

BOARD OF SUPERVISORS MEETING

October 6, 2008

The regular meeting of the Campbell County Board of Supervisors was held on the 6th day of October 2008 in the Rustburg High School Auditorium, Rustburg, Virginia. The members present were:

Hugh T. Pendleton, Jr., Chairman, Presiding	Rustburg Election District
Charles W. Falwell	Timberlake Election District
Stanley I. Goldsmith	Altavista Election District
Eddie Gunter, Jr.	Concord Election District
J. D. Puckett	Brookneal Election District
Hugh W. Rosser	Seneca Election District
Steven M. Shockley	Sunburst Election District

R. David Laurell, County Administrator
 Clifton M. Tweedy, Deputy County Administrator
 David W. Shreve, County Attorney
 Kristin B. Wright, Staff Attorney

The meeting was called to order at 7:00 p.m., and Supervisor Shockley gave the invocation.

// APPROVAL OF MINUTES

On motion of Supervisor Gunter, it was resolved the Board of Supervisors dispenses with the reading and approves the minutes of the September 2, 2008 regular meeting and the September 15, 2008 regular meeting as presented.

The vote was: Aye: Falwell, Goldsmith, Gunter, Pendleton, Puckett, Rosser, Shockley
 Nay: None
 Absent: None

// CONSENT AGENDA

On motion of Supervisor Goldsmith, it was resolved the Board of Supervisors approves the following appropriations under the Consent Agenda:

- (1) General Fund, Non-Departmental, deleting \$6,500 from Budget Set Aside and appropriating to Registrar, \$4,000 to Ballots & Election Supplies, \$2,000 to COMP – P/T Help and \$500 to Travel – Election Officials, costs incurred for general election and special election for Timberlake District School Board seat;
- (2) School Operating Fund, Preschool Handicapped, deleting \$1,056 from Comp Elem Teachers; and lowers estimated revenue Preschool Handicapped by \$1,056, grant lowered to match appropriation;
- (3) School Operating Fund, Special Ed, appropriating \$71,502.30 to Comp Special Ed Teachers, \$26,248.16 to Stipends, \$1,052.13 to Employer Cost FICA, \$331,567.82 to Employer Cost Health Ins., \$1,961.81 to Employer Cost Group Life and \$1,500 to Purchased Services, and deleting \$70,979.87 from Comp Teacher Aides and \$4,411.45 from Employer Cost VRS; and raises estimated revenue IDEA 611 Flow Thru Special Ed by \$358,440.90, additional funds required to match award allocation;
- (4) General Fund, Planning & Development – Town of Brookneal, deleting \$5,000 from Town of Brookneal; and increasing the Undesignated General Fund Balance by \$5,000, per agreement with Town for them to take over responsibility of billing for trash disposal services for businesses located within the Town;

The vote was: Aye: Falwell, Goldsmith, Gunter, Pendleton, Puckett, Rosser, Shockley

Nay: None
Absent: None

// REVIEW OF PUBLIC HEARINGS AND RULES OF CONDUCT

Administrator Laurrell took a few minutes to introduce the three public hearings scheduled for this meeting and review the public hearing guidelines. Petitioners were allocated fifteen (15) minutes to present their request to the Board. Following the petitioner's presentation, speakers would be called forward by staff, alternating between those in favor of the request and those opposed to the request. Any speaker representing a group would be afforded five (5) minutes for their presentation and individuals would be afforded three (3) minutes. The time keeper would announce when the time had expired for each speaker. The speaker was expected to conclude his comments and allow the next speaker to speak.

Chairman Pendleton reminded everyone to act in a professional and courteous manner and allow each speaker to present their information, uninterrupted, regardless of whether or not you agreed with the information being presented. He asked everyone to refrain from applause and not subject others to derogatory comments, gestures or disruptive behavior. Those engaging in inappropriate behavior would be asked to leave the public hearing or escorted out if necessary. Chairman Pendleton asked that everyone have respect for each other's right to provide their perspective. The people speaking tonight in many cases, whether for or against a particular proposal, were neighbors and friends and the Board wanted everyone to continue to be neighbors and friends after tonight.

// PUBLIC HEARING – REQUEST BY JEREMY FUNDERBURK, EVINGTON IRON WORKS – REZONE 1.5 ACRES

The first public hearing was opened at 7:09 p.m. on:

#09-00131 Request by Jeremy Funderburk, owner, to rezone approximately 1.5 acres from Business-General Commercial to Business Heavy Commercial for expansion of an existing business. The property is located near the intersection of Miles Lane and Colonial Highway in Evington. The area is designated for medium to high density mixed uses per the current Comprehensive Plan.

Paul Harvey, Director of Community Development, explained this was a request to rezone 1.5 acres from B-GC, Business General Commercial, to B-HC Business Heavy Commercial, for expansion of an existing metal fabrication and powder coating business. The property was located at 314 Miles Lane (Route 683) in the Altavista Election District. Evington Iron Works started as a one-man operation doing custom iron work. The business has expanded several times, added employees and acquired adjacent properties. The applicant now desires to add powder coating to the expanded metal fabricating business. The intended scope of the business is appropriate for heavy commercial rather than general commercial zoning.

Zoning in the vicinity was Business General Commercial (B-GC), Residential, Multi-Family (R-MF) and Agricultural (A-1). Miles Lane would serve the property, and the request would have a relatively small impact on the traffic volume as the business expanded. No VDOT traffic impact analysis was required for the request. The request was generally consistent with the Comprehensive Plan, and the Planning Commission recommended approval by a vote of 6-0, with one member absent, citing good zoning practice.

Jeremy Funderburk, 350 Langhorne Road, Lynchburg, requested approval to rezone his property to heavy commercial for Evington Iron Works established in 2004. Evington Iron Works provides wrought iron products such as railings, driveway gates and staircases. He also does welding and repair. Mr. Funderburk would like to expand his business to include powder coating to control the quality of the product. Evington Iron Works employs seven (7) employees

In answer to a question by Supervisor Puckett, there was no residue from the powder coating process, only a plastic like block in the oven that is thrown away. There were no environmental hazards from the process.

There was one person signed up to speak in favor of the request.

Michael Savela, 4821 Dearborn Road, Evington, was representing the Evington Community Association. The Evington Community Association was created to provide insight to the Board on issues impacting the Evington community. Everyone in Evington was interested in slow, methodical growth as reflected in the Comprehensive Plan. While everyone was sad to see the Evington Country Store close when Evington Iron Works moved to its new location, Evington Iron Works was the future. It was an example of the small, family-type business that Evington wanted. The growth of this business was proof that the Evington community was business friendly as long as that business was locally responsible, environmentally friendly and fitting with the long term vision of Evington’s charm and character. For these reasons, the Evington Community Association supported the rezoning request.

No one spoke in opposition to the proposed rezoning. The public hearing was closed at 7:16 p.m.

Supervisor Goldsmith directed a question to Mr. Harvey about the process once a rezoning request was approved. Mr. Harvey indicated if construction or a certificate of occupancy is involved, the applicant has to come back to the office to receive a permit to conduct that type of business and that usually does not involve a change in the business license. Administrator Laurrell added a zoning permit would not be issued until the business license and taxes were current.

On motion of Supervisor Goldsmith, it was resolved the Board of Supervisors accepts the recommendation of the Campbell County Planning Commission and citing good zoning practice **APPROVES** Request #09-00131 by Jeremy Funderburk, owner, to rezone approximately 1.5 acres from Business-General Commercial to Business Heavy Commercial for expansion of an existing business on property located near the intersection of Miles Lane and Colonial Highway in Evington in the Altavista Election District.

The vote was: Aye: Falwell, Goldsmith, Gunter, Pendleton, Puckett, Rosser, Shockley
Nay: None
Absent: None

// PUBLIC HEARING – REQUEST BY JOHN CAUDILL, SPECIAL USE PERMIT TO ALLOW SECOND DWELLING UNIT, RUSSELL SPRINGS

The second public hearing was opened at 7:19 p.m. on:

#09-00195 Request by John W. Caudill, co-owner, for a special use permit to allow creation of a second dwelling unit within the main dwelling for use by immediate family members. The property is located at 234 Russell Springs Drive, approximately one-quarter mile north of English Tavern Road. The area is designated for medium to high-density residential uses per the current Comprehensive Plan.

