES: I can't see that. Can I see
11 that please?

12 MR. CONNER: So the blast -- the blast would have
13 been in this general location and then we
14 would have been up in this general area.

15 | COMMISSIONER OAKES: Measure --

16 MR. CONNER: 330 feet. So it would have been 330
17 feet from here to here, but the blast would
18 have been a lot further --

19 COMMISSIONER OAKES: The 330 feet is where you
20 measured from?

21 MR. CONNER: No. 330 feet is the -- where the
22 line is off of our property line where we
23 were standing.

1 COMMISSIONER OAKES: Oh, okay. That's where you
2 were standing when the blasting happened?

3 MR. CONNER: Correct.

4 MR. DEAN: But we were actually on the property
5 that Shea was going to develop also --

6 MR. CONNER: Correct, yes.

7 CHAIRMAN MITCHEM: How many of the Planning Board
8 members attended that, I also attended that?

9 MR. CONNER: Carroll, this kind of -- so we were
10 standing in this general area right here and
11 also we were blasting in this area.

12 MS. MITCHEM: And the area you were standing at is
13 going to be the closest home that Shea Homes
14 is going to build to there, correct?

15 MR. CONNER: Correct.

16 MR. BURGIN: According to this map, would that be
17 that purple line?

18 MR. CONNER: Yes.

19 CHAIRMAN MITCHEM: Okay. Let's move on to the
20 next person that -- Hedrick like to speak?

21 MR. CONNER: It'd be Mike Osborne with Austin
22 Powder.

23 MR. OSBORNE: Yeah, that would be me. And just to
24 clarify it is state law that all blasting
25 takes place before dark and after daylight.

1 That's the state regulation that we all live
2 by.

3 CHAIRMAN MITCHEM: Can I get your name?

4 MR. OSBORNE: I am Mike Osborne with Austin Powder
5 Company. And thank you for allowing me to
6 speak. With Austin Powder Company, I'll tell
7 you a little bit about Austin Powder Company
8 first. Well, we've been around since 1833
9 and it's Austin Powder, not Powers, but I get
10 that confused a lot, but it's Austin Powder
11 Company, started 133 years ago -- excuse me,
12 1833, 182 years ago. We're a full-line
13 explosives company, although we're owned by
14 one man in Virginia. We sell, distribute,
15 and handle explosives pretty much globally.
16 And I've been with Austin Powder Company
17 about 35 -- well, 35 years in June. I've
18 been involved with mining for coal,
19 limestone, both surface and underground, iron
20 ore, copper, gold, just about anything. Just
21 like they say, if it can't be grown, it's got
22 to be mined and usually if it's got to be
23 mined, most of the time, it's going to take a
24 few explosives to do it. That's where I
25 spend my time.

1 Now, the biggest part of my time over
2 the last 20 years has been in the aggregate
3 industry here in North Carolina. Prior to
4 being in North Carolina, I worked in kind of
5 the coal fields of West Virginia, spent some
6 time in Missouri out in the limestone area
7 and the lead mines out that way and then came
8 back and spent some time as a product manager
9 in Ohio and then moved to North Carolina.

10 Moving to North Carolina about 20 years ago,
11 I've been involved with Hedrick Industries on
12 Lake Norman Quarry for that period of time.

13 At Lake Norman Quarry's Hedrick
14 Industries, I mean, we've been together for a
15 long time as a company and a customer as we
16 would say and they asked us just to look and
17 I was given that 330 foot range, look and see
18 how we can mine safely and economically. You
19 got to look at it both ways, but mainly
20 safely to within 330 feet of these homes.

21 Which Austin Powder and all the other
22 explosives companies in the U.S. do, it's
23 just like Joe was saying, how it's all -- it
24 just keep getting closer, all the homes just
25 keep moving in closer. In commercial use of

1 explosives, and I say commercial because we
2 don't deal with military explosives, but
3 commercial use of explosives in the U.S. is
4 about 7.4 billion pounds of explosives used
5 annually. That's a rough number, 2012
6 number. And a large portion of those are
7 used in places just like Lake Norman Quarry.
8 In North Carolina and this is rough numbers,
9 but in North Carolina -- North Carolina, the
10 state of North Carolina is going to need
11 about 15 million tons of aggregate to use and
12 most of that's used in urban areas, I would
13 say. So most of that's used for roads,
14 buildings, construction, and that's where it
15 all needs to go. And then when we blast,
16 it's a pretty scientific type of thing that
17 we do. Vanna, do they have this?

18 MR. JUSTUS: Yes, I just handed it out.

19 MR. OSBORNE: This is the kind of the study we put
20 together and if you look through it, there's
21 a lot of verbiage, there's a lot of formulas,
22 there's a lot of numbers, there's a lot of
23 computer programs and all of that. But I'm
24 just going to kind of summarize it that when
25 blasting is conducted, we just take that rock

1 mass and blast it down to a fragment size
2 that's suitable and gives it the looseness to
3 be dug with a material that Joe was talking
4 about. All blasting operations are well-
5 designed. It's not just go out load it and
6 go. There's a lot of design work that goes
7 into the beforehand process.

8 COMMISSIONER BEAM: Do you actually do the
9 blasting down here at the quarry?

10 MR. OSBORNE: I have. I do not now. I'm the
11 technical manager for the Southeast, but I
12 have done the blasting at the quarry. We do
13 have people that do the blasting there. I
14 know I been in there a month or two ago, I
15 guess, is when I was in there.

16 The blasting plans, they're developed to
17 maximize fragmentation and minimize
18 environmental effects such as the vibration
19 and air blast. The effects of the
20 anticipated blasting activity and equipment
21 associated with the actual mining and
22 crushing operations indicate that the ground
23 vibration and our blast and general noise
24 levels will be well within safe limits
25 dictated by the state of North Carolina.

1 COMMISSIONER OAKES: And do you have monitoring
2 equipment on-site?

3 MR. OSBORNE: Yes, have monitoring -- we do not
4 supply -- that's kind of like if you ask me
5 how my monitoring was going and I shot it
6 myself, it's kind of like gives a little
7 conflict so it's an outside party or they do
8 it themselves. But yes, monitoring equipment
9 at the nearest protected structure which is
10 state law. So state law has to be monitored.

11 COMMISSIONER OAKES: And you keep that data for
12 how long?

13 MR. OSBORNE: Five years. Legally, five years
14 we've actually got it longer, but legally,
15 five years.

16 The state of the art explosives that we
17 use today has really progressed a great deal.
18 I mean, it's -- we -- everybody when they
19 hear explosives, they automatically think
20 dynamite and we don't really use dynamite
21 anymore. And it's manufactured explosives,
22 that's actually manufactured at the jobsite.
23 We don't run up and down the road with it.
24 We've got chemicals that mix together to go
25 in the blast holes to be exploded. We've got

1 detonators that are little computers. And
2 Lake Norman Quarry uses state of the art
3 materials with electronics and gas boosters
4 and gas emulsions. They use the current
5 levels that we supply.

6 Bottom line with all this, and yeah,
7 we'd have to make some changes in the
8 blasting process because what I looked at was
9 where we are today just like you were
10 pointing how far away that was. As we get
11 closer, we do have to change the way we do
12 things a little bit by lowering the pounds
13 that would be exploded at one time to stay
14 within our requirements set by the state and
15 to stay with as keeping the neighbors happy
16 because we do it all the time. There's
17 computer programs that tell us how to time
18 one. Well, it's getting quite good as the
19 technology takes us there. And we're on the
20 forefront of technology. But we can, at the
21 Lake Norman Quarry, maintain safe and
22 adequate levels for noise and vibrations
23 within their state requirements.

24 You got any questions on this, you're
25 welcome to ask me or if anything else, please

1 ask.

2 COMMISSIONER OAKES: How often do you blast?

3 MR. OSBORNE: Blasting depends upon the volume
4 that they would have or their sales, let's
5 say, because they don't put more on the
6 ground than normal. What we've done over the
7 past, well, my goodness, probably the past 15
8 years, it's been like two a week, two times a
9 week, usually about 50,000 tons at a time
10 which is usually about 25,000 pounds at one
11 time. So that's normally about twice a week,
12 let's say. Over the past recession period it
13 has been more like once a week. I think they
14 even went 2009 to maybe once every month. So
15 it just depends on the economy. Any other
16 questions?

17 COMMISSIONER BEAM: When -- back in 2007 when
18 there was a different group that was doing
19 the homes, did their conditional use permit
20 say that this agreement had been reached and
21 that they wouldn't --

22 MR. OSBORNE: To my knowledge that -- they agreed
23 to the conditions that --

24 COMMISSIONER BEAM: Did they use that -- that was
25 part of their conditional use permit?

1 MR. JUSTUS: Yes. The Pulte, the agreement we
2 worked out was part of their conditional use?

3 COMMISSIONER BEAM: Yeah.

4 MR. JUSTUS: Yes.

5 COMMISSIONER BEAM: What happened with this next
6 group? I mean, I'm asking that because I'm
7 new to the Board. I wasn't here when this
8 decision was made.

9 MR. JUSTUS: The understanding was that at least
10 technically, that if Pulte did not close, and
11 I believe that the agreement actually covered
12 this, that if Pulte did not close on the
13 property, the agreement would expire. So the
14 agreement never got recorded of record. It
15 was part of the zoning per se, but when Shea
16 Homes came before you, they basically moved
17 from the standpoint of that agreement not
18 being in effect.

19 CHAIRMAN MITCHEM: And Hedrick and Shea tried to
20 talk to each other and get an agreement, but
21 that was never reached?

22 MR. JUSTUS: Right. We did spend a lot of time
23 trying to talk it out and --

24 CHAIRMAN MITCHEM: They would not agree.

25 MR. JUSTUS: -- we didn't come to a final

1 agreement.

2 CHAIRMAN MITCHEM: Any other questions? Keith?

3 MR. JOHNSON: Mr. Osborne, looking at page 5.

4 MR. OSBORNE: Of the report?

5 MR. JOHNSON: Yes, sir. And I didn't do well in
6 math. But you've got a formula here and what
7 it appears is that based on that formula, you
8 would reduce the amount of explosive the
9 closer you get to a property line --

10 MR. OSBORNE: You did pretty good in math.

11 MR. JOHNSON: -- because of that measurement, the
12 seismograph would be measuring it?

13 MR. OSBORNE: That's correct.

14 MR. JOHNSON: So over here in the middle, it
15 doesn't matter. If their equipment shakes,
16 it's all right, Hedrick doesn't care about
17 that?

18 MR. OSBORNE: Right. Well --

19 MR. JOHNSON: To some degree, but you still got to
20 be --

21 MR. OSBORNE: Yeah, to some degree they don't care
22 about the equipment.

23 MR. JOHNSON: You still got to meet the state
24 requirements. You got to meet state
25 requirements.

1 MR. OSBORNE: So there's not any danger. This is
2 for vibration to a structure and --

3 CHAIRMAN MITCHEM: If you would, speak into the
4 microphone.

5 MR. OSBORNE: I'm sorry. I walk some when I talk
6 so I'll try my -- there's a -- the blasting
7 bible for vibration and sound that was
8 written by the U.S. Bureau of Mines, a while
9 back and it's been tested many, many times.
10 And they look at -- they look with physical
11 mining, blasting, taking seismic readings
12 looking at possible cracks and crevices or
13 possible damage and they arrived with this
14 formula. So you are correct. As you get
15 closer in distance, the pounds do go down.

16 MR. JOHNSON: Reduce the blast and so there's less
17 energy dissipated through the -- through the
18 rock?

19 MR. OSBORNE: Correct. About 95 percent of all
20 the energy that you put into the ground,
21 breaks the rock. There's about five percent
22 that would end up going into vibration or
23 overpressure.

24 CHAIRMAN MITCHEM: Any other questions for Mr.
25 Osborne?

1 Okay. Not hearing any, next. Anyone else
2 from Hedrick?

3 MR. JUSTUS: Yes, we had commissioned a sound
4 study and Jesse is going to talk about that.

5 MR. EHNERT: Thank you. My name is Jesse Ehnert.
6 I'm the acoustic consultant with Arpeggio
7 Acoustic Consulting in Atlanta. We're a
8 four-person firm that was founded in the year
9 2000. I have personally been an acoustic
10 consultant having gotten my undergrad at
11 University of Florida and my graduate degree
12 at Georgia Tech. But I've been practicing
13 acoustic consulting for some 17 years.

14 We were originally retained by Hedrick
15 about a year and a half ago to take a look at
16 potential noise impacts from this expansion.
17 Mr. Osborne already spoke to the blasting
18 issue both in terms of vibration and noise so
19 we were brought into model or to address
20 potential other sources. Specifically, it
21 was deemed that one of the more persistent
22 sound sources that would be encountered,
23 again aside from blasting, would be backup
24 alarms from haul trucks. So we came out
25 about a year, well, a bit little less than a

1 year ago, and measured backup alarms from
2 haul trucks to quantify exactly how loud they
3 are and proceeded to do some computer
4 modeling using commercially available three
5 dimensional software called SoundPLAN where
6 you actually model the topography of the
7 land, and all the structures, and so forth.
8 We modeled two backup alarms emitting
9 simultaneously at the northern property line
10 just south of the 10-foot tall berm to
11 determine its effect on sound levels at the
12 nearest -- at some of the nearest properties.
13 Speaking just about the nearest property, the
14 berm would have -- be effective of reducing
15 sound levels by approximately seven decibels
16 at that nearest property line and that is
17 with the dump trucks at grade. As you go
18 lower in grade, then the sound level goes
19 down mainly because the sound has a lot
20 further to refract around, up, you know, 50,
21 200 feet. In addition, as they dig deeper,
22 then you have what amounts to a big wall that
23 provides -- which causes the sound to reflect
24 back towards the south. Sound levels at that
25 nearest property are -- would be around 60

10 And so our conclusion was that while not
11 necessarily being inaudible at that nearest
12 property line, particularly when the sources
13 are at grade before the blasting occurs, the
14 level will not be onerous or to a degree that
15 it would materially endanger those nearest
16 residences. Any questions?

17 | CHAIRMAN MITCHEM: Any questions?

18 COMMISSIONER OAKES: Well, I don't know decibels.

19 At 100 feet away, what's the decibel level of
20 a Harley-Davidson?

21 MR. EHNERT: At 100 feet away?

22 COMMISSIONER BEAM: Well, I got a muffler --

23 COMMISSIONER OAKES: Your Harley-Davidson.

24 MR. EHNERT: At 100 --

25 MR. PATTON: Commissioner Oakes, I have a app for

1 that and the conversation you're having right
2 now, is 80 decibels.

3 COMMISSIONER OAKES: Okay. Thank you.

4 MR. EHNERT: Well, that -- you're probably holding
5 that very close to your mouth, so.

6 MR. PATTON: Yeah.

7 MR. EHNERT: Yeah, yeah. So you're -- so that 80
8 decibels would be reflective mostly of the
9 sound of your voice a foot or two away from
10 your phone.

11 MR. PATTON: Yeah. Your conversation coming
12 through the microphone is 70 to 75 decibels.

13 MR. EHNERT: Right. Do you still want the answer
14 to the Harley-Davidson question?

15 COMMISSIONER OAKES: No.

16 CHAIRMAN MITCHEM: Any other questions? Thank
17 you. One other, I believe we had one other?

18 MR. JUSTUS: We do. We have Carol Fortenberry
19 that did a property value study.

20 MS. FORTENBERRY: I think I'm the shortest one in
21 the bunch. I'm Carol Fortenberry. I'm a
22 partner with Fortenberry Lambert based in
23 Charlotte, North Carolina. I like to tell
24 people that I'm a native Charlottian, but I
25 am a native Charlottian. And as far as my

1 education, I got an MBA from Queens College
2 which is now known as Queens University,
3 received my MAI designation from the
4 Appraisal Institute which is the highest
5 level in appraising that you can get. I am
6 generally certified in both North and South
7 Carolina and I've been appraising and
8 consulting for about 26 years. I've also
9 served on the City of Charlotte's Zoning
10 Board of Adjustments for six years and of
11 those six years, two years I was vice-chair
12 and two years I was chair. I'm also a member
13 and past president of CREW, which is
14 Commercial Real Estate Women. I've been on
15 the board of directors of the North Carolina
16 chapter of the Appraisal Institute in serving
17 as the president for the state in 2007. I've
18 also served as a regional representative for
19 the Appraisal Institute and in addition, I've
20 also had the opportunity to do several impact
21 studies for rock quarries around North
22 Carolina.

23 COMMISSIONER BEAM: We'll certify you as an
24 expert.

25 MS. FORTENBERRY: Pardon?

1 COMMISSIONER BEAM: We'll certify you as an
2 expert.

3 MS. FORTENBERRY: Okay. To let you know what I
4 did as I went out and inspected the property,
5 I looked -- I had a thorough inspection. I
6 was escorted all around the entire site and
7 then I also spent the better part of a day
8 just inspecting the neighborhood and all the
9 site, the properties around it. I did a site
10 analysis. I reviewed zoning regulations and
11 the future Land Use Plan. I analyzed
12 historical property values surrounding the
13 quarry property and I also analyzed assessed
14 values which are based on market value for
15 the subject as well as surrounding
16 properties.

17 In doing an impact study, there's really
18 six criteria that we like to look at and the
19 first one is, would the expansion materially
20 endanger public health or safety? I felt
21 that it would not. The parcels or the
22 expansion is already part of the existing
23 quarry operations, it's not like they're
24 adding land to it, it's already part of it.
25 And in addition, I noted that the quarry is a

1 member of the WAIT Program so they're there
2 to help protect wildlife and they intend to
3 continue with that program.

4 The second criteria is, does the
5 development comply with all regulations and
6 standards? To the best of my knowledge and
7 the information that I was provided, they do
8 currently comply and I don't see where this
9 expansion would -- if they were to expand,
10 they would have to comply or they would be
11 shut down. So I didn't think that was an
12 issue.

13 Will the use or development adversely
14 impact the surrounding properties or
15 substantially injure surrounding property
16 values? The quarry has existed since 1984,
17 1985 and already includes substantial
18 screening in the form of berms and wooded
19 areas. Most of the surrounding development
20 is industrial in nature, especially towards
21 the south with very sparse single family
22 residential development. Of course, that
23 will change with the Shea development. I
24 interviewed several existing residents to the
25 north. In doing my expansion, I saw people

1 walking on the street and asked, you know,
2 how they felt about the quarry and could they
3 hear noise or was there anything bothersome
4 about it. And they reported to me that it
5 had no impact on -- in their opinion. They
6 had no issue with the quarry whatsoever. I
7 also interviewed several real estate brokers
8 who have properties for sale, listed for
9 sale, and asked if they had ever had any
10 trouble or any problem with the quarry in the
11 past and they said the quarry was really just
12 not an issue and that it certainly didn't
13 affect property values. The fact that both
14 Pulte and Shea are showing interest for such
15 a large development to the north, just
16 suggests that the quarry I don't think is a
17 factor as far as if they thought it was going
18 to hurt property values, they wouldn't be
19 interested in the property, they wouldn't be
20 interested in this property to the north.

21 Historical study of sales shows the
22 quarry has not impacted property values.
23 Historical assessed values for the
24 surrounding properties indicated no declining
25 values. In fact, I understand that the

1 property was -- that the property has been
2 revalued in 2014 effective, I guess, as of
3 1/1/15 and the assessor at the time could not
4 tell me what the -- what was happening with
5 the assessed values other than to say that
6 they would at least be stable or increasing
7 so there would be no declining property
8 values. So again, I don't think you could
9 attribute that to the -- any declining
10 property values to the quarry.

11 Forth criterion, is the plan in harmony
12 with the area and in conformity with city and
13 land development plan? Currently the
14 conditional use conforms to the zoning and
15 the future Land Use Plan shows continued
16 industrial use for this property and as well
17 as some properties to the south. So it'd
18 still be an industrial flavor in proximity to
19 the subject.

20 Also, we looked at traffic impact. They
21 will not change where the traffic flow comes
22 from in and out of the quarry, it will still
23 remain in the same place. So it will have no
24 impact on -- so they're going to maintain the
25 same entrance and no impact on traffic flow.

1 A fifth criterion -- criteria, is public
2 water and sewer available in an adequate
3 capacity? Well, water and sewer is not
4 available in the area, but there is a new
5 sewer nearby. But it's -- water and sewer is
6 not necessary for the quarry operation, so
7 the proposed expansion should have no impact
8 on those utilities.

9 And the last issue I looked at, is will
10 the change produce a development of equal or
11 higher quality? Basically, the operation
12 will not change. It should allow Hedrick to
13 continue the operation as it has for the past
14 30 years. And that's my conclusion if you
15 have any questions.

16 CHAIRMAN MITCHEM: Okay. Any questions by the
17 Board or -- Ma'am, you said, you were talking
18 about tax value. What was the tax value on
19 that property?

20 MS. FORTENBERRY: Were you all provided -- did you
21 provide my report?

22 MR. JUSTUS: I did.

23 MS. FORTENBERRY: Okay. You should have a copy of
24 my report and I'm going to -- it had -- it's
25 in there and I'm going to try to find the

page for you. I thought I did. It may be towards the back of the report. I apologize.

CHAIRMAN MITCHEM: That's fine. That's okay.

UNIDENTIFIED MAN: Page 58.

MS. FORTENBERRY: 58? Thank you. This is a
little bit different format than I usually do
for an appraisal so that's why --

CHAIRMAN MITCHEM: I understand.

MS. FORTENBERRY: So page 58 I think I listed the
-- the quarry's assessed value as well
assessed values of the surrounding
properties.

CHAIRMAN MITCHEM: Thank you. Is that all the ones that wishes to speak with Hedrick?

MR. JUSTUS: Yes, Mr. Chairman. For clarification, the one exhibit we had is this diagram which shows the, of course, the Clark property is here to the north, just to show that on most of the boundaries of this property are industrial/commercial operations and so just wanted to make sure you had that diagram. And for purposes of the record, Mr. Chairman, I'm going to hand the clerk copies of the exhibits. You, of course, have been looking at an Exhibit D, which was the

1 previous approval. Again, the significance
2 of this Exhibit D is that we're not asking to
3 go back in history because this has already
4 been approved that's shown in gray. We are
5 asking for what is shown on purple and we
6 have marked the exhibit to show the
7 difference in the site plans, Exhibit A-1.
8 The blasting study that Mike Osborne
9 testified about that he prepared is Exhibit
10 1. Jesse's noise impact study that he
11 testified about is Exhibit 2 and Carol's
12 property evaluation study she just concluded,
13 and I'm marking as Exhibit 3. The -- in the
14 diagrams there that we've showed to you
15 today, I'm marking the adjoining property
16 uses as Exhibit 4. The mining detail diagram
17 as Exhibit 5 and for the record, I've
18 included certified copies of the ordinance
19 that was in effect when we first had the
20 approval in 2007 as well as today's UDO and a
21 certified copy of your Land Use Plan.
22 (WHEREUPON, Exhibits 1, 2, 3, 4, and 5 were
23 marked for identification)
24 MR. JUSTUS: And Mr. Chairman, if I may, I will
25 withhold a closing presentation, it won't

1 take that long, after everybody has finished
2 testifying, if that's okay?

3 CHAIRMAN MITCHEM: That would be fine. Randy, if
4 I may ask, you were -- you were there when we
5 visited the site of the blasting, right?

6 MR. HAWKINS: Correct, yes.

7 CHAIRMAN MITCHEM: Can you give me a brief summary
8 of what happened?

9 MR. HAWKINS: We were standing on the -- at the
10 site of what would be the nearest home to the
11 quarry. Of course, they were blasting in
12 their existing pit. One of my impressions
13 was that the planes that were flying overhead
14 towards Charlotte Douglas and away from
15 Charlotte Douglas Airport were the loudest
16 noise. Did not feel vibration. I think we
17 heard like a thud when the explosion took
18 place.

19 CHAIRMAN MITCHEM: Okay. And I don't -- I just
20 want, like to say that's -- I was there too,
21 and especially the airplane noise. We both
22 stood there and said that was a lot louder
23 than anything we heard and it was just a
24 thump. So you really didn't know when it
25 happened and when it did happen, but the

1 airplane thing did stand out in my
2 recollection. Thank you, Randy. Okay.

3 Patty Bell, do you wish to speak?

4 MS. BELL: I did, but I'm so confused now, I'm not
5 going to.

6 CHAIRMAN MITCHEM: Okay. Ada Stapleton. Yes,

7 ma'am if you would approach the --

8 MS. STAPLETON: Yeah. I got a few questions.

9 CHAIRMAN MITCHEM: Ma'am, if you would come to the
10 podium. You've been sworn?

11 MS. STAPLETON: Yes, I have.

12 CHAIRMAN MITCHEM: Would you state your name and
13 address please?

14 MS. STAPLETON: It's Ada Stapleton and it's
15 Lowesville.

16 I guess one of the biggest questions I
17 got would be like the one area they're
18 thinking about doing, is kind of right all
19 the way in front of our place and down the
20 side somewhat and I just wondered if it has
21 any effect at all on our well and stuff, if
22 they'll rectify it, take care of it?

23 COMMISSIONER OAKES: Could you show us where that
24 is on the map?

25 MS. STAPLETON: It's --

1 CHAIRMAN MITCHEM: If you'd show her the entrance
2 to the quarry may be best.
3 MS. STAPLETON: It's Dayton Lane is where we're
4 at. Well, you got me mixed up.
5 MR. JUSTUS: This is north, south, east, west.
6 MS. STAPLETON: And where's Dayton?
7 MR. HAWKINS: Here it is on this map.
8 MS. STAPLETON: Yeah, there it is right there.
9 CHAIRMAN MITCHEM: Where is that here, Randy, on
10 this map?
11 MR. HAWKINS: It's on the south side.
12 MS. STAPLETON: It's what, 78235, something like
13 that.
14 CHAIRMAN MITCHEM: Randy, do you want to explain
15 that where she's at now is, they're already
16 blasting and what we're talking about is
17 farther away. It will be a lot further away,
18 ma'am, from you, what we're talking about
19 than where they're actually doing it --
20 MS. STAPLETON: They're going farther away?
21 CHAIRMAN MITCHEM: Yes.
22 MS. STAPLETON: Well, right now, we're -- we can
23 feel it. We got, myself and the neighbors,
24 we've got like, I don't know how to explain
25 this, like things falling apart in the house

from the vibration. We got black stuff coming out of the well. We did put a thing on the well to contradict that basically, but I just wondered if -- they're not going to come any closer, is that what you're saying?

CHAIRMAN MITCHEM: On that, particular to what we're talking about, no.

MR. HAWKINS: Their proposal was further away from you.

10 MS. STAPLETON: Farther away? Okay. Okay.

That's it. That's great. Thank you for your time.

CHAIRMAN MITCHEM: David Clark, Jr.

MR. CLARK: Chairman Mitchem, Honorable
Commissioners, members of the Planning Board.

CHAIRMAN MITCHEM: Give us your name?

MR. CLARK: David Clark, Jr. I reside at 8443

18 Luckey Point Road, Denver. I'm also part of
19 the family that is selling the property to
20 Shea Homes and I, you know, certainly I will
21 update you, we have not closed on this part
22 of the property so we still have an interest
23 in what happens to the property adjoining
24 this. And I think given some of what I've
25 heard, I think I need to kind of go over some

1 of the history that I've had the opportunity
2 to be a part of.

3 As part of representing my family in
4 certain negotiations with the quarry back in
5 2006 with Pulte Homes, I was aware of the
6 discussions. There was an agreement that was
7 reached. Part of that agreement was that
8 there would not be any opposition to their
9 conditional use permit that was approved in
10 2007. As part of honoring that agreement,
11 our family chose not to oppose them, which we
12 would have had every right to. So as they --
13 Hedrick got the benefit of our decision to
14 stand down, which we could have been standing
15 here in place of Pulte and I think, you know,
16 as Randy brought up, at that time a large
17 percentage of their property or a portion of
18 the property was zoned residential
19 transition. It was a grandfathered use. As
20 part of that approval, they got vested rights
21 to continue to operate the quarry and expand
22 their quarry. There was an agreement to put
23 in place a buffer which we consented to,
24 which we as part of Shea's application, they
25 have added that buffer in and quite honestly,

1 we're agreeable to all the terms of Pulte's
2 agreement with the exception of the
3 protective -- the covenant not to sue and
4 disclosure. I think it -- so in essence it
5 was, you know, with all conditions including
6 our decision not to oppose in 2007, they --
7 all that was agreed to with Pulte, Shea had
8 agreed to do. Following Pulte's termination,
9 I had a number of meetings with the chairman
10 of Hedrick. There was discussions that
11 involved -- they discussed the idea of buying
12 our property which we offered to sell as part
13 of their interest in, you know, again their
14 quarry. We could not reach terms. They made
15 an offer that was not of the level that we
16 felt was reasonable.

17 Following that discussion, the chairman
18 then engaged me about setting aside some of
19 our property, and the property they now want
20 to expand into, into a conservation easement.
21 We again agreed to consider that. I again,
22 met with him a couple of more times
23 requesting more information on what he was
24 proposing. Unfortunately, there was no
25 follow-up. That sort of got pushed left.

1 In 2013, we were approached by Shea
2 Homes about buying the property. At that
3 point, we began to discuss with them. We
4 made them aware of the quarry's presence and
5 the history here. They made -- there was an
6 initial contact with Shea in November of
7 2013, which I initiated. The discussions
8 continued. As you all know, carried over
9 into the hearing which, you know, for us as
10 we listen, here the quarry is making an issue
11 about the lack of a disclosure agreement,
12 that they -- as you all, most of you
13 remember, those that were there, it was a lot
14 of discussion about the nuisance nature of a
15 quarry and, you know, the threat they felt
16 that Shea or any development over there, and
17 they were trying to impose conditions on not
18 Shea or our family as the adjoining property
19 owner to protect them. Now, as I understand
20 it, there was an agreement in principal with
21 the exception of one condition with Shea
22 Homes. It involved an existing easement that
23 crosses our property that our father and a
24 business partner of his had given the
25 property owner for the homes that sits at the

1 rear of this property. That property, as I
2 said, the easement was written in such a way
3 with the recognition that eventually, there
4 would probably be some development of this
5 property. It was structured that the -- at
6 that time, the homeowner, if there was a
7 decision to develop property or the road was
8 needed to be moved, the property owner would
9 be required to pay for half the relocation.

10 I think Shea has tried and I think Mr.
11 Seymoure will speak to some of this, but I
12 think there was -- been multiple efforts of
13 good faith to try to resolve this with our
14 family and with Shea and you know, if all it
15 comes down to is this easement, I think the
16 -- Mr. Seymoure can speak to that.

17 I think from our family's standpoint,
18 what we would ask I think, is that,
19 understanding they have every right to
20 consider it becoming in here, the Pulte deal
21 fell through, but that some standard -- a 10-
22 foot berm seems to be minimalistic in our
23 opinion, based on industry standards that we
24 found in the spring when we were back in
25 front of you then. I think a larger berm, I

1 think that's part of what was originally
2 discussed between Shea and the quarry and I
3 would ask that there be consideration on
4 behalf of my family to consider those
5 conditions as any approval that you want to
6 grant.

7 COMMISSIONER OAKES: What's the easement you're
8 talking about?

9 MR. CLARK: There was a -- there's a residence
10 that -- a home, single-family home, was built
11 back on the property that they now plan to
12 disturb. That --

13 COMMISSIONER OAKES: In the quarry -- in the
14 quarry area?

15 MR. CLARK: It is, I believe, sort of in this area
16 here (pointing).

17 CHAIRMAN MITCHEM: And that's Hedrick's --

18 MR. CLARK: That's Hedrick property, yes. And the
19 road, I think you can see, it comes in here.

20 COMMISSIONER OAKES: Charlie Saine Road?

21 MR. CLARK: It comes in off Charlie Saine Road.
22 But the idea is that, you know, it's -- the
23 frequency of use, I don't know, I can't speak
24 to. But what was discussed is that -- and
25 what terms of the agreement that grants them

that easement is that that road is relocated, they've got to pay for half the cost. If they want to continue to come in that route, they've got to pay for the road to be moved halfway. I think Shea --

COMMISSIONER OAKES: Who's "they"? Who's "they"?