Mr. Harvey reviewed the staff report indicating this property was located in the Russell Springs Subdivision in the Concord Election District and was currently a single-family dwelling. Russell Springs Drive serves the property, and the property was served by existing public utilities. The property was in an area designated for medium to high-density residential development, and this type of request was typically handled on a case-by-case basis. A second dwelling unit with the main unit was permitted by special use permit if the occupants were part of the same immediate family. The Planning Commission recommended approval by a vote of 6-0, with one member absent, and no special conditions upon the special use permit.

John Caudill, 234 Russell Springs Drive, requested the Board’s approval in order to finish about 1200 square feet of additional living space for his elderly mother and father.

No one spoke in opposition to the proposed rezoning. The public hearing was closed at 7:22 p.m.

Supervisor Gunter commended Mr. Caudill for providing a home for his elderly parents. He offered the following motion:

On motion of Supervisor Gunter, it was resolved the Board of Supervisors accepts the recommendation of the Campbell County Planning Commission and **APPROVES** Request #09-00195 by John W. Caudill, co-owner, for a special use permit to allow creation of a second dwelling unit within the main dwelling for use by immediate family members on property located at 234 Russell Springs Drive, approximately one-quarter mile north of English Tavern Road, in the Concord Election District.

The vote was: Aye: Falwell, Goldsmith, Gunter, Pendleton, Puckett, Rosser, Shockley
 Nay: None
 Absent: None

// PUBLIC HEARING – REQUEST BY BOXLEY MATERIALS COMPANY, REZONE 488 ACRES WITH SPECIAL USE PERMIT TO CONSTRUCT AND OPERATE ROCK QUARRY, COLONIAL HIGHWAY NEAR EVINGTON

The last public hearing was opened at 7:23 p.m. on:

09-00048 Request by Boxley Materials Company to rezone approximately 488 acres from A-1 Agricultural and R-SF Residential-Single Family to I-H Industrial-Heavy with a concurrent special use permit request to construct and operate a rock quarry. The property is located on Colonial Highway, approximately one and one-half miles east of Evington, Virginia in a designated transitional growth area per the current Comprehensive Plan.

Mr. Harvey reviewed the staff report indicating the rezoning request had been amended and reduced in scope to apply only to a 353 acre portion of the subject property. The designated portion was requested to be rezoned from A-1, Agricultural, to I-H, Industrial-Heavy with a concurrent special use permit to construct and operate a rock quarry. The property was located on Colonial Highway in the Seneca Election District in an area that was primarily agricultural and residential in nature. The zoning in the vicinity was A-1, Agricultural, Residential Single Family, and Business General Commercial. A portion of the property along the western and southern border was located in the FEMA 100-year floodplain for Flat Creek and its tributaries. The quarry would be accessed from Colonial Highway (Route 24) which had an average daily traffic volume of 1200 vehicles for the six and two-thirds segment from Evington to Route 29, Wards Road. The request would have an impact on the daily traffic flow for trucks entering and leaving the subject property, which was estimated to be 275 to 300 per day. That estimated amount of traffic did not meet the threshold for requiring a traffic study to be submitted to VDOT; however VDOT would have to approve the commercial entrance for the request including any left and right turn lanes that may be required as part of the entrance. The property was proposed to utilize private well and septic systems; however public water was available along Colonial Highway if needed. Proffers were submitted with the amended request, and they included the elimination of twelve potential uses from the list of those normally associated with industrial heavy. The proffers also included a 300 foot buffer along the property boundaries, additional screening with landscape berms as well as several specific requirements on operation of the quarry itself.

The Comprehensive Plan designated the area for transitional growth. The area was served by a state primary highway which was State Route 24. Public water was available to the area along Colonial Highway. The Planning Commission considered the request and recommended denial by a vote of 4 to 2 citing the general welfare of the community.

Before hearing from the petitioner, Administrator Laurell brought the Board's attention to three items given to them prior to the meeting. One was an addendum packet of letters both in support and in opposition to the request that were received after the publication of the Board packet. There were 41 letters of support, 5 letters of opposition and 56 postcards in opposition. Additionally the Board received three e-mails after the Board packet was distributed in opposition to the rezoning request. Also at their place was a copy of the power point presentation that Boxley would use at the meeting. Looking at the sign-up sheet of speakers, Administrator Laurell estimated it would take at least six (6) hours to hear everyone. The Board may want to consider continuing the public hearing until the following evening. Chairman Pendleton added that he received approximately six (6) letters at home from citizens asking that

they be made part of the public record. If they were not already included in the Board's package, he would file them with the Clerk.

Chairman Pendleton called for comments from the petitioner.

Ab Boxley, President of Boxley Materials Company, lives at 301 Willow Oak Drive, Roanoke, Virginia. He was representing over 64 businesses and residences with at least 1,200 employees whose jobs and families were directly linked to Boxley's application. Their names were included in an ad in Sunday's newspaper. On July 28th he stood before the Planning Commission as a company with a request. At this meeting he was representing a community with over 762 people interested in the future of Campbell County. Mr. Boxley presented into the record a booklet of citizens in support of the Flat Creek Quarry from all across Campbell County. The request before the Planning Commission was to rezone all 488 acres on the south side of Route 24 from A-1 Agricultural and R-SF Residential-Single Family to I-H Industrial-Heavy with a special use permit to operate a rock quarry. They were not requesting a rezoning of the 426 acres on the north side of Route 24. That property would remain agricultural and as open space. Included in the packet was a copy of the studies performed at the site, and experts would be speaking throughout the meeting to address those studies. Mr. Boxley wanted the Board to know that Boxley heard the concerns expressed by the Planning Commission and the citizens. The new plan was to address the concerns of the citizens, simplify their request and put their assurances in writing. Based on the feedback, Boxley has amended its application, and he would address three major themes that came from the Planning Commission – the size of the site, water issues and property values.

Boxley has amended its application by removing the 135 acre residential parcel on the east side of the property. They were now requesting rezoning of the remaining 353 acres and have proffered a 300 foot natural buffer around the entire site. In addition they have 55 acres of the Flat Creek riparian preserve along the western boundary for a total of 110 acres of natural buffer. Its mining and processing operations would only be on the remaining 243 acres. The proffers also include no commercial entrance from Blackwater Road, no asphalt or concrete plant or any other industrial heavy use.

As to water, while it was highly unlikely its operation would affect wells, Boxley has developed a groundwater protection plan that would protect their neighbors and provide them with written commitments that well issues would be resolved at Boxley's expense. They have shared a summary of the plan with the neighbors and highlighted as follows. An independent team would be established to monitor water issues, consisting of a hydrologist, member of the Evington community leader and a Boxley team member, and a \$150,000 fund established to pay for water repairs when the quarry opens. Boxley would drill a new well or provide a public water connection if there was a problem. All well water records would be posted on their website starting next year. This plan was a binding commitment that extends for the life of the operation.

The third major concern was property values. Much has been made of a study by Upjohn Institute in Michigan. Its hypothetical findings were based on another study of the impact of an operational gravel pit, not a quarry, on house values in Delaware County, Ohio. This study was not available to the public. It used regression analysis to project and correlate changes in property values to distances from the gravel pit. At least four other published studies show that well landscaped and buffered quarries have no impact on local property values. One study by faculty at Ohio Wesleyan University looked at actual repeat sales near a quarry in this same county in Ohio, and they concluded "property owners have not experienced a negative impact on their property values as the result of being located adjacent to an existing quarry." Mr. Boxley displayed pictures of properties located within site of its Blue Ridge Quarry and Lawyers Road Quarry.