MR. CLARK: The quarry and Shea. They were --

their negotiations, sorry, Commissioner --

COMMISSIONER OAKES: You're confusing me. There's an easement in the quarry area to a home that's there?

MR. CLARK: Yes, sir. There is a small easement and I would rather Mr. Seymoure discuss it, but it goes back, I think, to the 70s when a family lived in a small home right here (pointing) in a single-family residence.

COMMISSIONER OAKES: That home is still there or
it's gone?

MR. CLARK: It is there.

COMMISSIONER OAKES: It's occupied?

MR. CLARK: It's still on the property. There is
--

CHAIRMAN MITCHEM: If I may, I don't think that easement and that house back there is Hedrick's house so that's not dealing with

1 anything what we got to do with here.

2 MR. CLARK: It is.

3 CHAIRMAN MITCHEM: I don't understand how it would
4 be because if it belongs to them and the
5 easement, you know, I don't --

6 MR. PATTON: But they're having to access it from
7 this property.

8 CHAIRMAN MITCHEM: Well, they have that easement,
9 so be it.

10 MR. CLARK: Well, but the issue is that obviously
11 it's part of Shea's development, they will be
12 -- that road will go away. They have the --
13 Shea through the understanding of the terms
14 of the agreement --

15 CHAIRMAN MITCHEM: So you can just do away with
16 any --

17 MR. CLARK: -- they can -- they can relocate it.
18 What they had requested Hedrick do was just
19 abandon it as part of their agreement.
20 Hedrick --

21 CHAIRMAN MITCHEM: Excuse me. We're talking about
22 agreements and agreements that we never had
23 -- never was happened -- never did happen.
24 Agreements that could have been, should,
25 could, or what may be, but what this is is

1 basically -- what we have at hand here is not
2 -- that easement's not at hand but it's about
3 expanded those maps. So -- but the easement
4 -- the easement and that house, that's not in
5 this -- that's not in this issue. That will
6 be something else later. But you're talking
7 about agreements that was talked about.

8 There any agreements written?

9 MR. CLARK: There was a draft of the agreement.

10 CHAIRMAN MITCHEM: Was any agreements written and
11 signed?

12 MR. CLARK: No, sir.

13 CHAIRMAN MITCHEM: Okay. Thank you. Any other
14 questions?

15 MR. JOHNSON: Yes, sir. Mr. Clark, the property
16 north of the present quarry is still owned by
17 you and your family?

18 MR. CLARK: Yes, sir.

19 MR. JOHNSON: Under contract to Shea?

20 MR. CLARK: Yes, sir.

21 MR. JOHNSON: Is that contract -- what triggers
22 the closing of that contract?

23 MR. CLARK: Just a deadline, a time line.

24 MR. JOHNSON: You don't have the ability to modify
25 that contract now?

1 MR. CLARK: No. We're bound by the contract.

2 MR. JOHNSON: And Shea doesn't have the ability to
3 contract it either, I mean, to amend it at
4 this point?

5 MR. CLARK: No, sir.

6 MR. JOHNSON: So it's all -- you're just waiting
7 on time to close?

8 MR. CLARK: Right. But they, you know, it's like
9 anything in this world today, business-wise,
10 real estate, you know that, but no, it is
11 under contract, but we still own title to the
12 property, but they have contractual rights
13 and --

14 MR. JOHNSON: Correct. And you still have an
15 interest in it, certainly. Did you and your
16 family consider making a condition of that
17 contract that they agree to the covenant not
18 to sue that Pulte had agreed to? Did you
19 talk about that?

20 MR. CLARK: We had no basis to ask them that. No,
21 sir.

22 MR. JOHNSON: You didn't even discuss it?

23 MR. CLARK: We made them aware there, they, for
24 understandable reasons, from their point of
25 view they did not see -- it was something

1 they could agree to, but they agreed as has
2 been noted to abide by the existing buffer.

3 MR. JOHNSON: And certainly when they came in with
4 their request, they became aware of that
5 covenant not to sue, did they not, or were
6 you part of those discussions?

7 MR. CLARK: Yes, sir, I was part of those.

8 MR. JOHNSON: And those chose not to agree to that
9 covenant not to sue?

10 MR. CLARK: Yes, sir.

11 MR. JOHNSON: Okay. That's fine.

12 CHAIRMAN MITCHEM: Any other questions?

13 MR. DEAN: Yes, I have a question. When we're
14 going through the process of giving Shea
15 Homes approval for a 1650-property site, this
16 is what I remember distinctly, is us setting
17 up on a property that the house, the last,
18 the closest house, was going to be set on.

19 Now, it was at that time that Shea Homes was
20 trying to convince others that the quarry had
21 no negative effect because we set the blast
22 off, we did the decibel, and we heard the
23 airplanes go, and the property to the far
24 northeast, that 13 acres --

25 UNIDENTIFIED MAN: I don't think there's any

residence --

2 MR. CLARK: Right here?

3 MR. DEAN: No. To the far west, right here, no,
4 go this way. I'm looking at it backwards,
5 the purple, the small purple. There's not
6 going to be any development around that are
7 they?

8 MR. CLARK: I do not think so. I think that's
9 outside the --

10 MR. DEAN: So that's not going to affect anything
11 whatsoever. So we get back to where set up
12 the monitoring device and the explosions and
13 that sort of thing. It was at that time that
14 Shea Homes was trying to convince the
15 Planning Board and the Commissioner Harrell
16 that was there that this noise level was very
17 minimal, wouldn't have no adverse effect on
18 the residents of that. That's one reason we
19 approved it. Now, I understand this is a new
20 deal coming in here, but I remember that deal
21 being discussed also at that time. And it
22 just seemed like to me, my recollect --
23 recollections of it, was everybody was in
24 harmony with everything. So I think there
25 ought to be some discussion about that for

1 some reason or another that why would it be a
2 problem today if it was a problem that was
3 trying to be convinced to me that this was a
4 perfect place for this subdivision.

5 MR. CLARK: Well, I think again, the issue here is
6 they're (inaudible) across Forney Creek.
7 Under that scenario, I would assume the blast
8 took place on the south side of Forney Creek
9 and they're talking moving on the other side
10 which was not -- all this property was -- and
11 maybe I'm wrong because I was not there so I
12 don't --

13 MR. DEAN: I don't know what the scale on the
14 narrow, long purple area is, but I imagine
15 it's in the 100s of feet, not in 1,000s of
16 feet and we were set up beyond that. Just if
17 I'm right, pretty darn close to that. And it
18 was --

19 MR. CLARK: This side of the creek?

20 MR. DEAN: Yes, sir. And I'm just saying that at
21 that time it seemed to be no problem
22 whatsoever.

23 MR. CLARK: And your point, I think what is being
24 asked is that a -- I think Shea can speak to
25 this, but they're willing -- they're okay

with the idea of it, the berm at ten feet is very minimal --

MR. DEAN: Well, and I understand that. There might be -- have to have some conditions put on that, but that was brought up. The quarry brought up the fact that they would in the future like to mine this. We discussed it in depth at one of the meetings at the quarry.

CHAIRMAN MITCHEM: Okay. If we can move on.

10 Randy, you got a 10-foot berm, 10 foot high
11 and on those drawings there, it showed where
12 you come down then went down 50 feet. If you
13 got 50 feet, 10 foot, once you get down 50
14 foot, is that a 60-foot berm?

17 CHAIRMAN MITCHEM: So that would be a 60-foot
18 berm? Once you go down 50 feet below the 10
19 foot, according to that right there, when you
20 get to the bottom of that --

21 COMMISSIONER BEAM: It's showing 80 feet there.

22 CHAIRMAN MITCHEM: It would be 70 feet. Once they
23 got down that 50 feet, you'd have a 70, 80
24 foot berm, true or false?

25 MR. HAWKINS: True. You'd be 80 feet from the --

1 CHAIRMAN MITCHEM: So we'd have a 80 foot berm
2 once we got. Okay. Thank you.

3 Jay Seymoure?

4 MR. SEYMOURE: Jay Seymoure, Denver, 2405 Smith
5 Harbour Drive.

6 Commissioners, Chairman, how are you
7 doing this evening? Thanks for allowing me a
8 moment. A couple of things, and just right
9 off the bat, the concept of the 80 foot berm,
10 I think your math is correct on that, Mr.
11 Chairman. In that sense though today, they'd
12 be blasting behind approximately 125 or 150
13 foot berm because you're blasting down a hole
14 today, is that correct, Jason?

15 MR. CONNER: (Nodding head up and down)

16 MR. SEYMOURE: Thank you. So conceptually, your
17 math is accurate, but it wouldn't be a fair
18 comparison because you'd have -- your sound
19 waves travel in circles and they're down in a
20 hole right now.

21 So look, I mean, in general, I don't
22 have any issue with the quarry next door. We
23 were aware of it when we went through the
24 zoning the first time. And it was the reason
25 that, you know, we felt comfortable to your

1 point, Mr. Planner, we're comfortable, Shea's
2 comfortable with where the quarry is today.
3 It was under those terms that we purchased
4 and have closed on half the property and
5 anticipate closing on the other half of the
6 property. Appreciate Hedrick's desire for
7 the covenant not to sue. As you read through
8 that document, I mean, it's -- frankly, it's
9 a matter of legal opinions. We can go back
10 and forth on it. But it's effectively a
11 document that would, to a certain extent,
12 it'd take away one's right to sue for
13 something that they would not have the right
14 to sue over to begin with because it was the
15 concept of, you can't sue us if we're
16 operating within our permit. Okay? So I get
17 that. That's an attempt to eliminate
18 frivolous lawsuits. It's intelligent, it's
19 smart. I understand why you want to do that
20 from their perspective.

21 That said, what we're talking about
22 ultimately now, is 700 foot, roughly, that
23 most of that pit, that future pit proposal
24 lies in the area so for a covenant not to sue
25 that would eliminate frivolous lawsuits, they

1 gave up ten years worth of reserves. Okay?
2 That was with Pulte. Now today, they're
3 comfortable not having a covenant not to sue
4 if they can have the ten years worth of
5 reserves. So just from me it's, I'm sitting
6 in the room and I'm glad to hear the
7 appraiser. That's fantastic news. We were a
8 little bit concerned about it so she says
9 we're good. So that's good. From a safety
10 perspective, I just assumed, being out there
11 witnessing several blasts as we were through
12 the Hedrick folks, that they were doing
13 things safely and according to the permit.
14 So it wasn't a concern for me personally
15 anyways, for Shea, you know, from a safety
16 perspective. You know, the backup beepers,
17 yeah, I mean, they're annoying. They're
18 supposed to be annoying, you know, it's to
19 keep guys out there safe.

20 So as we worked through some of the
21 concerns that we had in making sure that not
22 only we were disclosing at an adequate level
23 to everybody purchasing a home in there, but
24 also to try and mitigate the very thing that
25 a covenant not to sue would do, which is

1 prevent frivolous lawsuits. Right? So we,
2 in my discussions with Hedrick over the
3 summer, prior to fall when conversations kind
4 of died off, really centering around a non-
5 issue related to this specific conditional
6 use for ezone requests. I was -- we had some
7 white noise beepers in there, a berm height
8 and length that is more consistent with what
9 you see in other quarries and ultimately,
10 gentlemen and ladies, it's effectively --
11 it's a psychological impact more than
12 anything for that berm. If you look at that
13 acoustic study, you're going to see there's
14 -- it doesn't -- the amount of decibels that
15 you get with a larger, taller berm or a
16 longer berm, are somewhat, you know, they're
17 small. So it tends to be more of a, you
18 know, what's standard. When you see a
19 development up next to a quarry, what are the
20 types barriers that you see in place? And
21 not just from a noise mitigation, but also
22 from a safety perspective. So -- and I think
23 a taller, longer berm helps establish that
24 perhaps more than a ten foot by, you know,
25 100 foot long or whatever the number is.

1 So, do you guys have questions for me?

2 There's some confusion, I think, about the
3 easement that I can clear up.

4 COMMISSIONER BEAM: Is there a fence back there?

5 MR. SEYMOURE: No. There's -- well, I can't speak
6 for the entire length of the property. I
7 know there's a fence at the bottom of the
8 road. The road is the easement that is on
9 Clark property that provides access through a
10 recorded easement, provides access to a house
11 that it sits on the property that is the
12 quarry property today.

13 COMMISSIONER BEAM: Do they use -- does Hedrick
14 use that road at all?

15 MR. SEYMOURE: My understanding is that they rent
16 that house and there's a gentleman that uses
17 that road to get to that house.

18 COMMISSIONER BEAM: So the house is occupied?

19 MR. CLARK: It is.

20 CHAIRMAN MITCHEM: Okay. You said psychologically
21 about a berm? Do you want to explain that to
22 me?

23 MR. SEYMOURE: Yeah. I think --

24 CHAIRMAN MITCHEM: If you see it and it looks big,
25 it's automatically --

1 COMMISSIONER BEAM: Out of sight, out of mind.

2 MR. SEYMOURE: Yeah. Well, yeah. I think when
3 you go and you look at other developments
4 that are next to quarries, you see an earthen
5 berm of substantial height and size. I think
6 a lot of -- my assumption is that a lot of
7 the quarries put this in place because --

8 COMMISSIONER BEAM: Because of psychological?

9 MR. SEYMOURE: Because out of sight, out of mind.
10 If you can't see them and you do your best to
11 not hear them, then they're not there.
12 Because I think ultimately, you know, for
13 some folks it can be a challenge. We're
14 comfortable with the development that we have
15 today and the proximity that we have. We've
16 got a lot of trees down there. We're
17 comfortable with the distance today. This,
18 you know, to get within 50 feet of the
19 property, you know, our comfort level
20 changes.

21 CHAIRMAN MITCHEM: What are you uncomfortable
22 with? There won't be no home within 50 feet.

23 MR. SEYMOURE: What's that?

24 CHAIRMAN MITCHEM: There won't be no home within
25 50 feet.

1 MR. SEYMOURE: Yeah. You know, that's a good
2 point. I mean, right now in the planning
3 concept, there's --

4 CHAIRMAN MITCHEM: The line, the property line
5 will be, but the actual home will not be 50
6 feet from that.

7 MR. SEYMOURE: What home?

8 COMMISSIONER OAKES: You're at least 400 feet
9 according to your zoning.

10 CHAIRMAN MITCHEM: You're at least 400 feet from a
11 home.

12 MR. SEYMOURE: Right. Today, based on a bubble
13 plan map, right. And the reason that you see
14 homes where you see homes, is because we
15 honored the original buffer that Pulte
16 implemented on themselves when they went
17 through their zoning process. Our map
18 reflects that and ultimately, really, there's
19 nothing to prevent us from building homes 50
20 feet from a property line from a zoning
21 perspective, and Randy can correct me on the
22 exact distance. But the area that is
23 currently shown as trees and is being
24 recognized as buffer, we could absolutely
25 build houses there.