Everyone was well aware that this area of Campbell County has been designated as a transitional growth area. Boxley wanted to help plan for growth and provide amenities this site affords the County. To that end they have made a written offer to Campbell County to fund a park in Evington that was designed by the citizens with funds from Boxley to substantially complete it. Regardless of the park, he asked what other developer would set aside 73% of the land they owned. What other development has 671 acres of open space and managed forests? What other development preserves such a large tract of land in natural buffer and provides

opportunities to enhance the Flat Creek riparian area environmentally. Knowing it was important how things looked, Mr. Boxley showed pictures of three other Boxley sites. A Flat Creek screening berm would be established long before the quarry was opened to preserve the natural beauty of the community. Another diagram was displayed showing what the property could look like once the quarry was closed. In Henry County a former quarry now had a golf course and retirement community. Other proffers stipulate that trucks would be legally loaded and covered with a tarp, the entrance and customer access roads would be paved, any dust would be controlled by the best available technology including high volume wet suppression, dry collection or the equivalent, and a truck wheel wash for all commercial truck traffic would be installed near any exits using recycled water. Blasting would be limited by a mining permit approved by the Division of Mineral Mining, and no explosives would be stored on-site. A permanent seismograph would be installed at the point on the property that was in closest proximity to the nearest non-company dwelling. Mr. Boxley added that blasting would consist of about one (1) second per week or less than one (1) minute per year.

Mr. Boxley outlined some of the benefits of a local stone quarry. Local stone was fundamental to the infrastructure of a community providing availability and lower construction costs due to lower transportation costs. The economic annual impact of this operation is over \$35 million per year. Its employees enjoy excellent compensation and benefits with an average annual salary at the Lawyers Road Quarry of \$46,000. They plan to invest over \$23 million that would add to Campbell County's tax base, and the only incentive needed was the Board's approval of the rezoning and special use permit application. Boxley has been in Campbell County for more than 50 years providing the aggregate needed to build and sustain a viable community. He felt Boxley was responsible for providing a long term high quality source of aggregate for the future. They have worked hard to address the concerns of the community and develop a site plan that buffered the operations from the community as well as providing written commitments and proffers to assure the citizens were protected. He asked for approval of the application.

Administrator Laurrell clarified for the Board and the audience that the groundwater protection plan and the proposed park were not proffers but rather commitments from Boxley. The Board was not legally authorized to accept cash proffers.

Chairman Pendleton called for any questions from the Board for the petitioner.

Supervisor Goldsmith noted the list of industrial uses that were proffered did not include all of the industrial uses that could be permitted. Mr. Boxley wanted to make it clear they were not asking for any of the uses listed or any other use except what was in the application. Supervisor Goldsmith asked if Boxley might provide the studies he referred to regarding property values. Mr. Boxley indicated he could provide at least four other studies including the Ohio Wesleyan study. Supervisor Goldsmith asked about the location of the other 18 sites that Boxley looked at in the County. Mr. Boxley indicated they all ran from the northeast and southwest through Campbell County and could provide a map of the 18 sites.

At this time the Board heard from the citizens that signed up to speak.

Roy Griggs, 5980 Lawyers Road, Evington, Virginia, was speaking on behalf of Clean Air Associates. Referring to the research that was provided to the Board, documented evidence indicates that the property tangent to the Boxley property contains at least one of the asbestos materials called tremolite. In the late 1800's several areas of Evington were exploited for their mineral reserves. Technical documents indicate that earth materials lying within the belt from the Phillips and Saunders properties southwesterly toward the Hewitt mine property contain the substance tremolite. The Hewitt mine was reported to have been highly charged with manganese oxide. Tremolite occurs both in the black clay and in the fresh crystalline limestone. The aerial overview maps show these past mining areas and the Boxley property lie in the same northeast/southwest line giving reason to believe the Boxley property has the same components of the earthen overlay as the other properties documented to contain tremolite. Asbestos was a known carcinogen. Mr. Griggs quoted from a 2002 Duke University study, "Conclusions: We conclude that tremolite in lung tissue samples of mesothelioma victims derives from both talc and chrysotile and that tremolite accounts for a considerable fraction of the excess fiber burden in end users of asbestos products." Disturbing the tremolite material by mining/crushing

operations would put residents at elevated risk of health conditions including lung cancer, pulmonary fibrosis, mesothelioma, silicosis and other disease.

Nancy Griggs, 5980 Lawyers Road, Evington, Virginia, was representing Lawyers Road Neighbors. She spoke on the hazards of air born pollutant materials such as silica. Crystalline silica was a basic component of soil, sand, granite and other minerals and may become respirable size particles when workers chip, cut, drill or grind objects that contain crystalline silica. Silica has been classified as a human lung carcinogen that could cause silicosis which in severe cases could be disabling or even fatal. The respirable silica dust enters the lungs and causes the formation of scar tissue, thus reducing the lungs ability to take in oxygen. There was no cure for silicosis. Mrs. Griggs read from a warning written on Boxley invoices: "Avoid Breathing Dust From This Product. This product contains crystalline silica. Prolonged and repeated breathing of crystalline silica dust can cause a progressive lung disease called silicosis. Some researchers have reported that there is evidence that prolonged and repeated breathing of crystalline silica dust might cause lung cancer. Either silicosis or lung cancer can result in permanent injury or death." She asked the Board to protect our environment and deny the rezoning and special use permit application by Boxley Materials Company.

Carter Elliott, 2112 Suburban Road, Lynchburg, Virginia, was representing the Campbell County Farm Bureau. The Farm Bureau at its annual meeting on September 27, 2008 voted to support the Boxley Quarry rezoning application unanimously. They believed the gravel produced was essential to farm operations from the stone used on farm roads to the concrete used for barnyards, construction of farm buildings and even the roads to their homes. Everyone expects to have good roads and having stone locally cuts down on building costs. This area already lacked four lane and bypass roads and denying the rezoning application would affect future progress in the area. Without a local supply of gravel, development would slow to a snail's pace. Boxley has proven itself to be a good neighbor at its present site giving an example of the care Boxley took when they discovered and relocated an abandoned cemetery on the site. He urged the Board to approve the rezoning application.

June Beaver, 5630 Dearborn Road, Evington, Virginia, was representing the Student Safety Association who were concerned for the safety of its many elementary through high school students. Mrs. Beaver was concerned about the safety of children at bus stops and children travelling to school on Route 24 as 275 to 300 gravel trucks were added to the daily traffic. There were six (6) Campbell County Schools that used Route 24 between Evington and Rustburg. She indicated the Director of Transportation for Campbell County Schools believed that approval of the Boxley application would be a safety concern.

Ted Dean, 40 Nancy Court, Christiansburg, Virginia, works as a certified professional geologist in Virginia, North Carolina and South Carolina. His firm was engaged to study the geology and ground water at the Flat Creek site. Mr. Dean outlined the major elements of that study. They collected and analyzed over 2,600 feet of rock cores at the site from eight different locations around the property and drilled three wells in order to conduct a pump test. The results of the tests led him to conclude that the rocks at the site were very fine grade or dense and the ability of the aquifer to transmit water was very low. The coring data, the fracture trace analysis and the pump test indicate that the risk to the local water supplies was negligible.

Addison Mason, Sr., 8291 Colonial Highway, Evington, Virginia, indicated the landowners and residents of Campbell County petition that the land rezoning and special use permit be denied for the general welfare of the community, and for the exposure and release of elements harmful to the environment and human health. He presented into the record a petition signed by 493 persons over the age of 18 years who were legal residents or landowners of property within Campbell County.

Dr. Steve Koenig, 3014 Watercrest Drive, Charlottesville, Virginia, spoke on the potential health effects of the proposed quarry. Based on his analysis of the data and 18 years of experience with occupational lung disease he concluded this quarry would have no significant health effects on residents living near the quarry. The key concept to the likelihood of developing lung problems is the level of free crystalline silica in the air causing silicosis or lung cancer. The second concept is the permissible exposure limit or PEL as set by the Mine Safety & Health Administration which governs mines and quarries. The levels were based on scientific & medical evidence and basically says if the concentration of free crystalline silica is less than

this PEL, there was no risk of either silicosis or lung cancer. Dr. Koenig looked at air sample data taken at the Mt. Athos Quarry over the last 25 years (this quarry was chosen because it mines similar stone that would be mined at the Flat Creek site). He found that the concentration of free crystalline silica was 1/20th of the PEL meaning there was no significant risk of developing silicosis or lung cancer. This data would relate to the quarry workers. The closest resident to the proposed quarry was one quarter mile away meaning the concentration of free crystalline silica would be even less by the time it reaches the closest neighbor.

Todd Woodall, 7 Chestnut Street, Fieldale, Virginia, representing the Fieldale and Carver Environmental Society, did not want the people of the Evington community to suffer as they had. They have a website that they use to post personal testimonies, photos, videos and documents that support their case. One of the documents was a Henry County Public Service Authority report that offsite water lines were affected by the blasting. They have had the quarry for over 30 years and have asked Boxley to stand up and be the good neighbor they claimed to be. His Henry County neighborhood recently submitted a petition to Boxley with 75 signatures and Boxley did not do anything. He asked the Board not to inflict this on the Evington community.

Charlie Volz, 443 Quarry Road, Piney River, Virginia, has been a close neighbor of the Piney River Stone Quarry for 28 years. During that time, his property values have increased five times. Boxley has always encouraged them to contact their office with any concerns or questions. Mr. Volz indicated they were notified whenever a blast was planned. Since their home was 2,000 to 2,500 feet from the quarry wall face, they were given an instrument to record data from the air shocks in their front yard. He travels on the same roads as the gravel trucks, and he has never heard any complaints about the drivers. Mr. Volz sometimes hears noise from the quarry when he walks along the quarry road. He drilled a well in 2000 and has had no problems with the well. He encouraged the Board to approve the application as Boxley was a friendly and environmentally concerned neighbor.

Gayle Riley, 619 Carver Road, Fieldale, Virginia, stated that Boxley was not a good neighbor. Boxley could paint a pretty picture but they would not do what they said they would do. She has had to work on her well, and her house was falling to pieces. The blasts woke her up and she has become a blast technician. She invited everyone to look at their website at the blasts adding their rivers and streams were ruined. Mrs. Riley encouraged the Board not to let Boxley into this neighborhood.

Cecil Hatcher, 67 Duke Street, Fieldale, Virginia, has lived at this address since 1963, and his property joins the Boxley Quarry. He has problems with the website that appears to represent all the neighbors. He wanted everyone to know there were some that liked Boxley. He has had no damage to his property as a result of the quarry or any ill health effects from dust. He was 75 years old and as far as he knew, in perfect health, and worked full time. Whenever he has had a concern with Boxley, they were quick to respond. In conclusion, he acknowledged the importance of rock to the community, the tax base to Henry County and the generosity of Boxley to help build walking trails and ball fields.

Marie Mason, 8291 Colonial Highway, Evington, Virginia, owns with her husband Caryswood built in 1850 by Robert Saunders, an officer in the Confederate Army. Evington had 15 pre-civil war homes within a two-mile area surrounding the proposed quarry site. They were concerned about the blasting because of the chimneys and foundations, land values, truck traffic, well water going into the quarry pit, impact on the environment and asphalt plants that come with the industrial zoning. She asked the Board to please consider the effect of the quarry on the lives of the people they represented. Mrs. Mason was concerned the community would become a place no one wanted to live.

Debbie Kibler, 1936 Evington Road, Evington, Virginia, stated that zoning laws were adopted in the early 1980's to protect residential properties from a reduction of property values that certain types of industry bring to an area. It was designed to be extremely hard to change because there was a reasonable expectation that zoning reflects the intended future use of the land. At this hearing the Board was asked to consider rezoning property in an agricultural zone to heavy industrial in the middle of a residential area. This type of rezoning was the most radical and intrusive possible. What would the approval of this rezoning say to those considering Campbell County as a place to build or purchase a residence? It says that Campbell County's

resolve to enforce its own laws was practically non-existent. Without the assurance that the County zoning laws had teeth, the public at large would not be inclined to choose Campbell County as a place to live possibly affecting the housing and building segment of the County's economy. She asked the Board to deny the request.

Dr. Marilyn Dew Maisano, 1521 Blue Ridge Road, Glasgow, Virginia, was a geologist by profession and has had many years of experience in both the practical aspects of economic geology and teaching geology courses at the university level. She was speaking on questions that may have arisen about the presence of asbestos in the proposed Flat Creek quarry. She examined the eight core holes drilled at the site and studied the geologic map of the proposed quarry site. [Due to the time limit, Dr. Maisano was not able to finish her conclusions, but submitted her comments into the public record.]

Mark Hollberg, 24 Church Street, Staunton, Virginia, owns 90 acres across Flat Creek from the proposed pit. He asked the Board to deny the requested rezoning and special use permit referring the Board to the comments made at the Planning Commission meeting and supporting material mailed to them last week. He believed approval of the rezoning would set a dangerous precedent for all other rural, agricultural communities and claims by Boxley that the quarry would have minimal negative impact were absurd. Mr. Hollberg had a geologist look at the hydrology report by Boxley. Their geologist found the report to have serious gaps and questionable assumptions pointing out the predicted apparent steady state at 30 years meant nothing if the pit was larger than the modeled area. Mr. Hollberg was also concerned about noise and the economic impact the Boxley quarry would bring.

Roger Reader, 11207 Livingston Mill Road, Charlotte, North Carolina, was with Sauls Seismic Inc., a vibration and control business. His firm conducted a vibration and overpressure study of the proposed Flat Creek site. Vibration is measured in inch per second peak particle velocity. This is the speed at which vibration travels through the ground, not actual ground movement. This is converted to actual ground displacement. For example, a 1.0 inch per second peak particle velocity is less than the width of a human hair in actual ground movement. Seismographs were placed at the nearest offsite dwelling to measure the vibration and overpressure to assure compliance with state law. The Virginia state law goes by the U. S. Bureau of Mines guidelines that were based on 50 years of scientific studies to determine the effect of vibration and overpressure on structures of all types. Vibration and overpressure levels at the Flat Creek site would be well below the U. S. Bureau of Mines curve with 0% chance of causing cosmetic damage such as hairline sheetrock cracks. At worst case, a 0.34 inch per second peak particle velocity. This vibration level also insures 0% chance damage to underground pipe lines and utilities. Climatic conditions such as wind, temperature, and humidity cause much more movement in structures than the vibration that would be produced from the Boxley Flat Creek site. In conclusion, he advised that blast records were open to the State Regulatory Inspectors, and blasts were overseen by a professional licensed blaster. No explosives were stored on site, and blasts would occur about once a week for about one second per blast.

John Potter, 101 Mortimer Drive, Evington, Virginia, was not speaking to debate whether the proposed Boxley Quarry would be the black hole of all spot zoning or whether Boxley adding 275 trucks a day to the existing traffic would turn Route 24 into four miles of demolition derby, but wanted to discuss something more fundamental to the Board's decision. Could Route 24 handle the increased tonnage by Boxley or would it require an enormous reconstruction of the road? He believed that no one really knew the answer at this point. In fact VDOT advised him that no studies had been done on that section of Route 24 since that portion was incorporated into the system in 1930. The only study made was of the proposed entrance into the Boxley Quarry and its intersections funded by Boxley. Mr. Potter believed a neutral study should be made at Boxley's expense, and any road upgrades should be paid for by Boxley and not the taxpayers.

Kim Maddox, 136 Abners Road, Evington, Virginia, indicated the proposed quarry would only be two miles from her back door. She found it hard to believe that Boxley could not find another site that would be just as profitable. The immediate residents were opposed to this site and hoped the Board would listen to them and just say no.