1 CHAIRMAN MITCHEM: You could but it's not on the
2 plan?

3 MR. SEYMOURE: We could. It's not on the plan,
4 but that plan is not a vested plan from its
5 precise location until we submit a parcel and
6 a plat for review --

7 CHAIRMAN MITCHEM: Are you saying the plan could
8 be changed?

9 MR. SEYMOURE: I'm saying, my understanding of
10 what's in the PD-R that's approved is a
11 conceptual land plan.

12 CHAIRMAN MITCHEM: Any other questions for Jay?

13 MR. SEYMOURE: And Randy can correct me if I'm
14 wrong on the flexibility that that plan
15 creates.

16 MR. HAWKINS: We view that line that's on the
17 conceptual plan as a hard line.

18 COMMISSIONER OAKES: And isn't that what we
19 approved, is the 400 to 700 foot back?

20 MR. SEYMOURE: Right.

21 COMMISSIONER OAKES: That's what I thought.

22 MR. SEYMOURE: Yeah.

23 CHAIRMAN MITCHEM: So there could not be no homes
24 built back there without --

25 MR. HAWKINS: That's my position.

1 CHAIRMAN MITCHEM: Okay. Thank you, Randy.

2 Keith?

3 MR. JOHNSON: The 350 feet we're talking about, is
4 wooded?

5 MR. SEYMOURE: Yes.

6 MR. JOHNSON: And would you say that's a medium
7 age forest it's not old forest?

8 MR. SEYMOURE: Yeah, that's probably fair. Some
9 of it's been forested over there, but they're
10 not huge trees, caliber trees, yeah.

11 MR. JOHNSON: 30, 40 foot trees?

12 MR. SEYMOURE: Yeah.

13 MR. JOHNSON: How can you see from the last house
14 you built, a 10-foot berm beyond 350 feet of
15 30 feet of trees? You have to walk down to
16 it, right?

17 MR. SEYMOURE: Well, yeah, you do.

18 MR. JOHNSON: So the psychological impact is hard
19 for me, it's kind of hard for me to
20 understand that.

21 MR. SEYMOURE: Part of our PD-R we indicated we
22 would be putting an extensive trail system
23 throughout the community. A lot of trail
24 system runs down through there.

25 MR. JOHNSON: Now, does Shea have any noise impact

1 studies?

2 MR. SEYMOURE: No, we don't have any noise impact
3 studies. I reviewed the noise impact study
4 that Hedrick provided.

5 MR. JOHNSON: Do you disagree with it?

6 MR. SEYMOURE: No, not at all.

7 MR. JOHNSON: Do you think that one of the biggest
8 noise is the backup beepers or whatever
9 they're called?

10 MR. SEYMOURE: Yeah. I think from a, you know,
11 what do you hear most when you're out there.
12 Because at least as of today, blasting is
13 once a week, once every other week. They
14 generally try and do it at noon.

15 MR. JOHNSON: How long do you think it's going to
16 take Shea to build 1600 units?

17 MR. SEYMOURE: 2023 plus or minus five years.

18 MR. JOHNSON: So another ten years, let's say.

19 How many pieces of equipment does Shea have
20 on that property now with backup beepers on
21 it?

22 MR. SEYMOURE: Yeah. And I don't think -- I see
23 where you're going and I'm right there with
24 you. It's fine. It won't be --

25 MR. JOHNSON: Those are louder than the ones from

1 the quarry.

2 MR. SEYMOURE: Yeah, yeah. It's fine. They're
3 going to be. I don't think anybody's
4 concerned about five to ten years from now.
5 It doesn't sound like it. Because they've
6 got enough -- they've got enough area to mine
7 for another 30 years and they're looking to
8 add another ten. So what we're talking about
9 is 30 years from now.

10 MR. JOHNSON: But your backup beepers may be
11 disturbing the people at the quarry having
12 their lunch.

13 MR. SEYMOURE: Yeah, and we're -- exactly.

14 MR. JOHNSON: Part of the progress.

15 CHAIRMAN MITCHEM: Anyone else got a question for
16 Jay?

17 COMMISSIONER OAKES: I have a question.

18 MR. SEYMOURE: Yes?

19 CHAIRMAN MITCHEM: Let's try to wrap this up.

20 COMMISSIONER OAKES: Okay. Berms, can we have
21 trees on berms? Is that possible? Does that
22 make sense?

23 CHAIRMAN MITCHEM: Yeah.

24 COMMISSIONER OAKES: Somebody know about that?

25 MR. SEYMOURE: You can.

1 CHAIRMAN MITCHEM: They'll grow there anyway
2 unless you keep everything cut down, they'll
3 come up anyway.

4 MR. SEYMOURE: It changes the type of a berm, but
5 yes, you can.

6 CHAIRMAN MITCHEM: Any other questions for Jay?

7 MR. BURGIN: Just one question. In your opinion,
8 does the backup beepers or the airplane,
9 which one is worse? Because the airplane is
10 going to be there forever.

11 MR. SEYMOURE: Which one is worse? You know, I
12 don't know under what expertise my opinion
13 falls in this particular category.

14 MR. BURGIN: Well, in my opinion, I was there, the
15 airplanes are worse.

16 MR. SEYMOURE: You mean louder when you say worse?

17 MR. BURGIN: Loud, I mean, yeah.

18 MR. SEYMOURE: Yeah, I would agree with you. The
19 day we that we were there, yeah.

20 MR. BURGIN: But they're -- and they're going to
21 be there forever.

22 MR. SEYMOURE: Yeah, I'm -- look, let me just be
23 real clear, we're going to disclose the fact
24 that there's a quarry down there, just as we
25 disclosed the fact that there's a nuclear

1 power plant, airplanes running overhead,
2 perhaps a train occasionally, and a whole
3 slew of other things. We're going to
4 disclose that. It's the very reason that
5 we're comfortable not having a covenant not
6 to sue.

7 CHAIRMAN MITCHEM: You would have to do that, not
8 that you've -- you're already doing it.
9 You'd have to do it anyway. So it's not --

10 MR. SEYMOURE: Yeah, I know, I'm not -- and --

11 CHAIRMAN MITCHEM: Any other questions for Jay?

12 Let's wrap this up if we can.

13 MR. DEAN: On this map behind you, the 13 1/2 acre
14 site that they're wanting to mine, the larger
15 portion of that to the far east, is that a
16 creek coming into it at the top of it? See
17 the four --

18 MR. SEYMOURE: This here?

19 MR. DEAN: Yes.

20 MR. SEYMOURE: No, that's not the creek, that's
21 the easement. Actually, that's the road that
22 runs down --

23 MR. DEAN: That goes into that house?

24 MR. SEYMOURE: Yes.

25 MR. DEAN: And are you all planning on developing

1 to the east of that road?

2 MR. SEYMOURE: Our development stops, right now
3 our planned area of development stops maybe
4 300 feet from, yeah, about the top of that
5 line right there.

6 CHAIRMAN MITCHEM: Okay. Thank you, Jay.

7 MR. SEYMOURE: You're welcome. Thank you.

8 CHAIRMAN MITCHEM: David Grossman?

9 MR. GROSSMAN: I'm here Mr. Chairman. I'm going
10 to withdraw my request to speak.

11 CHAIRMAN MITCHEM: Okay. Thank you. Anyone else
12 hear wishing to speak to this matter?

13 Hearing none, I'll declare the public hearing
14 --

15 MR. JUSTUS: Mr. Chairman?

16 CHAIRMAN MITCHEM: Yeah, he wanted to follow up
17 with the --

18 MR. JUSTUS: Mr. Chairman, I have -- there was a
19 statement made by Mr. Clark about how much we
20 got out of the deal by what property was
21 zoned residential when it swapped to
22 industrial. I got this from Randy. Randy,
23 I've marked this as Exhibit 6.

24 (WHEREUPON, Exhibit Number 6 was marked for
25 identification)

1 MR. JUSTUS: Is this from you?

2 MR. HAWKINS: Yes.

3 MR. JUSTUS: And I'll hand this up. This is the
4 only copy I had because I didn't know this
5 would come up. But you'll see there was only
6 little pieces that was residential. In fact,
7 most of what we show as our future pit area
8 including the expansion area was not
9 residential, so I'm just going to --

10 COMMISSIONER BEAM: Both the purple places were?

11 MR. JUSTUS: The purple places, that's right.

12 COMMISSIONER BEAM: They were industrial?

13 MR. JUSTUS: Most of it was industrial. But let
14 me just quickly talk about --

15 CHAIRMAN MITCHEM: Let's try to wrap this up.

16 MR. JUSTUS: Okay. Quickly talk about the Pulte
17 agreement. They keep saying, first off we
18 didn't have an agreement after Pulte decided
19 not to close. The chairman's correct. There
20 is no such agreement. We can talk till we're
21 blue in the face. We didn't reach an
22 agreement. The covenant not to sue was very
23 critical to us. They say, well, they gave us
24 the buffer. Now, I would just submit that
25 they got 1650 homes, which was more than what

1 Pulte asked. How much more homes did they
2 really think they could put on that piece of
3 property? What they've done is they've
4 created a cluster development, right? So
5 they've put 1650 homes and they've left some
6 open space. Lord knows, I think at the end
7 of the day, they're not really giving us
8 anything because I'm quite sure that it'd be
9 pretty difficult to put more than 1650 homes
10 on that property even if they want to. So
11 they really didn't at the end of the day,
12 give us anything.

13 In terms of the county standards for
14 berms, I was just asking, clarifying this
15 with Randy. Right now your standard for a
16 berm is three feet tall, three feet in
17 height. We are asking for a ten foot height
18 limitation for our berm. At the end of the
19 day, our burden is to present evidence of
20 four things that we -- that the Planning
21 Board recommending to this Board of
22 Commissioners, standards that we meet. One,
23 that the use will not materially endanger the
24 public health or safety if located where
25 proposed and developed according to plan.

1 Again, we're only talking about the purple.
2 We're not talking about what's in gray, but
3 just in purple and we've -- we're the only
4 ones who've presented experts that talked
5 about noise, blasting, property values, and
6 so forth. The findings of fact we've
7 presented to you, each one of our witnesses
8 have testified to each of the items noted in
9 the proposed findings of fact.

10 The second thing is, the use meets all
11 required conditions and specifications.
12 Randy said yes, it does. Third, the use will
13 not substantially injure the value of
14 adjoining or abutting property. We're the
15 only one with an expert, that apparently they
16 agree with our expert as to her study. And
17 the fourth thing is, that what we're
18 proposing is general conformity with your
19 Land Use Plan. Randy said it was. So we
20 meet all the findings and at the end of the
21 day, we're asking for protection of our asset
22 for the life of this quarry. Thank you.

23 CHAIRMAN MITCHEM: Thank you. Anyone else, one
24 more time wishing to speak to this matter?
25 Thank you. With that being said, I want to

1 close the public hearing on the PCUR Number
2 154A.

3 (WHEREUPON, this proceeding on January 5,
4 2015, was concluded at 8:20 p.m.)

5 * * * * *

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

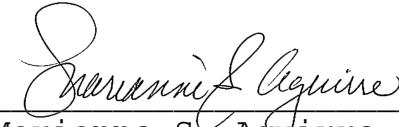
STATE OF NORTH CAROLINA)) C E R T I F I C A T E
COUNTY OF RUTHERFORD)

I, Marianne S. Aguirre, Verbatim Reporter and Notary Public, within and for the State of North Carolina, do hereby certify:

That I reported the proceedings in the within-entitled matter, and that the within transcript is a true record of such proceedings.

I further certify that I am not related by blood or marriage, to any of the parties in this matter and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this the 20th day of January, 2015.



Marianne S. Aguirre
N.P. Number: 19961490099

	59:19;86:21	19:2,2,5,18;20:4; 27:10,18;41:20;42:1, 11,13,14,17,20;43:1; 61:6,7,10,22;62:2; 63:11,20;65:25; 67:14,19;68:9;88:17, 18,20,22	39:21 anyways (1) 76:15 apart (1) 59:25 apologize (1) 55:2 app (1) 47:25 apparently (1) 90:15 appears (1) 43:7 applicant (5) 5:4,5,9,21;23:6	5:24;11:20;16:3; 17:8;20:21;35:8; 46:20,25;49:21;50:6, 9;71:6;77:4 Arpeggio (1) 45:6 arrived (1) 44:13 art (2) 39:16;40:2 Asheville (2) 12:23;13:4 aside (2) 45:23;62:18 assessed (5) 50:13;52:23;53:5; 55:10,11 assessor (1) 53:3 asset (3) 26:21;30:1;90:21 associated (1) 38:21 assume (1) 72:7 assumed (1) 76:10 assumption (1) 79:6 assurances (1) 29:24 Atlanta (1) 45:7 attempt (1) 75:17 attended (2) 34:8,8 attorney (1) 23:6 attribute (1) 53:9 Austin (8) 34:21;35:4,6,7,9, 10,16;36:21 automatically (2) 39:19;78:25 available (4) 10:23;46:4;54:2,4 aware (6) 29:11;61:5;63:4; 69:23;70:4;74:23 away (16) 6:11;33:6,24; 40:10;47:19,21;48:9; 57:14;59:17,17,20; 60:8,10;67:12,15; 75:12
#	Ada (2) 58:6,14			
#154 (1) 5:3	add (3) 6:1,8;84:8			
\$	added (2) 5:23;61:25			
\$1.25 (1) 15:1	adding (1) 50:24			
\$150 (1) 14:21	addition (4) 17:25;46:21;49:19; 50:25			
\$3.5 (1) 17:16	additional (4) 15:4;17:3,5;24:25			
A	address (4) 9:23;12:21;45:19; 58:13			
A-1 (5) 23:19,22,24;27:3; 56:7	adequate (3) 40:22;54:2;76:22			
abandon (1) 67:19	adjoining (6) 8:11;25:5;56:15; 60:23;63:18;90:14			
abide (3) 5:9;29:20;70:2	Adjustments (1) 49:10			
ability (3) 20:16;68:24;69:2	advances (1) 16:5			
able (3) 17:7;20:4;26:9	adverse (1) 71:17			
absolutely (1) 80:24	adversely (1) 51:13			
abundance (1) 14:10	affect (3) 10:7;52:13;71:10			
abutting (1) 90:14	affordable (1) 18:8			
access (6) 14:18;23:1;26:9; 67:6;78:9,10	Again (17) 5:25;13:2;21:23; 25:9;28:15;29:25; 30:6;45:23;47:1,5; 53:8;56:1;62:13,21, 21;72:5;90:1			
according (1) 7:12	age (1) 82:7			
According (5) 34:16;73:19;76:13; 80:9;89:25	agency (1) 15:15			
accurate (1) 74:17	aggregate (6) 13:4,23;14:12; 17:5;36:2;37:11			
acoustic (5) 45:6,7,9,13;77:13	ago (7) 14:3;35:11,12; 36:10;38:14;45:15; 46:1			
acre (2) 6:21;86:13	agree (9) 27:12,13,15;42:24; 69:17;70:1,8;85:18; 90:16			
acres (8) 6:21;17:3,3;19:19; 24:9,10,25;70:24	agreeable (1) 62:1			
across (3) 14:2;15:21;72:6	agreed (6) 41:22;62:7,8,21; 69:18;70:1			
active (4) 10:15;16:3,11; 20:21	agreement (38) 5:10,11;6:12,17; 8:10,13;11:15;18:23;			
activity (1) 38:20				
actual (3) 24:11;38:21;80:5				
actually (9) 16:10;34:4;38:8; 39:14,22;42:11;46:6;				