Rick Thompson, 10609 Richmond Highway, Concord, Virginia, owns and operates Thompson Trucking. In 1984 he obtained the hauling rights for W. W. Boxley Quarry, Lawyers Road, and this was the start of a 26-plus-year relationship with Boxley. He described Boxley as a loyal, dedicated and honest customer that has helped Thompson grow into the largest and safest commodity hauling company in Virginia. Today Thompson employs over 200 employees with 130 working from the Concord, Virginia location. In 2007 Thompson had a payroll in excess of \$8 million and paid over \$300,000 in personal property and real estate taxes. This was made possible by companies like Boxley allowing them to move their products to the customers. If Boxley were no longer in Campbell County, it would make no business sense for Thompson Trucking to have its main hub located where his largest customer no longer existed causing a loss of jobs and tax revenue. Mr. Thompson was most proud of its safety record ranking in the top 10% of all trucking companies in the United States as to its Safe Stat scores. In 2005 Thompson Trucking won the Virginia Trucking Association award for the Safest Trucking Company in Virginia. On behalf of Thompson Trucking and its 220 employees, he urged the Board to approve the rezoning application.

Mike Cheek, 3401 Dearborn Road, Evington, Virginia, was representing his wife Debbie and the Evington Community Group. He was a teacher and basketball coach. He commented how polite everyone from Boxley was, but noticed that for the most part none of them lived in the Evington community. To date no independent studies were commissioned by Campbell County to assess the environmental and quality of life impact of this operation on adjacent residential properties. Governments and municipalities of other jurisdictions do this routinely when zoning changes were this dramatic. At the very least a study of the economic impacts to Campbell County should be made with and without the quarry. Mr. Cheek questioned why this rezoning had to be approved now when mining would not take place for 15 years. He suggested the rezoning be considered after the update to the Comprehensive Plan was completed.

Chris Kirk was President of NuCom Builders and President of the Local Chapter of the National Association of Home Builders. He was asked to represent and read a letter from one of the members, Tom DeWitt, Developer of Russell Springs and Lakewalk Villas. "There has been much discussion recently regarding the effects of an operating quarry on adjoining property. We recently developed two neighborhoods, Lakewalk Villas and Russell Springs, that are within 3,000 feet and 4,000 feet respectively of Boxley's present quarry. When we considered starting these two projects, we never gave a second thought to Boxley Quarry about being a bad neighbor or in any way affecting property values. These two neighborhoods proved to be the two fastest selling and fastest appreciating neighborhoods in Campbell County. Based on our experience, we do not believe that a properly buffered quarry such as Boxley has proposed on 24 will have any negative impact on existing properties or new developments located outside the quarry buffer. We believe this strongly enough that we would even consider buying the residential zoned property on Blackwater Road that is now owned by Boxley and are also considering developing another property that is within 2500 feet of the existing Boxley quarry. Also, we have had no negative feedback from any of our residents regarding dust, or dynamite sounds, or ground vibrations. The President of one HOA stated that we get no more dust, sounds, or vibrations (except from Highway 29) than what we noticed in Wildwood. Based on our experiences and feedback from homeowners, we hope you will consider this letter our recommendation for approval of Boxley's petition for a quarry off Highway 24 at Evington." Mr. Kirk indicated he was very involved in the activities at the State level of the Home Builders Association working to prevent passage of legislation that if passed would increase the cost of housing at an even higher level than was seen now. The mission of the Central Virginia Home Builders Association was to provide affordable housing in the area. In the fifteen years that geologists project the need for the Flat Creek mine, building costs could increase drastically. If stone had to be shipped in, it would increase the cost of a home by \$10,000 immediately. He maintained that if a locality was not allowed to use the natural resources of the area, the increase in costs would be astronomical.

Sara Saunders, representing the group of landowners interested in the culture and heritage of Evington, lives at 374 Woodland Avenue, Lynchburg, Virginia. She owns 1100 acres on the west side of Flat Creek on each side of Route 24, and it is their major financial asset. She and her husband, Fleming Saunders, have placed over 400 acres along the creek in a conservation easement. Before committing their land to a permanent easement, they had researched the zoning and the Comprehensive Plan. The place has been called Flat Creek since 1796. Boxley now calls itself Flat Creek Quarry. From her land they would be able to see the

hill where the quarry would be. With heavy industry there would be no noise restriction. At peak time there would be a truck on Route 24 every 15 seconds. The quarry would not only be their back yard, but their side yard and their front yard. All the people supporting Boxley were business people that did not live near the site, and the ones against were the landowners who lived there. Mrs. Saunders believed the people were being bulldozed and rushed to believe Boxley's claims. She has heard enough negative experiences from people living near the Lawyers Road Quarry to know they did not want a quarry in Evington. She reminded the Board they have the County Code, the Comprehensive Plan and agricultural zoning to guide them. All these stipulations were there to protect the land and its citizens. Having a fluid code, fluid comprehensive plan and fluid zoning were not good.

Walter Kent, and his wife, Joyce, 334 Lawyers Road, Lynchburg, Virginia, were the closest neighbors of the Lawyers Road Quarry. For the last three days he has stood out in his yard to hear what was around his house. He could not hear the quarry. In fact, he hasn't heard the quarry in 15 or 20 years. He assured the citizens that there was no noise or shaking from the quarry. What you did have was somebody who really cared. If you thought you had a problem, all you had to do was call Boxley and they would come and assess the problem.

Carolyn Boyd, 161 Clearwood Drive, Evington, Virginia, asks the Board to deny this petition pointing out the large number of people who were opposed to the rezoning. The people have spoken. Let this be democracy at its finest. Please vote no.

Rev. William Coleman was representing Cross Road Baptist Church and was a resident of Evington living at 415 Hunters Mill Lane and the address of the church was 191 Cross Road Lane, Evington, Virginia. He presented into the record a petition signed by members of the church in opposition to the petition by Boxley Quarry. While he understood they would probably not be operating on Sunday, their main concern was traffic. The church had a number of activities during the week at various times and believed they would be adversely affected by that. In addition, he had noticed several places on Route 24 that were extremely critical areas one being the lack of site distance at the intersection of Masons Mill Road and Route 24. With the increase in traffic, he believed there would be problems in the future. Rev. Coleman encouraged the Board to step up as leaders and represent the citizens of Campbell County.

Ronnie Hall lives at 398 Magaron Lane off of Masons Mill Road in Evington about 1.5 miles from the proposed quarry. He was not convinced that the quarry would not affect the ground water. Water was not abundant in the Evington area; the water table had been declining for years. He has had to drill eleven (11) wells in 30 years. He asked the Board to do the right thing and vote No on the proposed quarry.

Paul J. Skrypek, 171 Little Lane, Evington, Virginia, pointed out there were already three quarries in the immediate area, Mt. Athos Quarry, Lawyers Road Quarry and Salem Stone, more rock than was needed for this area. Rock was the most abundant natural resource on earth and easy to get to. Boxley has chosen this site because it would be more profitable and not because it was the only place to get rock.

Daniel Bowman, 3170 Beaumont Farm Road, Charlottesville, Virginia, has been an environmental consultant in Central Virginia for nearly 15 years. He works with clients to find solutions to resource management issues that recognize that even the most ardent environmentalist was dependent upon a vibrant economy and even the most gung-ho developer was dependent on fresh air, clean water and the products of healthy soil. That meant that everyone must work together to find solutions that respect the need for natural resources and to minimize adverse impacts on people and other environmental resources. Many years ago when he had his first meeting with Boxley, he did not know much about the company, but he did know that quarries had the greatest potential for open space protection and habitat enhancement than most agricultural and residential areas. That is because for most quarries most of the land was not affected by the quarry operations. Mr. Bowman was surprised that the first question Boxley asked was how they could enhance the habitat potential of the buffer areas. They said the school children who came to the Lawyers Road Quarry were more interested in the blue herons and ducks than the heavy excavating equipment. As the result of Boxley following his recommendation, for habitat enhancement and environmental education, many school children and teachers have had first-hand experiences with the natural world. Another example of Boxley's sensitivity to the environment was following his suggestion to create an irregular

shoreline of a new detention pond with gentle slopes down to the water and islands that would provide protection for nesting ducks and geese.

Laura Ruffin Skrypek, 171 Little Lane, Evington, Virginia, was representing the Citizens for Effective Planning. Through the Comprehensive Plan and existing zoning ordinances, the County makes it known its land use intentions to everyone. These guidelines have been published and made available to all landowners and speculators including Boxley. Citizens all over the County have reasonably relied on that information making individual decisions, both personal and business. Zoning ordinances were meant to protect landowners from incompatible uses. A switch from agricultural to heavy industrial with a special use permit represents the most extreme zoning change possible. Such a move was unprecedented. The largest change in these rules in the past decade was Seneca Industrial Park and Foster Fuel. Both of these occurred in already heavy industrialized and commercialized areas. Here in Evington heavy industry was not compatible with the current use of surrounding properties and was not consistent with the published growth guidelines for the area as described in the Comprehensive Plan. If the Board approved the rezoning, it would be ignoring its own land use guidelines, ignoring the guidance of previous Boards, ignoring the recent recommendation of the Planning Commission and allowing the most extreme zoning exceptions possible according to the official zoning ordinances. Approving this rezoning would render the Comprehensive Plan invalid and useless and set a precedent for future development throughout the County that was based on arbitrary decisions resulting in chaos, inconsistent land use and associated loss of natural resources. Allowing the request would go against published County values including quality of life, trustworthiness, family and community. Current zoning in Evington was predominantly agricultural with single-family residences and a few small businesses scattered about. The land use map shows this area for deliberate, transitional growth for residential development. Boxley purchased agricultural land, not industrial land, and she encouraged the Board to not rush into approval of the request and give it careful consideration that the citizens deserved.

Dominic DiMuro, 498 Magaron Lane, Evington, Virginia, offered a quote from Luna Leopold, a hydrologist who was the recipient of the GK Warren prize from the National Academy of Science, “a new philosophy of water management is needed, one based on geologic, geographic and climate factors as well as traditional economic, social and political factors. The management of water resources cannot be successful as long as it is naively perceived from an economic and political standpoint.” Water was the most critical resource issue of our lifetime and our children’s lifetime. The health of our water was the principle measure of how we live on our land. Everyone knew that blasting underground changes rock formation of the land. In that formation flows the water their homes were dependent on. Underground blasting would change the geographical location where water flows. We as individuals should not take that right away. By allowing the quarry, that right would be taken away.

Kenneth Arthur, 1086 Steeple Chase Drive, Evington, Virginia, was employed by Marvin Templeton, an asphalt paving company with around 100 employees. They were located in Campbell County and have been serving Central Virginia since 1954. Flat Creek Quarry would be vital to maintaining the road building industry in Campbell County. The presence of local quarries is why so many construction companies and road building companies call Campbell County home. The influence of our own local materials was far reaching. Almost every paved road in Campbell County and the City of Lynchburg was paved with Boxley materials in addition to many of the roads in the surrounding counties. It was clear the stone supply from the Lawyers Road Quarry and Mt. Athos Quarry could not sustain demand in the future and not having a local stone source would increase the cost of maintaining the current infrastructure. The proposed quarry would provide longevity to existing Campbell County road builders that have served our community for over 50 years. He has worked with Boxley for over 14 years and held them in high regard both as a business and a neighbor. They had a proven track record in the community with charitable donations, conservation efforts and educational opportunities for the children in the area.

After conferring with the Board, Administrator Laurrell announced the meeting that evening would recess around 10:30 p.m. and reconvene on Tuesday, October 7, 2008, to hear the remaining speakers.

Sherry Clay current lives at 201 Williams Road in Madison Heights, Virginia, but was building a home at 437 Hazel Drive in Evington. The Code of Virginia states that the

Comprehensive Plan shall be made with the purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of territory which will in accordance with present and future probable needs and resources to best promote the health, safety, morals, order, convenience, prosperity and the general welfare of its inhabitants – not for the corporations or the one with the biggest pocketbook. The State mandates that localities have a Comprehensive Plan for a reason to ensure that the growth that is allowed is in a conscientious manner – not to allow the wishes of one company to overshadow the rules. The biggest argument she has heard from Boxley is that if they were not allowed to mine this specific piece of property, the local economy would suffer the consequences of higher prices for its aggregate. They have solicited contractors, some of whom do not live in Campbell County, to petition the Board for approval. But the real question was whether Boxley's request to rezone from agricultural to industrial heavy with a special use permit for mining follows the Comprehensive Plan. Mrs. Clay has read the Comprehensive Plan at least three times and finds no basis on which to allow this rezoning. Everyone who purchased property in Evington bought it with the knowledge that they were bound to the rules and regulations set forth in the zoning of their land and the guidelines set forth in the Comprehensive Plan. Boxley did not deserve any special treatment. She also disagreed with Boxley's study that property values would not be affected; it was just common sense that no one wanted to live next to a quarry. If she had known about the proposed quarry, she would not have purchased her land.

Everett Wood, Jr., 69 Charlotte Drive, Evington, Virginia, indicated the Board has heard all the negative effects of putting a quarry in Evington – water, dust, blasting effects. He asked the Board to remember the family that wanted to have a pony for their child. That spot zoning was rejected on the basis of lowering of property values. He asked the Board to consider that a quarry would bring greater negative effects on property values than a pony. The stakes were much higher here than a pony. The Board listened to the requests of that neighborhood, and he urged them not to discriminate against the citizens of Evington.

Bill Wennsch is a registered professional engineer and lives at 3205 Watts Station Drive, Charlottesville, Virginia. He was also certified with the Institute of Transportation Engineers as a professional traffic operations engineer, and his primary client was VDOT. Although this project did not qualify as having significant enough traffic for VDOT to require a traffic study, Boxley asked for some information on traffic relative to this project. He was asked to look at the adequacy of the road geometry relative to truck traffic, the capacity at the intersections and the overall corridor, safety and site access requirements. As to the adequacy of the road, he found from the site to the east to Route 29 had seven passing zones. The 1.5 miles from the site to Leesville Road had a few more curves; however, there was only one side street intersection, four residential driveways, and a couple of farm access driveways. The traffic levels on Route 24 were fairly low. A two lane road could generally handle up to 15,000 cars per day before they really start feeling congested. There were less than 2,000 cars per day now, so there would not be an issue adding 300 truck trips per day. Looking at a graph, he indicated Route 24 was a fairly good road with very few curves and could handle the additional traffic.

Ed Wildrick, 3634 Dearing Ford Road, Altavista, Virginia, was representing most of the Dearing Ford Homeowners Association in solidarity with their Evington neighbors to oppose the rezoning application. This situation reminded him of the ugly growth of much of Northern Virginia where he used to live. Where the tax revenue dollar all too often ruled the day driving the decisions on rezoning; where historic open lands were constantly threatened by ever creeping development and where farm lands have almost been totally obliterated; and where the lines between residential and commercial have been blurred to an unsightly glut. Such a picture of declining quality of life was not a prescription to be emulated in Campbell County. The beautiful foothills of the Blue Ridge deserved better treatment. While he understood the importance of business tax revenues, it was not an end-all consideration. The safety, peace and tranquility, and valued growth of citizens' homes were vitally important and the lifeblood of healthy population growth. What did it say of a county that would allow its citizens' neighborhoods to be encroached, marred and devalued by invasive, commercial exploitation?

Teresa West, 2784 Browns Mill Road, Rustburg, Virginia, was a Campbell County resident and an employee of Boxley. She was not asked to speak, but volunteered because she felt Campbell County's leaders should hear her experience with Boxley. In 1996 she was offered an entry level job at the Lawyers Road Quarry. Boxley was close to her home and offered a great benefit package. Through Boxley's education reimbursement program she was able to

attend school at night and receive a bachelor's degree in administration enabling her to receive promotions within the company and purchase a home in Campbell County. Before going to work for Boxley, she had not understood the many businesses that were dependent upon aggregate material. Everyone in the room would use aggregate material on a daily basis. Every road we drive on and every home or business we enter use materials produced by the quarry. Mrs. West has noticed the signs on Route 24 regarding the truck traffic and the safety of the children. Her daughter rides a school bus on that very same road every day. As a parent we should always have concerns about our children using public transportation whether it was on Route 29, Route 24 or small residential roads. It was the responsibility of all the citizens of Campbell County to make sure children were safe by making sure the laws of the road were obeyed. That meant not passing a bus on a solid line, obeying a stop sign or following a bus too close even if it meant reporting our neighbors. Evington residents wanted to preserve their community for the future of their children and grandchildren. If the residents of Campbell County continued to oppose industry, then businesses would be forced to relocate to other communities taking with them not only jobs but important tax revenue.