44:9;46:24;55:2; 56:3;61:4;64:24; 65:11;66:14,24; 71:11;75:9;78:4; 81:19,24 backed (2) 27:4;28:7 backup (9) 45:23;46:1,8;47:1; 76:16;83:8,20;84:10; 85:8 backwards (1) 71:4 barriers (1) 77:20 base (5) 16:11,18,19,22; 18:13 based (5) 43:7;48:22;50:14; 64:23;80:12 basically (11) 5:7;24:8,25;26:10; 28:10,25;29:1;42:16; 54:11;60:3;68:1 basis (1) 69:20 bat (1) 74:9 BEAM (33) 6:4;24:12,15,21; 25:20;26:1,4,10;27:8, 11,20,25;28:13,21; 29:6,8,14;38:8;41:17, 24;42:3,5;47:22; 49:23;50:1;73:21; 78:4,13,18;79:1,8; 88:10,12 bears (1) 8:7 became (1) 70:4 become (1) 21:2 becoming (1) 64:20 beepers (6) 76:16;77:7;83:8, 20;84:10;85:8 beforehand (1) 38:7 began (1) 63:3 begin (2) 13:18;75:14 behalf (1) 65:4 behind (3) 13:15;74:12;86:13 Bell (2) 58:3,4 belongs (1) 67:4	below (2) 73:15,18 benefit (2) 16:4;61:13 berm (39) 5:18;11:7,11,14,19, 22;12:2;24:11;25:1, 7,11,13;31:25;32:3, 12;46:10,14;64:22, 25;73:1,10,14,16,18, 24;74:1,9,13;77:7,12, 15,16,23;78:21;79:5; 82:14;85:4;89:16,18 berms (4) 51:18;84:20,21; 89:14 best (3) 51:6;59:2;79:10 better (2) 23:25;50:7 beyond (3) 6:18;72:16;82:14 bible (1) 44:7 big (3) 17:14;46:22;78:24 biggest (3) 36:1;58:16;83:7 billion (1) 37:4 binding (1) 19:2 bit (8) 18:14;21:12;22:8; 35:7;40:12;45:25; 55:6;76:8 black (1) 60:1 blast (18) 15:9;30:9,11; 32:20,24;33:6,12,12, 17;37:15;38:1,19,23; 39:25;41:2;44:16; 70:21;72:7 blasting (35) 15:20;20:16,23; 21:22;30:5,13,18; 32:4,11;34:2,11,24; 37:25;38:4,9,12,13, 16,20;40:8;41:3; 44:6,11;45:17,23; 47:6,13;56:8;57:5, 11;59:16;74:12,13; 83:12;90:5 blasts (1) 76:11 blue (2) 10:24;88:21 Board (16) 5:1;12:6,7,25; 18:21;23:4;33:8; 34:7;42:7;49:10,15; 54:17;60:15;71:15;	89:21,21 boosters (1) 40:3 both (7) 35:19;36:19;45:18; 49:6;52:13;57:21; 88:10 bothersome (1) 52:3 Bottom (3) 40:6;73:20;78:7 bound (2) 27:16;69:1 boundaries (3) 6:9;19:23;55:19 boundary (7) 5:17,19;8:15,15; 11:3,22;16:21 breaks (1) 44:21 bridge (1) 10:3 bridges (1) 17:22 brief (2) 13:12;57:7 bright (1) 21:10 bring (1) 6:24 brokers (1) 52:7 brought (4) 45:19;61:16;73:5,6 bubble (1) 80:12 Buffer (15) 8:9,10,15;9:7; 10:19;11:7;24:6; 25:8;29:5;61:23,25; 70:2;80:15,24;88:24 build (10) 10:3,5;11:1;18:9; 25:7,12;31:25;34:14; 80:25;83:16 building (4) 18:19;28:13,21; 80:19 buildings (1) 37:14 built (4) 17:23;65:10;81:24; 82:14 bunch (1) 48:21 burden (1) 89:19 Bureau (1) 44:8 BURGIN (5) 34:16;85:7,14,17, 20 business (3)	13:20;21:16;63:24 business-wise (1) 69:9 buy (1) 26:21 buyers (3) 19:8,12;20:1 buyer's (1) 20:2 buying (2) 62:11;63:2 BV (1) 5:3	causes (1) 46:23 celebrated (1) 13:19 centering (1) 77:4 certain (3) 19:11;61:4;75:11 certainly (5) 15:23;52:12;60:20; 69:15;70:3 certainty (5) 16:17;21:3,5,7,9 certified (3) 49:6;56:18,21 certify (2) 49:23;50:1 cetera (1) 14:16 chair (1) 49:12 CHAIRMAN (88) 5:2;6:7,11;9:4,11, 21:12;4,6,16;23:4; 30:2;31:18;32:17; 34:7,19;35:3;42:19, 24:43:2;44:3,24; 47:17;48:16;54:16; 55:3,8,13,15,23; 56:24;57:3,7,19;58:6, 9,12;59:1,9,14,21; 60:6,13,14,16;62:9, 17;65:17;66:23;67:3, 8,15,21;68:10,13; 70:12;73:9,17,22; 74:1,6,11;78:20,24; 79:21,24;80:4,10; 81:1,7,12,23;82:1; 84:15,19,23;85:1,6; 86:7,11;87:6,8,9,11, 15,16,18;88:15;90:23 chairman's (1) 88:19 challenge (1) 79:13 change (8) 29:6,10,15;40:11; 51:23;53:21;54:10, 12 changed (2) 15:23;81:8 changes (3) 40:7;79:20;85:4 changing (1) 23:24 chapter (1) 49:16 Charlie (2) 65:20,21 Charlotte (4) 14:18;48:23;57:14, 15 Charlottean (2)
---	--	--	--	--

48:24,25	49:1	computer (3) 37:23;40:17;46:3	consider (6) 18:6;23:9;62:21; 64:20;65:4;69:16	18:3
Charlotte's (1)	colors (1)	computers (1) 40:1	couple (3) 30:3;62:22;74:8	
49:9	23:25	concept (3) 74:9;75:15;80:3	course (8) 8:13;10:12;31:7; 11:51;22;55:17;24; 57:11	
chemicals (1)	comfort (1) 79:19	conceptual (2) 81:11,17	covenant (17) 5:10;19:20;21,23; 26:24;27:6,15;62:3; 69:17;70:5,9;75:7; 24:76:3,25;86:5; 88:22	
39:24	comfortable (8) 20:15;74:25;75:1, 2:76:3;79:14,17;86:5	conceptually (1) 74:16	covered (1) 42:11	
child (1)	13:15;25:2;28:9; 48:11;60:2;71:20; 86:16	concern (1) 76:14	cracks (1) 44:12	
27:23	commercial (4) 36:25;37:1,3;49:14	concerned (2) 76:8;84:4	Craig (2) 21:19;23:5	
China (2)	commercially (1) 46:4	concerns (2) 20:17;76:21	created (1) 89:4	
22:11;26:21	commissioned (1) 45:3	concluded (2) 56:12;91:4	creates (1) 81:15	
chose (2)	COMMISSIONER (83) 6:4;7:4;8:1,17,20, 24:9:1,3,24;10:10,22; 11:2,11,19;12:1; 21:24;22:1;24:12,15, 21:25;20;26:1,4,10; 27:8,11,20,25;28:13, 21:29:6,8,14;30:3,7, 14,23,25;31:4;33:10, 15,19;34:1;38:8; 39:1,11;41:2,17,24; 42:3,5;47:18,22,23, 25;48:3,15;49:23; 50:1;58:23;65:7,13, 20;66:6,8,9,17,20; 71:15;73:21;78:4,13, 18;79:1,8;80:8; 81:18,21;84:17,20, 24;88:10,12	condition (6) 5:8;31:13,17;32:3; 63:21;69:16	Creek (10) 6:16;9:20,24;10:1, 7:72:6,8,19;86:16,20	
61:11;70:8	Commissioners (7) 5:1;12:25;18:21; 23:5;60:15;74:6; 89:22	conditional (17) 5:6,6;6:13,23;7:11; 8:1;9:18;12:12,15; 13:16;25:21;41:19, 25:42;2:53;14;61:9; 77:5	crevices (1) 44:12	
circles (1)	commonplace (1) 19:15	conditions (9) 8:6;29:13,16; 41:23;62:5;63:17; 65:5;73:4;90:11	CREW (1) 49:13	
74:19	communities (2) 16:2;20:21	conducted (1) 37:25	criteria (3) 50:18;51:4;54:1	
citizens (1)	community (5) 5:14;15:4;17:24; 18:21;82:23	confident (2) 18:1,10	criterion (2) 53:11;54:1	
14:17	companies (1) 36:22	conflict (2) 18:24;39:7	critical (1) 88:23	
City (2)	Company (9) 5:4;27:8;35:5,6,7, 11,13,16;36:15	conform (3) 6:25;53:12;90:18	crosses (1) 63:23	
49:9;53:12	comparison (2) 10:18;74:18	conforms (1) 53:14	crossing (1) 10:6	
Civil (1)	completed (1) 32:3	confused (2) 35:10;58:4	crushing (1) 38:22	
17:15	compliance (1) 7:22	confusing (1) 66:9	current (9) 6:19;13:16;14:7; 18:15;20:24;22:5; 30:4,7;40:4	
clarification (1)	comply (4) 20:17;51:5,8,10	confusion (1) 78:2	currently (9) 14:1,25;24:12,22; 25:22;26:5;51:8; 53:13;80:23	
55:16	components (1) 20:3	Conner (36) 8:5;23:8,10,14; 24:4,14,18,23;25:25; 26:3,7;30:6,11,16,20, 22,24;31:2,6,23;32:1, 8,13,16,22;33:4,12, 16,21;34:3,6,9,15,18, 21;74:15	customer (1) 36:15	
clarify (2)		consented (1) 61:23	cut (1) 85:2	
5:20;34:24		conservation (1) 62:20	D	
clarifying (1)		conservative (1) 20:8	damage (1) 44:13	
89:14			danger (1) 44:1	
clarity (3)			dark (5) 30:19,21,22,23;	
21:1,12;23:17				
Clark (37)				
55:17;60:13,14,17, 17:65:9,15,18,21; 66:7,12,19,21;67:2, 10,17;68:9,12,15,18, 20,23;69:1,5,8,20,23; 70:7,10;71:2,8;72:5, 19,23;78:9,19;87:19				
clear (2)				
78:3;85:23				
clerk (1)				
55:23				
client (1)				
28:4				
close (8)				
27:18;42:10,12; 48:5;69:7;72:17; 88:19;91:1				
closed (4)				
28:16,20;60:21; 75:4				
closer (7)				
28:20;36:24,25; 40:11;43:9;44:15; 60:5				
closest (2)				
34:13;70:18				
closing (3)				
56:25;68:22;75:5				
cluster (1)				
89:4				
CMC (1)				
14:15				
coal (2)				
35:18;36:5				
College (1)				

34:25	DENR (1)	dig (1)	41:6;89:3	education (1)
darn (1)	10:10	46:21	door (1)	49:1
72:17	density (2)	dimensional (1)	74:22	effect (9)
data (1)	14:8;18:20	46:5	DOT (1)	7:15,23;10:20;
39:11	Denver (2)	direction (1)	13:25	42:18;46:11;56:19;
David (3)	60:18;74:4	21:4	Douglas (2)	58:21;70:21;71:17
60:13,17;87:8	depending (1)	directly (1)	57:14,15	effective (2)
dawn (1)	23:1	18:2	down (29)	46:14;53:2
30:23	depends (2)	directors (1)	10:2;18:23;32:10,	effectively (2)
day (10)	41:3,15	49:15	20:33:1;38:1,9;	75:10;77:10
30:15,16,17;33:1;	depth (2)	dirt (1)	39:23;44:15;46:19;	effects (3)
50:7;85:19;89:7,11,	21:20;73:8	32:10	47:8;51:11;58:19;	6:14;38:18,19
19:90:21	description (2)	disagree (1)	61:14;64:15;73:12,	efforts (1)
daylight (1)	13:11,12	83:5	12,13,18,23;74:13,	64:12
34:25	design (1)	disclose (2)	15,19;79:16;82:15,	EHNERT (7)
days (1)	38:6	85:23;86:4	24:85:2,24;86:22	45:5,5;47:21,24;
31:4	designated (1)	disclosed (1)	draft (1)	48:4,7,13
Dayton (2)	7:7	85:25	68:9	eight (1)
59:3,6	designation (2)	disclosing (1)	drawings (1)	22:3
deadline (1)	18:16;49:3	76:22	73:11	either (1)
68:23	designed (1)	disclosure (5)	drills (1)	69:3
deal (8)	38:5	19:17;26:25;27:14;	15:8	elected (1)
17:14;27:6;37:2;	desire (1)	62:4;63:11	Drive (1)	5:12
39:17;64:20;71:20,	75:6	discuss (3)	74:5	electronics (1)
20:87:20	detail (2)	63:3;66:13;69:22	drivers (1)	40:3
dealing (1)	31:19;56:16	discussed (5)	15:5	elevation (1)
66:25	determine (2)	62:11;65:2,24;	due (2)	47:6
DEAN (15)	20:9;46:11	71:21;73:7	18:18;21:3	eliminate (2)
32:18,23;33:8,24;	detonators (1)	discussing (1)	dug (1)	75:17,25
34:4;70:13;71:3,10;	40:1	32:18	38:3	else (8)
72:13,20;73:3;86:13,	develop (2)	discussion (5)	dump (1)	12:4;27:11;40:25;
19,23,25	34:5;64:7	18:14;31:16;62:17;	46:17	45:1;68:6;84:15;
decades (1)	developed (2)	63:14;71:25	dust (2)	87:11;90:23
14:3	38:16;89:25	discussions (5)	15:19;20:16	emitting (2)
decibel (3)	developing (1)	61:6;62:10;63:7;	dynamite (2)	46:8;47:2
33:2;47:19;70:22	86:25	70:6;77:2	39:20,20	employ (2)
decibels (9)	Development (21)	disparate (2)		14:1,25
30:13;46:15;47:1,	7:9;10:15;27:9;	16:8;18:25	employees (2)	
9,18;48:2,8,12;77:14	28:18;51:5,13,19,22,	dissipated (1)	14:1;15:1	employment (1)
decided (1)	23:52:15;53:13;	44:17	18:5	
88:18	54:10;63:16;64:4;	distance (4)	emulsions (1)	
decides (1)	67:11;71:6;77:19;	44:15;47:4;79:17;	40:4	encountered (1)
29:22	79:14;87:2,3;89:4	80:22	45:22	
decision (4)	developments (1)	distinctly (1)	end (5)	
42:8;61:13;62:6;	79:3	70:16	44:22;89:6,11,18;	
64:7	device (1)	distribute (1)	90:20	
declare (1)	71:12	35:14	endanger (3)	
87:13	diagram (3)	district (1)	47:15;50:20;89:23	
declining (3)	55:17,22;56:16	5:6	energy (2)	
52:24;53:7,9	diagrams (1)	disturb (1)	44:17,20	
deemed (1)	56:14	65:12	engaged (1)	
45:21	dictate (1)	disturbing (1)	62:18	
deeper (1)	22:24	84:11	engineering (1)	
46:21	dictated (1)	ditch (1)	32:15	
define (1)	38:25	10:1	Engineers (1)	
24:10	died (1)	divisionary (1)	17:16	
degree (5)	77:4	13:3	enlarge (1)	
26:18;43:19,21;	difference (3)	document (2)	5:15	
45:11;47:14	11:2;24:1;56:7	75:8,11	enough (2)	
delivery (1)	different (4)	dollars (1)	84:6,6	
15:2	16:8,12;41:18;55:6	14:24	ensure (1)	
demand (1)	difficult (1)	done (5)	41:15	
17:24	89:9	14:19;22:6;38:12;		