Sara Saunders Hollberg, representing adjoining landowners, lives at 24 Church Street, Staunton, Virginia, and was speaking of the likely impacts of the quarry. They would be the ones most affected. There were so many impacts rolled into the one proposal - an immense mining operation plus an open door to other uses in the zoning ordinance that have the worst impacts. This would totally change the character of the area and to know the area you had to go off the road beyond where the berms would be. They believed it would rob the value of their property, not just the property value of their property, but what they value about their property. They loved the land, and it was like a physical blow to know that in the future they would have the land, but not the enjoyment from it. The property owners would be impacted by lower property values, fear for safety as a number of them have tricky entrances into their properties, the loss of an historical landscape and natural setting, and the daily assault on the senses (sight, sound, touch, smell and taste). No berms or trees would hide the sight from her property. Once the zoning was approved, they would have no protection. These were some of the reasons to deny the application in addition to it being against the zoning ordinance. They would lose something rarer than rock and more precious than the almighty dollar. This was not high end economic development and it was the kind of economic development that carried environmental costs. So from a risk analysis standpoint, the benefits would be limited and short term to Boxley and the related industries, and the risks would be permanent. The land would be gone, and there would be a huge hole there. While the proffers were a welcome direction because they acknowledged there were problems, they could not mitigate the most basic impacts. They have learned they could not trust Boxley's studies, so how could they trust their fixes? The issue was the unsuitability of this use for this piece of land, and she encouraged the Board to study the impacts of the entire 914 acre site on the entire corridor.

Vernon Meador, 192 Doc Meador Road, Blue Ridge, Virginia, was the Chairman of the Botetourt County Recreation Commission and has been a member of that board for 25 years. He had the privilege of working with the late Buck Boxley on numerous ventures. He had nothing but good to say about the Boxley Company as far as being a good neighbor and devoted to the community. They had never called on the Boxley people when they didn't come forward and lots of times gave more than what was asked for the sports programs and the children. In addition he had a house that joined the Blue Ridge Quarry, and he could not ask for any better neighbor. He had not had any problems with the well situation nor had he heard of anyone in his community having complaints.

Julie Krulish, 259 Clearwood Drive, Evington, Virginia, was in opposition to the rock quarry. Those that had fought to prevent adverse changes to their neighborhoods have been criticized by those who did not have a dog in the fight or whose major goal was to protect their own livelihoods. It was the civic duty of citizens to speak out when homes and families were threatened by faulty reasoning that led to long term detrimental changes to the community. Those who stated we must have a quarry in Evington have used some questionable reasoning, one of which was that Campbell County needed the stone to keep housing and building prices and taxes down, but Lynchburg had no quarry as well as many other counties and towns and their economy was still surviving. Another faulty reasoning was that Campbell County needed this quarry for jobs, but the newspaper this week had an informative article on the major benefit that agriculture and tourism were to Virginia's economy. Evington was zoned agricultural residential and was being considered as a National Historic District. Evington also had

productive agriculture and beautiful scenery and maybe Evington's historic, agricultural scenic treasures should be harvested for tourism and agriculture to benefit the County's economy.

Ed Foster, 188 Lonesome Oak Trail, Lynchburg, Virginia, was speaking on behalf of the Central Virginia Land Conservancy. Their mission was to promote the stewardship and conservation of Central Virginia's farms, waters, forests and other natural and historic resources. While they understood the region needed a source of aggregate in order to grow and in theory a quarry could be used to carry out their conservation goals, they believed this application did not adequately address these issues. Specifically, the major impact of an industrial site this large was on water quality and quantity. First was the loss of groundwater recharge acreage when over 100 acres of land would be stripped of the vegetation that allows water to percolate into the water table. Instead stormwater would run off the impervious site either into retention ponds or into the quarry itself. According to Tom Roller, the water that collects in the quarry would be pumped directly into Flat Creek. This would impact the water quality as the machinery would undoubtedly leave oil and fuel residues which would be carried with the storm water regardless of the route it ultimately takes to the creek. Another issue was hydrologic pollution from storm water runoff into the stream at rates the channel was not used to handling. The stream would reshape its channel in order to accommodate the different flow regime and in doing so, the stream excavates tons of sediment, much of which ends up polluting waters downstream. All of these issues could be addressed by engineering strategies designed to spread stormwater out, bio-filter it and infiltrate it into groundwater before it entered the waterways. Studies have shown that storm water retention ponds were not an effective way to recharge the water table. Boxley Corporation's application made no reference to low impact engineering practices that were required to maintain the highest standards of water quality in a storm water management program. They met with Tom Roller of Boxley Corporation two weeks ago who assured them Boxley was interested in promoting natural resource conservation; however, they would need to see that interest specifically reflected in the application before supporting the change in zoning. Therefore, they requested the Board deny the application to rezone until the applicant satisfactorily addressed the impact on natural resources. [Letter from Central Virginia Land Conservancy dated October 1, 2008 was submitted into the public record.]

Dr. Alton Dooley, 717 Druid Lane, Martinsville, Virginia, worked at the Virginia Museum of Natural History and taught geology at Radford University. He wanted to speak to his interactions with Boxley Corporation. Last year he was teaching geology in Martinsville to help teachers obtain their earth science endorsement because there was a shortage of earth science teachers in Martinsville. During the course of the program he learned that Boxley had an active quarry in Fieldale, and he asked if he could bring his students there on a field trip. Boxley immediately agreed which was a surprise to him and within a week he was able to have a class at the Boxley site. When the foreman found out the students were all teachers, he invited them to bring their future students for future field trips as well. His second interaction came when Boxley called believing they had found a fairly common fossil at the Blue Ridge site. What he found was one of the largest specimens he had ever seen and advised Boxley it needed to be in a museum. Boxley agreed and even made the arrangements to have the stone that weighed about 4,000 pounds delivered to the museum in Martinsville.

Janice Moody, 1076 Misty Ridge Lane, Montvale, Virginia, bought a home in 1998 about 300 yards from the Blue Ridge Quarry and lived there 14 years. Not long after she purchased the home, she was standing on the front stoop when a blast occurred, and the ground shook beneath her. This became a common occurrence over the next 14 years, and it was not uncommon to hear her dishes rattle when the blasts occurred. Her house had numerous cracks in the walls and had an unusual amount of dust in the home. Her house was one street away from the houses closest to the quarry, and there was one blast that sent rock and debris into the yards of the homes closest to the quarry. Cars and homes were damaged. Boxley paid for the repairs and eventually purchased two of those homes. She did not have a well, but was on a public water system.

Cary Adkins, 10724 Red Lion Place, Richmond, Virginia, was the principal consultant and manager of the Richmond Office for Harris, Miller, Miller and Hanson, an acoustical consultant. Prior to joining the firm, he was the noise program manager for VDOT for 23 years and prior to that he was a transportation planning engineer at VDOT. Because the proposed quarry was not in operation, they took noise readings from the Lawyers Road Quarry. With the two sites being 170 feet and a 130 feet from the activity, the average noise levels were 73 to 80

decibels. In order to be conservative in predicting noise levels produced by the plant operations, the 80 decibel average noise level has been used to represent the loudest noise at a distance of 170 feet from the source of the proposed quarry. Results of the noise modeling of the proposed plant operations indicate that levels at the 10 study sites would range from 50 to 59 decibels when only the reductions due to distance apply. When reductions due to terrain shielding were also included, the levels would range from 38 to 52 decibels. The 10 sites included two on Colonial Highway, two on Masons Mill Road, five on Blackwater Road, and one at Salem Methodist Church. The studies indicate that the noise from increased truck traffic would only increase by two to four decibels at the test sites. Traffic noise would not increase for properties further away from Colonial Highway. Generally in a rural setting on a lightly travelled highway non-highway traffic background noise (such as distant aircraft flyovers, birds and insects) can affect overall noise levels as would likely be the case in this community. The resulting differences in build and no-build noise levels would not exceed three decibels at any site. Combining the build traffic noise levels, including the background noise, with the noise from the plant operations results in an overall noise level at each site ranging from 51 to 61 decibels in outside areas compared to no build levels of 51 to 58 decibels. The result would be an increase of one to three decibels at six of the sites with no increase at the other four. Any increase in less than three decibels is not considered perceivable in a normal environment.