18:7	62:2;63:21	43:8	feasibility (1)	53:18
entire (2)	excuse (2)	explosives (11)	flexibility (1)	
50:6;78:6	35:11;67:21	35:13,15,24;36:22;	81:14	
entities (2)	exhibit (23)	37:1,2,3,4;39:16,19,	flood (2)	
16:9;18:25	5:22;7:4;23:12,14,	21	10:6,8	
entrance (2)	14,16,19,19,22,24;	extend (1)	Florida (1)	
53:25;59:1	27:3;55:16,25;56:2,6,	22:2	45:11	
environmental (1)	7,9,11,13,16,17;	extensive (2)	flow (2)	
38:18	87:23,24	29:2;82:22	53:21,25	
equal (1)	exhibits (3)	extensively (1)	flying (1)	
54:10	23:9;55:24;56:22	20:18	57:13	
equipment (7)	existed (1)	extent (1)	folks (2)	
15:7;38:20;39:2,8;	51:16	75:11	76:12;79:13	
43:15,22;83:19	existing (8)	extract (3)	follow (1)	
equivalent (2)	9:17;16:9;19:1;	15:9;16:21;20:11	87:16	
17:9,12	50:22;51:24;57:12;	extremely (1)	Following (2)	
escorted (1)	63:22;70:2	25:16	62:8,17	
50:6	expand (10)	ezone (1)	follow-up (1)	
especially (3)	6:15,18;9:18;24:8,	77:6	62:25	
17:19;51:20;57:21	9,20,24;51:9;61:21;	F	foot (28)	
essence (1)	62:20	face (1)	11:6;16:21;25:1,2,	
62:4	expanded (2)	88:21	4,8,9,10;29:5;31:21;	
establish (1)	9:15;68:3	fact (9)	32:12;36:17;48:9;	
77:23	expanding (1)	21:9;52:13,25;	64:22;73:10,13,14;	
established (1)	22:20	73:6;85:23,25;88:6;	19,24;74:1,9,13;	
8:11	expansion (13)	90:6,9	75:22;77:24,25;	
Estate (3)	7:1;11:6,9;14:14,	factor (2)	81:19;82:11;89:17	
49:14;52:7;69:10	15,16;45:16;50:19,	16:24;52:17	footprint (1)	
estimate (1)	22:51:9,25;54:7;88:8	fair (2)	17:2	
22:6	expansioned (1)	74:17;82:8	forefront (1)	
estimates (1)	11:21	faith (1)	40:20	
17:16	expect (1)	64:13	forest (2)	
et (1)	19:13	fall (1)	82:7,7	
14:16	expectations (1)	77:3	forested (1)	
evaluation (1)	26:18	falling (1)	82:9	
56:12	experience (1)	59:25	forever (2)	
even (5)	15:19	falls (1)	85:10,21	
26:11,15;41:14;	experiencing (1)	85:13	form (2)	
69:22;89:10	20:2	false (1)	15:5;51:18	
evening (2)	expert (5)	73:24	format (1)	
23:4;74:7	21:21;49:24;50:2;	family (11)	55:6	
eventually (1)	90:15,16	14:3;51:21;60:19;	forms (1)	
64:3	expertise (1)	61:3,11;63:18;64:14;	13:25	
everybody (4)	85:12	65:4;66:15;68:17;	formula (3)	
39:18;57:1;71:23;	experts (1)	69:16	43:6,7;44:14	
76:23	90:4	family- (1)	formulas (1)	
evidence (2)	expire (1)	13:18	37:21	
12:13;89:19	42:13	family's (1)	Forney (3)	
exact (1)	explain (3)	64:17	6:16;72:6,8	
80:22	59:14,24;78:21	fantastic (1)	Fortenberry (10)	
exactly (3)	explaining (2)	14:7;18:4;19:7;	48:18,20,21,22;	
27:2;46:2;84:13	18:12;19:11	29:19;32:10;35:8;	49:25;50:3;54:20,23;	
excavate (1)	explanation (1)	50:19;56:19;74:24;	55:5,9	
31:2	19:8	88:17	forth (4)	
excavating (1)	explicit (2)	26:12;40:10;48:25;	46:7;53:11;75:10;	
31:1	19:7,16	52:17;70:23;71:3;	90:6	
excavation (1)	exploded (2)	86:15	forward (3)	
30:10	39:25;40:13	farther (3)	20:6;21:5;29:18	
excavators (1)	explosion (1)	59:17;20;60:10	found (1)	
15:10	57:17	faster (1)	64:24	
except (1)	explosions (1)	16:15	founded (1)	
29:19	71:12	father (1)	45:8	
exception (2)	explosive (1)	63:23	four (2)	

86:17;89:20	globally (1)	45:15;64:9;66:2;	23:11:8;16;12:19;	61:5;63:2;22,25;
four-lane (1)	35:15	75:4,5	13:3;18;15:15;18:22;	70:15,19;71:14;
17:10	goes (5)	halfway (1)	28:4;34:20;36:11,13;	80:14,14,19;81:23;
four-person (1)	38:6;46:18;47:7;	66:5	42:19;43:16;45:2,14;	88:25;89:1,5,9
45:8	66:14;86:23	hand (4)	54:12;55:14;61:13;	honestly (1)
fourth (1)	gold (2)	55:23;68:1,2;88:3	62:10;65:18;67:18,	61:25
90:17	11:13;35:20	handed (1)	20:76;12;77:2;78:13;	Honorable (1)
fragment (1)	good (10)	37:18	83:4	60:14
38:1	20:12;21:15;22:22;	handle (1)	Hedrick's (4)	honored (1)
fragmentation (1)	23:4;40:18;43:10;	35:15	9:9;65:17;66:25;	80:15
38:17	64:13;76:9,9;80:1	happen (2)	75:6	honoring (1)
frame (3)	goodness (1)	57:25;67:23	height (5)	61:10
22:19;23;23:3	41:7	happened (6)	25:2;77:7;79:5;	Hospital (1)
frankly (2)	govern (1)	16:2;34:2;42:5;	89:17,17	14:15
27:16;75:8	7:12	57:8;25;67:23	held (1)	hours (5)
frequency (1)	government (1)	happening (1)	30:12	30:5,5,16;31:1,4
65:23	29:15	53:4	help (1)	house (12)
frivolous (4)	grade (4)	happens (1)	51:2	59:25;66:24,25;
19:25;75:18,25;	46:17,18;47:6,13	60:23	helping (1)	68:4;70:17,18;78:10,
77:1	grading (1)	happy (1)	16:23	16:17,18;82:13;86:23
front (2)	13:24	40:15	helps (1)	houses (3)
58:19;64:25	graduate (1)	Harbour (1)	77:23	28:13,22;80:25
full-line (1)	45:11	74:5	high (4)	housing (1)
35:12	grandfathered (2)	hard (3)	14:9,10;25:10;	27:9
further (5)	6:24;61:19	81:17;82:18,19	73:10	huge (1)
28:17;33:18;46:20;	granite (2)	Harley-Davidson (3)	18:10	82:10
59:17;60:8	14:10;15:6	47:20,23;48:14	hurt (1)	52:18
future (16)	grant (1)	harmony (2)		I
5:15,24;6:1;7:1,2,	65:6	53:11;71:24	idea (4)	
2;21:10,13;24:4,17,	grants (1)	Harrell (1)	28:3;62:11;65:22;	
19:50;11:53;15;73:7;	65:25	71:15	73:1	
75:23;88:7	Gravel (2)	haul (3)	identification (3)	
	5:3;13:23	15:11;45:24;46:2	23:23;56:23;87:25	
	gray (6)	HAWKINS (33)	identified (1)	
	24:4,12;25:23;	5:5;6:6,10,13;7:6;	18:18	
	26:1;56:4;90:2	8:4,19,22,25;9:2,7,	identify (1)	
	great (2)	14,23;10:5,12,24;	14:4	
	39:17;60:11	11:4,12,15,24;12:3,5,	identifying (2)	
	green (2)	11:57;6,9;59:7,11;	19:9,10	
	11:20,22	60:8;73:15,25;81:16,	imagine (2)	
	Grossman (2)	25:88:2	15:7;72:14	
	87:8,9	head (1)	immediate (2)	
	ground (3)	74:15	22:23;23:2	
	38:22;41:6;44:20	health (2)	impact (14)	
	group (2)	50:20;89:24	49:20;50:17;51:14;	
	41:18;42:6	hear (7)	52:5;53:20,24,25;	
	grow (2)	19:13;39:19;52:3;	54:7;56:10;77:11;	
	16:2;85:1	76:6;79:11;83:11;	82:18,25;83:2,3	
	growing (1)	87:12	impacted (1)	
	20:21	heard (6)	52:22	
	grown (1)	12:13;26:19;57:17;	impacts (1)	
	35:21	23:60;25;70:22	45:16	
	growth (1)	hearing (6)	implemented (1)	
	17:20	12:17;45:1;63:9;	80:16	
	guess (5)	87:13,13;91:1	importance (1)	
	21:11;29:22;38:15;	hearings (1)	18:13	
	53:2;58:16	5:3	important (3)	
	guys (2)	heavily (1)	13:13;16:24;19:6	
	76:19;78:1	25:16	importantly (2)	
		heavy (1)	20:12;21:14	
		15:7		
		Hedrick (31)		
		5:3;12;6:15;9:14,		

impose (1) 63:17	10:1	31:19,24;32:2,9, 14:43:3,5,11,14,19, 23:44:16;68:15,19, 21,24;69:2,6,14,22; 70:3,8,11;82:3,6,11, 13,18,25;83:5,7,15, 18,25;84:10,14	59:3	7:7;13:10;14:5,14, 15,18;17:18,19;18:8, 17;21:10
imposed (2) 29:17;31:10	Institute (3) 49:4,16,19	large (6) 15:10,11;26:17; 37:6;52:15;61:16	line (24) 8:11;9:6,8;10:19, 24:11:1,5,13;33:6,22, 22:34:17;40:6;43:9; 46:9,16;47:12;68:23; 80:4,4,20;81:16,17; 87:5	
impressions (1) 57:12	intelligent (1) 75:18	larger (4) 26:12;64:25;77:15; 86:14	listed (2) 52:8;55:9	
improvements (1) 17:18	intend (1) 51:2	last (8) 10:13;13:11;15:16; 20:7;36:2;54:9; 70:17;82:13	listen (1) 63:10	
inaudible (4) 22:5;30:13;47:11; 72:6	interest (4) 52:14;60:22;62:13; 69:15	lastly (1) 13:14	lists (1) 8:6	
inch (1) 30:12	interested (2) 52:19,20	later (2) 29:21;68:6	little (14) 18:14;19:3;21:12, 20:22:8;26:13;35:7; 39:6;40:1,12;45:25; 55:6;76:8;88:6	
included (5) 19:17;26:24,25; 27:6;56:18	interviewed (2) 51:24;52:7	law (3) 34:24;39:10,10	live (3) 12:22;18:9;35:1	
includes (1) 51:17	into (19) 6:25;7:1;9:15,18; 14:21,22;19:5;21:20; 24:24;38:7;44:3,20, 22:45;19;62:20,20; 63:9;86:16,23	lawsuits (4) 19:25;75:18,25; 77:1	lived (1) 66:15	
including (3) 16:13;62:5;88:8	invested (1) 14:20	lead (1) 36:7	load (1) 38:5	
incorporated (1) 19:5	investment (2) 21:6,8	learned (1) 20:13	loaders (1) 15:10	
increasing (2) 26:7;53:6	involved (4) 35:18;36:11;62:11; 63:22	least (5) 42:9;53:6;80:8,10; 83:12	local (1) 16:13	
in-depth (1) 19:11	involves (1) 17:1	led (1) 19:18	locate (1) 14:5	
indicate (1) 38:22	iron (1) 35:19	left (2) 62:25;89:5	located (3) 6:21;7:6;89:24	
indicated (2) 52:24;82:21	issue (12) 16:1;45:18;51:12; 52:6,12;54:9;63:10; 67:10;68:5;72:5; 74:22;77:5	legal (1) 75:9	location (5) 14:7;15:25;33:7, 13:81:5	
industrial (10) 6:24;7:8;15:8; 18:6;51:20;53:16,18; 87:22;88:12,13	item (2) 8:24;9:1	Legally (2) 39:13,14	locations (3) 26:4,12,16	
industrial/commercial (1) 55:20	items (2) 8:20;90:8	length (2) 77:8;78:6	long (11) 17:21,22;25:12; 27:20,21;36:15; 39:12;57:1;72:14; 77:25;83:15	
Industries (4) 13:3,18;36:11,14		less (2) 44:16;45:25	longer (4) 28:9;39:14;77:16, 23	
industry (10) 13:12;15:18;16:1; 17:9;20;19;22:9; 25:16;26:19;36:3; 64:23		letter (1) 8:5	longevity (1) 22:13	
information (4) 27:25;33:3;51:7; 62:23		level (11) 20:24;46:18;47:3, 8,14,19;49:5;62:15; 71:16;76:22;79:19	long-term (1) 16:24	
informed (1) 20:6	January (1) 91:3	knows (1) 89:6	look (13) 25:14;36:16,17,19; 37:20;44:10,10; 45:15;50:18;74:21; 77:12;79:3;85:22	
infrastructure (2) 16:15;17:17	Jason (3) 8:5;23:8;74:14		looked (4) 40:8;50:5;53:20; 54:9	
initial (1) 63:6	Jay (7) 74:3,4;81:12; 84:16;85:6;86:11; 87:6	lack (1) 63:11	looking (7) 21:11;27:3;43:3; 44:12;55:25;71:4;	
initiated (1) 63:7	Jesse (2) 45:4,5	ladies (1) 77:10		
injure (2) 51:15;90:13	Jesse's (1) 56:10	Lake (10) 13:6,9;14:11,21; 15:20;36:12,13;37:7; 40:2,21		
inspected (1) 50:4	jobs (1) 15:4	Lambert (1) 48:22		
inspecting (1) 50:8	jobsite (1) 39:22	Land (13) 7:8;15:13;18:3; 21:22;26:22;46:7;		
inspection (1) 50:5	Joe (5) 12:22;13:2;26:19; 36:23;38:3	50:11,24;53:13,15; 56:21;81:11;90:19		
instances (1)	JOHNSON (36)	Lane (1) Lane (1)		

84:7	10:9,16;24:16;	90:20	36:6	15:4;48:8
looks (3)	32:23;34:16;58:24;	meetings (2)	MITCHEM (78)	mouth (1)
32:11,14;78:24	59:7,10;80:13,17;	62:9;73:8	5:2;6:7,11;9:4,11,	48:5
looseness (1)	86:13	meets (1)	21:12;4,6,16;30:2;	move (3)
38:2	maps (2)	90:10	31:18;32:17;34:7,12,	9:7;34:19;73:9
Lord (1)	23:10;68:3	member (2)	19:35;3:42;19,24;	moved (4)
89:6	marked (6)	49:12;51:1	43:2;44:3,24;47:17;	36:9;42:16;64:8;
LORDI (7)	23:12,22;56:6,23;	members (3)	48:16;54:16;55:3,8,	66:4
12:22,22;21:25;	87:23,24	12:6;34:8;60:15	13:57:3,7,19;58:6,9,	moving (4)
22:4,8,18,22	market (3)	18:16;24:5	12:59:1,9,14,21;60:6,	21:4;36:10,25;72:9
lot (18)	16:4;17:23;50:14	merits (1)	13,14,16;65:17;	MSHA (1)
22:24;28:17;33:18;	marking (2)	18:12	66:23;67:3,8,15,21;	15:15
35:10;37:21,21,22,	56:13,15	met (2)	68:10,13;70:12;73:9,	much (5)
22:38:6;42:22;46:19;	marriage (1)	32:20;62:22	17,22;74:1;78:20,24;	22:13;26:12;35:15;
57:22;59:17;63:13;	27:24	microphone (2)	79:21,24;80:4,10;	87:19;89:1
79:6,6,16;82:23	MARTIN (1)	44:4;48:12	81:1,7,12,23;82:1;	muffler (1)
loud (2)	11:13	middle (1)	84:15,19,23;85:1,6;	47:22
46:2;85:17	mass (1)	43:14	86:7,11;87:6,8,11,16;	multiple (1)
louder (3)	38:1	might (4)	88:15;90:23	64:12
57:22;83:25;85:16	material (6)	16:7;17:7;19:12;	mitigate (2)	municipalities (2)
loudest (1)	14:11;15:9;17:6;	73:4	20:16;76:24	13:25;16:13
57:15	22:7;31:20;38:3	Mike (3)	mitigating (1)	must (1)
low (1)	materially (3)	34:21;35:4;56:8	15:19	7:24
14:8	47:15;50:19;89:23	miles (2)	mitigation (1)	myself (2)
lower (6)	materials (4)	17:10,11	77:21	39:6;59:23
46:18;47:5,7,7,7,8	15:6;16:20;22:11;	military (1)	mix (1)	N
lowering (1)	40:3	37:2	39:24	
40:12	math (4)	million (9)	mixed (1)	
Lowesville (1)	43:6,10;74:10,17	14:21;15:1;17:5,8,	59:4	name (8)
58:15	matter (5)	14:19;4:20;11;26:8;	model (2)	12:20,22;13:2;
Luckey (1)	31:14;43:15;75:9;	37:11	45:19;46:6	23:5;35:3;45:5;
60:18	87:12;90:24	mind (3)	modeled (1)	58:12;60:16
lunch (1)	maximize (1)	23:3;79:1,9	46:8	narrow (1)
84:12	38:17	minded (1)	modeling (1)	72:14
M		31:17	46:4	native (2)
Ma'am (4)	may (11)	minds (1)	modification (2)	48:24,25
54:17;58:7,9;59:18	20:1;22:18;28:21;	17:8	16:25;18:1	nature (5)
MAI (1)	29:16;55:1;56:24;	mine (12)	modify (2)	15:8;20:5;22:11;
49:3	57:4;59:2;66:23;	11:18;24:20,22;	20:22;68:24	51:20;63:14
main (1)	67:25;84:10	25:14,22;26:5,11,15;	modifying (4)	NC (1)
29:19	Maybe (6)	36:18;73:7;84:6;	8:18,20,22,25	6:22
mainly (2)	9:11,11;22:16;	86:14	moment (2)	near (1)
36:19;46:19	41:14;72:11;87:3	mined (3)	23:3;74:8	5:16
maintain (3)	MBA (1)	9:19;35:22,23	monitored (1)	nearby (1)
20:24;40:21;53:24	49:1	mines (3)	39:10	54:5
making (3)	mean (12)	16:11;36:7;44:8	monitoring (5)	nearest (11)
63:10;69:16;76:21	10:25;27:21;36:14;	minimal (2)	39:1,3,5,8;71:12	11:17,18;39:9;
MAN (5)	39:18;42:6;69:3;	71:17;73:2	month (2)	46:12,12,13,16,25;
30:18,21;35:14;	74:21;75:8;76:17;	minimalistic (1)	38:14;41:14	47:11,15;57:10
55:4;70:25	80:2;85:16,17	64:22	months (1)	necessarily (1)
manager (2)	Meaning (1)	minimize (1)	20:7	47:11
36:8;38:11	7:13	38:17	more (18)	necessary (1)
manufacture (1)	Measure (1)	mining (21)	16:13;21:20;23:7;	54:6
22:12	33:15	5:16;7:3,16,19;	26:21;27:25;41:5,13;	need (8)
manufactured (2)	measured (2)	9:21;11:25;13:22;	45:21;62:22;23;77:8,	10:2,5,8;17:17;
39:21,22	33:20;46:1	16:3,22;25:4,9,18,23;	11,17,24;88:25;89:1,	26:14,14;37:10;
Manufacturing (1)	measurement (1)	26:5,19;29:25;31:19;	9:90:24	60:25
15:5	43:11	35:18;38:21;44:11;	most (13)	needed (3)
many (4)	measuring (1)	56:16	16:23;20:12;21:14;	9:17;28:1;64:8
34:7;44:9,9;83:19	43:12	minus (1)	35:23;37:12,13;	needs (1)
map (11)	medium (1)	83:17	51:19;55:19;63:12;	37:15
	meet (4)	Missouri (1)	75:23;83:11;88:7,13	negative (1)
	43:23,24;89:22;		mostly (2)	70:21

negotiations (2) 61:4;66:8	November (1) 63:6	22:7;4:2;83:13,13	13:1;49:20;61:1	
neighbor (1) 19:13	nuclear (1) 85:25	One (33) 5:8;6:14;12:18; 16:9;18:7;21:24;	oppose (2) 61:11;62:6	P
neighborhood (1) 50:8	nuisance (1) 63:14	24:21;29:19;30:12; 35:14;40:13,18;	opposition (1) 61:8	
neighbors (6) 20:1,12,25;21:15; 40:15;59:23	nullified (3) 5:11;8:14;27:19	41:10;45:21;48:17, 17,20;50:19;55:16;	order (1) 22:11	
new (5) 5:22;10:3;42:7; 54:4;71:19	Number (8) 5:14,20;37:5,6; 62:9;77:25;87:24;	57:12;58:16,17; 63:21;71:18;73:8;	Ordinance (7) 7:10,15,17,18,20, 22;56:18	
news (1) 76:7	numbers (2) 37:8,22	83:7;85:7,9,11; 89:22;90:7,15,23	ore (1) 35:20	
next (8) 16:9;19:1;34:20; 42:5;45:1;74:22; 77:19;79:4	numerous (1) 14:13	onerous (1) 47:14	original (6) 8:1,17;9:5,6;11:15; 80:15	
nine (1) 13:21		ones (3) 55:14;83:25;90:4	originally (3) 6:9;45:14;65:1	
Nodding (1) 74:15		one's (1) 75:12	Osborne (22) 34:21,23;35:4,4;	
noise (19) 15:20;20:16;21:22; 38:23;40:22;45:16, 18:52:3;56:10;57:16, 21:71;16;77:7,21; 82:25;83:2,3,8;90:5	OAKES (48) 7:4;8:1,17,20,24; 9:1,3,24;10:10,22; 11:2,11,19;12:1;	only (11) 7:18;27:3;28:7,17; 30:1;76:22;88:4,5; 90:1,3,15	37:19;38:10;39:3,13; 41:3,22;43:3,4,10,13, 18,21;44:1,5,19,25; 45:17;56:8	
noises (1) 19:14	onscreen (2) 21:24;22:1;30:3,7,14, 23,25;31:4;33:10,15, 19:34:1;39:1,11;	onto (1) 41:2;47:18,23,25;	others (1) 70:20	
non- (1) 77:4	48:3,15;58:23;65:7, 13,20;66:6,9,17,20; 80:8;81:18,21;84:17, 20,24	open (2) 6:15	ought (1) 71:25	
none (1) 87:13	OATES (1) 22:5	open (2) 12:17;89:6	ourselves (1) 18:6	
noon (1) 83:14	obviously (1) 67:10	open- (1) 31:16	out (21) 18:23;27:5;36:6,7;	
nor (1) 27:14	occasionally (1) 86:2	opened (2) 15:24,25	37:18;38:5;42:2,23;	
normal (2) 41:6;47:3	occupied (2) 66:20;78:18	opening (1) 14:11	45:24;50:4;53:22;	
normally (1) 41:11	occurrences (1) 19:15	open-minded (1) 31:13	58:1;60:2;76:10,19;	
Norman (10) 13:6,9;14:11,22; 15:20;36:12,13;37:7; 40:2,21	occurs (2) 47:6,13	opens (1) 16:12	79:1,1,9,9;83:11;	
north (30) 6:16,22;8:12;9:20; 12:23;13:21;18:19; 21:3;28:17;29:2,4; 36:3,4,9,10;37:8,9,9, 10:38;25:48:23;49:6, 15,21;51:25;52:15, 20:55;18:59:5;68:16	off (9) 25:5;27:4;28:7; 33:22;65:21;70:22; 74:9;77:4;88:17	operated (1) 13:19	87:20	
northeast (2) 24:9;70:24	offer (1) 62:15	operating (5) 6:20;19:22;30:5, 25:75:16	outside (3) 19:23;39:7;71:9	
northern (2) 5:16;46:9	offered (1) 62:12	operation (11) 6:25;9:17;14:21, 23:16;22;19:16,25;	over (19) 10:3;13:10;15:16;	
noted (4) 8:8;50:25;70:2; 90:8	offset (1) 25:5	21:5;54:6,11,13	20:6;21:19;23:10;	
notified (1) 5:12	often (1) 41:2	operational (1) 31:9	24:20;28:13,22;36:1;	
		operations (9) 6:20;7:16,20;13:4, 22;38:4,22;50:23;	41:6,12;43:14;60:25;	
		55:20	63:8,16;75:14;77:2;	
		opinion (5) 52:5;64:23;85:7, 12,14	82:9	
		opinions (1) 75:9	overall (1) 17:2	
		opportunity (3)	overburden (5) 31:21,22,24;32:7, 10	
			overhead (2) 57:13;86:1	
			overpressure (1) 44:23	
			own (2) 18:3;69:11	
			owned (3) 13:19;35:13;68:16	
			owner (4) 25:5;63:19,25;64:8	
			ownership (1) 13:5	
			percent (3)	

14:23;44:19,21 percentage (1) 61:17 perfect (1) 72:4 perhaps (2) 77:24;86:2 period (2) 36:12;41:12 permit (17) 5:7;7:1;11:8;2; 9:18;10:14;12:12; 13:17;25:4,9,18,21; 41:19,25;61:9;75:16; 76:13 permits (1) 12:15 permitted (2) 6:18;23:15 persistent (1) 45:21 person (2) 22:17;34:20 personally (2) 45:9;76:14 perspective (5) 75:20;76:10,16; 77:22;80:21 Phase (2) 28:16,19 phenomenon (1) 20:20 phone (1) 48:10 physical (1) 44:10 piece (3) 14:4;29:25;89:2 pieces (2) 83:19;88:6 pit (15) 5:24;6:2,5;10:7; 11:8;24:4,15,17,18; 19:25;14:57:12; 75:23;23;88:7 pits (1) 7:2 place (13) 18:8;21:13;28:14; 34:25;53:23;57:18; 58:19;61:15;23;72:4; 8:77:20;79:7 places (3) 37:7;88:10,11 plain (2) 10:6,8 plan (39) 5:15,21;6:3;7:2,8, 21:8;8,9,14,16,23; 10:17,17;12:9;18:3; 22:20;24:1,2;28:5,6, 12,25;50:11;53:11, 13,15;56:21;65:11;	80:13;81:2,3,4,4,7, 11,14,17;89:25;90:19 planes (1) 57:13 Plank (1) 6:22 planned (2) 5:18;87:3 Planner (1) 75:1 Planning (9) 12:7,24;33:8;34:7; 60:15;71:15;80:2; 86:25;89:20 plans (2) 38:16;56:7 plant (1) 86:1 plat (1) 81:6 plead (1) 12:20 please (4) 5:25;33:11;40:25; 58:13 plenty (1) 15:18 plus (2) 32:12;83:17 pm (1) 91:4 podium (1) 58:10 POINSETT (2) 22:16,19 point (9) 21:18;31:2;60:18; 63:3;69:4,24;72:23; 75:1;80:2 pointing (3) 40:10;65:16;66:16 policy (1) 12:14 portion (4) 5:19;37:6;61:17; 86:15 portions (1) 5:16 position (1) 81:25 possible (3) 44:12,13;84:21 possibly (1) 22:13 potential (4) 18:24;19:12;45:16, 20 potentially (1) 20:1 pounds (4) 37:4;40:12;41:10; 44:15 Powder (8)	34:22;35:4,6,7,9, 10,16;36:21 power (1) 86:1 Powers (1) 35:9 practicing (1) 45:12 precise (1) 81:5 prepared (2) 5:22;56:9 presence (1) 63:4 present (5) 23:3;24:18;28:5; 68:16;89:19 presentation (1) 56:25 presented (4) 12:13;23:13;90:4,7 presenting (1) 21:21 preservation (1) 18:5 president (3) 13:3;49:13,17 pretty (5) 35:15;37:16;43:10; 72:17;89:9 prevent (2) 77:1;80:19 previous (1) 56:1 previously (2) 23:12,15 prime (1) 18:5 principal (1) 63:20 Prior (5) 6:16;9:12,14;36:3; 77:3 probably (4) 41:7;48:4;64:4; 82:8 problem (6) 32:2,5;52:10;72:2, 2,21 problems (1) 16:12 proceeded (1) 46:3 proceeding (1) 91:3 process (5) 20:13;38:7;40:8; 70:14;80:17 processing (1) 15:6 produce (1) 54:10 product (2)	17:23;36:8 products (2) 13:14;15:3 Program (2) 51:1,3 programs (2) 37:23;40:17 progress (1) 84:14 progressed (1) 39:17 project (1) 10:21 projects (2) 14:13,19 properties (8) 46:12;50:9,16; 51:14;52:8,24;53:17; 55:12 property (92) 5:13,17;7:6;8:12, 13:9;8,9,10;11:8; 14:5;16:20;18:18; 20:10;21:2;22:21; 25:5;26:20;28:19; 29:25;32:25;33:6,22, 25:34;4:42;13:43:9; 46:9,13,16,25;47:12; 48:19;50:4,12,13; 51:15;52:13,18,19, 20,22;53:1,7,10,16; 54:19;55:18,20; 56:12,15;60:19,22, 23:61;17,18;62:12, 19,19;63:2,18,23,25; 64:1,1,5,7,8;65:11, 18:66;21;67:7;68:15; 69:12;70:17,23; 72:10;75:4,6;78:6,9, 11,12;79:19;80:4,20; 83:20;87:20;89:3,10; 90:5,14 proposal (2) 60:8;75:23 proposed (7) 5:20;7:10,21,24; 54:7;89:25;90:9 proposing (3) 25:7;62:24;90:18 protect (3) 19:22;51:2;63:19 protected (2) 19:24;39:9 protection (1) 90:21 protective (1) 62:3 proud (1) 15:16 provide (4) 13:23;15:3;17:23; 54:21 provided (5)	11:16;14:12;51:7; 54:20;83:4 provides (3) 46:23;78:9,10 proximity (2) 53:18;79:15 psychological (3) 77:11;79:8;82:18 psychologically (1) 78:20 pubic (1) 54:1 public (5) 12:17;50:20;87:13; 89:24;91:1 Pulte (30) 5:10,11;6:12;8:9, 10;10:13,24;11:16; 18:17,22;19:8;24:6, 6:26;23:27:6,17; 42:1,10,12;52:14; 61:5,15;62:7;64:20; 69:18;76:2;80:15; 88:16,18;89:1 Pulte's (2) 62:1,8 purchase (1) 5:13 purchased (1) 75:3 purchasing (1) 76:23 purple (17) 5:23,25;6:8;17:4; 27:4;28:8;29:18; 31:12;34:17;56:5; 71:5,5;72:14;88:10, 11;90:1,3 purposes (2) 23:17;55:22 pushed (1) 62:25 put (14) 6:8;9:4,5,12;37:19; 41:5;44:20;60:2; 61:22;73:4;79:7; 89:2,5,9 putting (1) 82:22
Q				
				quality (8) 14:9,11;15:12,13, 13;25:18,19;54:11 quantify (1) 46:2 quarries (5) 20:22;49:21;77:9; 79:4,7 quarry (62) 6:20,25;8:9,12; 9:17;10:3;13:6;14:5,

12,22;15:21,24;19:9; 22:2,6;24:6;28:6,22; 36:12;37:7;38:9,12; 40:2,21;50:13,23,25; 51:16;52:2,6,10,11, 16,22;53:10,22;54:6; 57:11;59:2;61:4,21, 22;62:14;63:10,15; 65:2,13,14;66:7,10; 68:16;70:20;73:5,8; 74:22;75:2;77:19; 78:12;84:1,11;85:24; 90:22	52:11;57:24;77:4; 80:18;89:2,7,11	regulated (4) 15:12,12,14;25:16 rear (1) 64:1 reason (8) 16:16;27:4;28:7; 71:18;72:1;74:24; 80:13;86:4 reasonable (3) 31:13,17;62:16 reasoning (1) 13:15 reasons (2) 14:7;69:24	19:4;22:25;26:9; 76:1,5 reside (1) 60:17 residence (3) 65:9;66:16;71:1 residences (1) 47:16 residential (7) 17:13;18:20;51:22; 61:18;87:21;88:6,9 residents (2) 51:24;71:18 resolve (1) 64:13 rest (1) 11:21 restricting (1) 16:11 restrictions (2) 30:4,8 restrictive (1) 5:9 resurfacing (1) 14:19	64:7;65:19,20,21; 66:1,4;67:12;78:8,8, 14,17;86:21;87:1 roads (3) 14:16;17:22;37:13 rock (4) 37:25;44:18,21; 49:21 room (1) 76:6 rough (3) 28:16;37:5,8 roughly (2) 17:12;75:22
Quarry's (4) 13:9;36:13;55:10; 63:4				
Queens (2) 49:1,2				
quickly (2) 88:14,16				
quite (5) 18:10;27:16;40:18; 61:25;89:8				
R				
Randy (27) 5:2;6:7;9:4;10:23; 12:4,8,9,16,24;18:14, 16:24;4:27;18:57:3; 58:2;59:9,14;61:16; 73:10;80:21;81:13; 82:1;87:22;22;89:15; 90:12,19				
range (1) 36:17				
rate (1) 17:20				
rather (1) 66:13				
raw (1) 16:20				
reach (3) 20:4;62:14;88:21				
reached (4) 26:23;41:20;42:21; 61:7				
read (1) 75:7				
reading (1) 33:2				
readings (1) 44:11				
Real (4) 49:14;52:7;69:10; 85:23				
reality (1) 28:3				
really (22) 14:22;15:25;16:3, 16,19;17:1,25;18:22; 19:5;20:6,14;23:7; 39:17,20;50:17;				
S				
sacrifice (1) 19:18				
safe (3) 38:24;40:21;76:19				
safely (3) 36:18,20;76:13				
safety (6) 15:14;50:20;76:9, 15:77;22;89:24				
Saine (2) 65:20,21				
sale (2) 52:8,9				
sales (2) 41:4;52:21				
same (4) 16:23;31:1;53:23, 25				
Sand (1) 5:4				
sandstone (1) 13:23				
saw (1) 51:25				
saying (6) 36:23;60:5;72:20; 81:7,9;88:17				
scale (1) 72:13				
scenario (1) 72:7				
scientific (1) 37:16				
scope (1) 17:11				
screening (1) 51:18				
se (1)				