John Batzel, 2732 Grandin Road, Roanoke, Virginia, is President of Carter Machinery Company, the caterpillar dealer for Virginia. Carter Machinery has had a presence in Campbell County since 1991 when they started with four employees and a small rental facility. Today they had 33 employees at their \$3.5 million facility built in 2001 on Route 29. A key market that has fueled Carter Machinery's growth over the years has been the quarry and aggregate business, in particular the business they did with the Boxley Company. Boxley and Carter Machinery have been doing business for many, many years, and they were recognized for their well-managed company and expertise and were excellent corporate citizens. In addition, Boxley and its employees were active participants within the communities where they served and were conscious of their impact on their environment. The impact of losing this very valuable company in the community would be detrimental to Carter Machinery.

Brooke Saunders, 7711 Lake Shore Drive, Richmond, Virginia, was born in Evington and spent his early years there. He was sure Boxley was a decent company now, but what about down the road. A new owner could take over at some point and change or ignore the agreements made today. He referred to a quarry news release where Vulcan just sold four of its quarries in Georgia and Tennessee. He worked next to a quarry just outside of Richmond, and every fifth truck was covered by a thick black cloud of smoke spewing gravel with little control over the exhaust from the trucks. Mr. Saunders recommended a detailed study by an independent outside resource. He added that quarry proposals around the state have been turned down even when located next to appropriate zoning. He wondered why Campbell County was not more cautious about the citizens' wellbeing especially in an area with so much to lose.

Dale Grigg, 509 Ramblewood Road, Forest, Virginia, is a professional engineer and former acting District Manager for VDOT's Lynchburg District. He was also the former Construction Engineer and the former Materials Engineer for VDOT. Mr. Grigg recently retired after more than 30 years of service. At the request of Boxley, he was speaking on the suitability of Route 24 near Evington to handle the increased truck traffic associated with the proposed quarry when it opens in approximately 15 years. He has analyzed the pavement borings from Route 24 performed by Hurt & Proffitt and looked at VDOT's pavement management records that date back to 1970. Those documents provided the data to understand the structure of the roadway and what maintenance may be needed to insure the roadway holds up with the additional truck traffic. VDOT considers the type of usage of a roadway when it is planning its maintenance program. Given the lead time before Boxley would open the proposed quarry, VDOT can be prepared to incorporate the type of pavement maintenance applications needed to insure the road has appropriate structural strength for the increase in truck traffic. Over the next 15 years it was reasonable to assume that Route 24 would be resurfaced at least once or possibly twice due to normal wear and the aging of the pavement surface. If the quarry is approved, VDOT will take into consideration pavement maintenance applications that would increase the road's structural strength to withstand the anticipated increased number of trucks. The same process has been true for Lawyers Road. Mr. Grigg also pointed out the maintenance of primary roads was not funded through Campbell County's secondary road maintenance allocation, but through VDOT's primary road allocation. Route 24 may also be eligible to receive funding

under VDOT's industrial road access program that provides funding over and beyond VDOT's annual maintenance allocations specifically for new roads or existing roads serving qualifying industries. In conclusion, it was his opinion that given a reasonable maintenance program over the next 15 years, the pavement on Route 24 can be strengthened.

Chris Chumura, 1309 E. Cary Street, Richmond, Virginia, is an economist practicing in Virginia for 26 years. Her firm was retained by Boxley to estimate the economic impact of the Boxley Quarry on Campbell County. She offered assurances that her firm was known to be conservative and objective in their studies. In 2007 Boxley employed 30 workers with total sales at the quarry of \$15.1 million. The average wage of the employees was \$46,000 compared to the rest of the County at \$34,500. In 2007 the tax contribution was about \$200,000. There is additional impact when money is spent within a community. The total economic impact of the Boxley Quarry was estimated at \$35 million per year and tax contribution of about \$350,000 per year when you consider employees spending money at gas stations, restaurants, doctors offices, etc. With uncertain economic times ahead, Mrs. Chumura encouraged the Board to retain these important jobs within Campbell County.

David Keesee, 160 Blackwater Road, Evington, Virginia, was representing 34 members of the Keesee family. They own an automobile business and 100 acres of land on Blackwater Road across from the Boxley property. His family has owned this property since being offered a land grant from the King of England. Jeff Perkins of Boxley indicated they were uneducated country people, and he might have been right. But he had learned a few things over the years, and he has learned that running an automobile business near a rock quarry would be hard, maybe impossible. He was concerned this might put him out of business. Mr. Keesee learned from a trailer sales business near Blue Ridge that if you had a car lot near the quarry, you had to constantly wash the inventory to keep the dust off. He learned from a wrecker service near Blue Ridge that vehicles were constantly covered with dust. He has also learned by reading the back of a Boxley ticket that breathing in the dust can hurt your health. He has learned that the Comprehensive Plan does not include mining in Evington, and spot zoning in Campbell County was not allowed for a college and not for a child to have a pony. Mr. Keesee hoped the Board would not approve spot zoning for a strip mine. If this zoning change was approved, his home would be worth \$60,000 less. He has learned when the values drop considerably, Boxley would buy your property. He learned from Brent Baker that lives near the Mt. Athos Quarry that after a blast, his water was muddy for two days. His sister who lives about a mile from the Mt. Athos Quarry has cracks in her home and pictures fall off the wall after a blast.

Watt Foster, Jr., 16720 Brookneal Highway, Brookneal, Virginia, was the owner of Foster Fuels that has been in business in Campbell County since 1921. He was the third generation owner of the business. His family also farms cattle in the County, promotes land stewardship and wildlife conservation. He and his wife just recently put 1,000 acres of their land in a conservation easement. Mr. Foster indicated Brookneal Chips was located near him, and the dust and noise did not bother him. He has a farm near Georgia Pacific, and the value has increased. He owned 67 acres next to the proposed rock quarry, and he was not concerned. Mr. Foster owned land next to the Lawyers Road Quarry, and there had never been a problem. He developed a business relationship with Ab Boxley who started running the Lawyers Road Quarry at a young age after his father died. He has admired Ab Boxley's ability to grow that company, and in his opinion, it was one of the best managed family-owned companies he has ever worked with. They had never had a written contract, but he could always trust Ab Boxley to do what he said.

John Franklin, 3545 Wards Road, Altavista, Virginia, was the pastor of Evington United Methodist Church. They were located approximately two miles from the proposed rock quarry on Route 24. He was speaking in opposition to the quarry. The Evington community enjoyed a very rural, peaceful existence with people who chose to live in the County rather than urban areas. He was concerned that an industry would threaten that way of life. The need for family housing was why rural communities were fast becoming desirable locations. Family farms were being sold, and the need for more places to live had become a priority. He has been the Pastor for two years, and they hope to grow, but were concerned that the rock quarry would make Evington an undesirable place to live. No one would want to locate their home in an area that had heavy industrial activity. While he understood the need for stone, he was sensitive to the residents who were fighting to preserve a way of life that had endured for generations.

Administrator Laurrell advised there were 39 more speakers signed up to speak. Chairman Pendleton thanked everyone for their patience and assured the rest of the speakers they would have an opportunity to speak the following evening.

On motion of Supervisor Gunter, the meeting was recessed at 10:34 p.m. until 7:00 p.m. on October 7, 2008 at Rustburg High School, Rustburg, Virginia, to continue the public hearing on Request #09-00048 by Boxley Materials Company.

The vote was: Aye: Falwell, Goldsmith, Gunter, Pendleton, Puckett, Rosser, Shockley
Nay: None
Absent: None

HUGH T. PENDLETON, JR., CHAIRMAN

Approved: _____