42:15	Seymour (46)	significance (1)	so's (1)	19:10;29:4;64:21;
second (4)	64:11,16;66:13;	56:1	25:14	77:18;89:15
27:23;30:12;51:4;	74:3,4,4,16;78:5,15,	similar (4)	sound (14)	standards (13)
90:10	23;79:2,9,23;80:1,7,	10:14;17:11;20:5,	44:7;45:3,22;	7:12,14,19;17:9;
secondly (2)	12;81:3,9,13,20,22;	19	46:11,15,18,19,23,	18:3;20:18;29:7,8,
14:9;18:7	82:5,8,12,17,21;83:2,	simultaneously (2)	24:47:3,8;48:9;	12:51:6;64:23;89:13,
secret (1)	6,10,17,22;84:2,13,	46:9;47:2	74:18;84:5	22
22:8	18,25;85:4,11,16,18,	single (2)	SoundPLAN (1)	standing (6)
Section (1)	22;86:10,18,20,24;	16:23;51:21	46:5	33:23;34:2,10,12;
7:8	87:2,7	single-family (2)	57:9;61:14	standpoint (2)
security (1)	shakes (1)	65:10;66:16	south (10)	42:17;64:17
16:25	43:15	17:13	24:6,13;46:10,24;	Stapleton (13)
seeing (1)	shall (1)	18:11	49:6;51:21;53:17;	58:6,8,11,14,14,25;
20:19	7:11	shapes (1)	59:5,11;72:8	59:3,6,8,12,20,22;
seeking (1)	13:25	13:25	Southeast (1)	60:10
16:17	share (1)	13:8	38:11	start (1)
seem (1)	20:14	sharing (1)	32:4	32:4
16:8	13:8	13:8	started (4)	25:23;26:11,15;
seemed (2)	Shea (39)	9:9;10:15,16,20,	35:11	34:4;28:18
71:22;72:21	25:20:4;22:20;32:18,	25:20;34:5,13;42:15,	State (32)	35:11
seems (1)	19:51:23;52:14;	19:51:23;52:14;	9:22;13:21,22;	9:22;13:21,22;
64:22	60:20;62:7;63:1,6,16,	60:20;62:7;63:1,6,16,	14:2,24;15:21;18:4;	14:2,24;15:21;18:4;
seismic (1)	18,21;64:10,14;65:2;	18,21;64:10,14;65:2;	19:10;25:9,18;29:2,7;	19:10;25:9,18;29:2,7;
44:11	66:5,7;67:13;68:19;	66:5,7;67:13;68:19;	8,11,14,21,21,23;	8,11,14,21,21,23;
seismograph (1)	69:2;70:14,19;71:14;	72:24;76:15;82:25;	34:24;35:1;37:10;	34:24;35:1;37:10;
43:12	72:24;76:15;82:25;	83:16,19	38:25;39:10,10,16;	38:25;39:10,10,16;
self-consuming (1)	Shea's (3)	Shea's (3)	40:2,14,23;43:23,24;	40:2,14,23;43:23,24;
22:10	61:24;67:11;75:1	61:24;67:11;75:1	49:17;58:12	49:17;58:12
sell (2)	shortest (1)	shortest (1)	statement (1)	statement (1)
35:14;62:12	48:20	48:20	87:19	87:19
selling (1)	shot (1)	shot (1)	states (1)	states (1)
60:19	39:5	39:5	5:8	5:8
sense (3)	show (8)	show (8)	statewide (1)	statewide (1)
27:17;74:11;84:22	10:19;23:16;32:23;	10:19;23:16;32:23;	29:4	29:4
separate (1)	55:18;56:6;58:23;	55:18;56:6;58:23;	stay (2)	40:13,15
9:16	59:1;88:7	59:1;88:7	step (1)	21:15
served (2)	showed (2)	56:14;73:11	still (12)	24:21;43:19,23;
49:9,18	52:14;73:21	56:14;73:11	48:13;53:18,22;	48:13;53:18,22;
service (1)	shown (8)	52:14;73:21	60:22;66:17,21;	60:22;66:17,21;
15:3	6:2;7:1;11:7;	52:14;73:21	68:16;69:11,14	68:16;69:11,14
serving (1)	16:10;27:4;56:4,5;	52:14;73:21	stone (2)	14:5,12
49:16	80:23	52:14;73:21	stood (1)	57:22
set (8)	shows (8)	52:14;73:21	stops (2)	26:13
16:12;32:21;33:2;	5:22;8:8,14;10:16,	52:14;73:21	spring (1)	87:2,3
40:14;70:18,21;	19:52:21;53:15;	55:17	64:24	street (1)
71:11;72:16	55:17	shut (1)	52:1	52:1
setbacks (2)	6:2;7:1;11:7;	51:11	strict (1)	53:6
7:16,18	16:10;27:4;56:4,5;	side (8)	20:17	20:17
sets (1)	80:23	9:20;15:14;20:23;	strippings (1)	25:12
7:16	shows (8)	58:20;59:11;72:8,9,	25:12	25:12
setting (2)	5:22;8:8,14;10:16,	19	strong (2)	15:17;18:10
62:18;70:16	19:52:21;53:15;	sight (2)	15:17;18:10	structure (2)
settled (1)	55:17	79:1,9	39:9;44:2	39:9;44:2
14:6	shut (1)	signed (1)	standard (5)	
seven (8)	51:11	68:11		
17:5,8,14;19:4;	side (8)			
20:11;26:8;31:4;	9:20;15:14;20:23;			
46:15	58:20;59:11;72:8,9,			
several (5)	19			
33:8;49:20;51:24;	sight (2)			
52:7;76:11	79:1,9			
sewer (4)	signed (1)			
54:2,3,5,5	68:11			

structured (1) 64:5	45:4;69:19;88:14,16, 20	three (8) 5:7,18;13:7;14:2; 46:4;47:4;89:16,16	trees (7) 79:16;80:23;82:10, 10,11,15;84:21	underground (1) 35:19
structures (3) 7:18;21:1;46:7	talked (3) 27:1;68:7;90:4	throughout (2) 13:22;82:23	tried (2) 42:19;64:10	understandable (1) 69:24
Studies (5) 16:10;21:22;49:21; 83:1,3	talking (16) 16:19;30:14;38:3; 54:17;59:16;18;60:7; 65:8;67:21;68:6; 72:9;75:21;82:3; 84:8;90:1,2	thud (1) 57:17	triggers (1) 68:21	Unfortunately (1) 62:24
study (11) 37:19;45:4;48:19; 50:17;52:21;56:8,10, 12;77:13;83:3;90:16	tall (2) 46:10;89:16	thump (1) 57:24	trillion (1) 17:16	UNIDENTIFIED (4) 30:18,21;55:4; 70:25
stuff (2) 58:21;60:1	taller (2) 77:15,23	till (1) 88:20	trouble (1) 52:10	Unified (1) 7:9
subdivision (2) 32:19;72:4	tax (2) 54:18,18	times (3) 41:8;44:9;62:22	truck (2) 15:5;16:13	unintelligible (1) 6:3
subject (2) 50:15;53:19	Tech (1) 45:12	title (1) 69:11	trucks (4) 15:11;45:24;46:2, 17	unique (4) 16:1;26:20,22;30:1
submit (2) 81:5;88:24	technical (1) 38:11	today (17) 5:22;24:3;29:9; 39:17;40:9;56:15; 69:9;72:2;74:11,14; 75:2;76:2;78:12; 79:15,17;80:12; 83:12	true (2) 73:24,25	units (2) 18:20;83:16
substantial (2) 51:17;79:5	technically (1) 42:10	today's (1) 56:20	try (7) 44:6;54:25;64:13; 76:24;83:14;84:19; 88:15	University (2) 45:11;49:2
substantially (2) 51:15;90:13	Technological (1) 16:5	tonight (7) 13:1,5,8;15:22; 16:17;20:15;21:12	trying (6) 14:4;42:23;63:17; 70:20;71:14;72:3	unless (1) 85:2
sue (19) 19:20,22,24;26:24; 27:7,15;62:3;69:18; 70:5,9;75:7,12,14,15, 24;76:3,25;86:6; 88:22	technology (2) 40:19,20	tons (8) 17:5,8,14;19:4; 20:11;26:9;37:11; 41:9	turn (1) 21:18	unty (1) 5:1
suggests (1) 52:16	ten (10) 22:3;28:10;73:1; 76:1,4;77:24;83:18; 84:4;8;89:17	tends (1) 77:17	turned (1) 14:22	up (29) 16:12,21;25:2; 29:23;32:21;33:2,4; 14:39;23;44:22; 46:20;59:4;61:16; 70:17;71:11;72:16; 73:5,6;74:15;76:1; 77:19;78:3;84:19; 85:3;86:12;87:16; 88:3,5,15
suitable (3) 14:4;18:19;38:2	termination (1) 62:8	terms (21) 15:19;16:18;17:2; 18:15,25;19:12,15;	Twenty-four (1) 31:4	update (1) 60:21
summarize (1) 37:24	ten (10) 22:3;28:10;73:1; 76:1,4;77:24;83:18; 84:4;8;89:17	top (2) 57:17;72:8	twice (1) 41:11	upgrades (1) 17:18
summary (1) 57:7	tends (1) 77:17	top (3) 73:15;86:16;87:4	two (21) 5:15,21;14:7;18:3, 25:19;6:20;3:26:4, 12,13,16;29:19;	upon (2) 29:17;41:3
summer (1) 77:3	termination (1) 62:8	topographic (1) 9:25	type (4) 10:14;20:5;37:16; 85:4	urban (1) 37:12
supply (2) 39:4;40:5	tested (1) 44:9	topography (1) 9:25	types (1) 77:20	urged (1) 18:22
supposed (1) 76:18	testified (3) 56:9,11;90:8	total (1) 21:1	typical (1) 25:13	usable (1) 31:20
sure (3) 55:21;76:21;89:8	testifying (1) 57:2	towards (6) 22:20;28:22;46:24; 51:20;55:2;57:14	U	use (41) 5:6,7;6:14,23;7:8, 11:8;2:9;18:12;12, 15:13;16:18;3:25:11, 21:31;24:36;25:37:3,
surface (2) 32:11;35:19	testimony (1) 21:21	track (1) 15:16	UDO (3) 7:16,23;56:20	11:39;17;20;40:4; 41:19,24,25;42:2;
surrounding (7) 50:12,15;51:14,15, 19;52:24;55:11	Thanks (1) 74:7	trade (1) 22:8	ultimately (6) 14:6;19:18;75:22; 77:9;79:12;80:18	50:11;51:13;53:14, 15,16;56:21;61:9,19;
Survey (2) 8:10;24:7	thinking (1) 58:18	traffic (4) 16:14;53:20,21,25	uncomfortable (1) 79:21	65:23;77:6;78:13,14; 89:23;90:10,12,19
swapped (1) 87:21	third (2) 13:14;90:12	trail (2) 82:22,23	under (13) 5:20;6:17;7:8,14, 20,25;8:10;31:20;	used (4) 37:4,7,12,13
sworn (1) 58:10	thorough (1) 50:5	train (1) 86:2	68:19;69:11;72:7; 75:3;85:12	useful (1) 28:6
system (2) 82:22,24	though (1) 74:11	transition (1) 61:19	undergrad (1) 45:10	uses (3) 40:2;56:16;78:16
T				
talk (8) 42:20,23;44:5;	thought (3) 52:17;55:1;81:21	travel (1) 74:19	using (5)	

			<p>1</p> <p>1 (5) 8:20;9:1;28:17; 56:10,22 1,000 (1) 11:17 1,000s (1) 72:15 1/1/15 (1) 53:3 1/2 (1) 86:13 10 (5) 25:1,9;73:10,13,18 10- (1) 64:21 100 (5) 15:4;47:19,21,24; 77:25 100s (1) 72:15 10-foot (4) 32:12;46:10;73:10; 82:14 12 (1) 20:7 125 (1) 74:12 13 (2) 70:24;86:13 13.5 (2) 24:9,25 133 (2) 30:12;35:11 15 (2) 37:11;41:7 150 (1) 74:12 154A (1) 91:2 16 (3) 6:22;14:14;17:12 1600 (1) 83:16 1650 (3) 88:25;89:5,9 1650-property (1) 70:15 17 (1) 45:13 182 (1) 35:12 1833 (2) 35:8,12 185 (2) 17:10,10 1984 (2) 14:20;51:16 1985 (1) 51:17</p> <p>2</p> <p>2 (5) 8:21,24;28:19; 56:11,22 2,000 (1) 25:11 20 (8) 17:3,12;19:19; 31:20,21;32:11;36:2, 10 200 (1) 46:21 2000 (2) 6:10;45:9 2006 (2) 28:2;61:5 2007 (28) 6:3,13,17,24;7:2,4, 15,23;8:7,7,16;9:5,6, 13,14;10:13;18:16; 23:15;24:1;27:1; 29:13,17;31:10; 41:17;49:17;56:20; 61:10;62:6 2009 (1) 41:14 2012 (1) 37:5 2013 (3) 17:15;63:1,7 2014 (1) 53:2 2015 (1) 91:4 2023 (1) 83:17 24 (1) 30:16 2405 (1) 74:4 25 (1) 14:25 25,000 (1) 41:10 26 (1) 49:8</p> <p>3</p> <p>3 (3) 8:18;56:13,22 30 (9) 13:11;15:24;19:14; 22:14;54:14;82:11, 15:84:7,9 30,000 (1) 17:13 300 (1) 87:4 330 (8) 33:5,16,16,19,21,</p>

24;36:17,20 35 (2) 35:17,17 350 (2) 82:3,14	48:12 77 (1) 14:19 78235 (1) 59:12		
4	8		
4 (2) 56:16,22 40 (1) 82:11 400 (5) 11:4,9;80:8,10; 81:19 485 (1) 14:20	8:20 (1) 91:4 80 (7) 48:2,7;73:21,23, 25;74:1,9 800 (2) 11:5,10 8443 (1) 60:17 85 (1) 14:23		
5	9		
5 (4) 43:3;56:17,22;91:3 50 (21) 9:8;11:6,11;16:21; 25:1,4,8,10;29:5; 46:20;47:8;73:12,13, 13,18,23;79:18,22, 25;80:5,19 50,000 (1) 41:9 500 (2) 6:21;17:2 500- (1) 6:20 55 (1) 5:13 58 (3) 55:4,5,9	9.11.10C (1) 7:9 90 (2) 15:16;21:16 90th (1) 13:20 95 (1) 44:19		
6			
6 (2) 87:23,24 6.5 (1) 24:10 60 (2) 46:25;73:15 60-foot (2) 73:14,17			
7			
7.4 (1) 37:4 70 (3) 48:12;73:22,23 700 (2) 75:22;81:19 70s (1) 66:14 745 (1) 14:1 75 (1)			