

McDowell County Planning Board
Regular Meeting
9/28/2015
Minutes

The McDowell County Planning Board met in regular session on September 28th, 2015 at 7pm. The meeting was held on the first floor of the McDowell County Administration Building, in the Commissioners Boardroom located at 60 East Court Street, Marion, N.C.

Members Present:

C.B. Edwards, Chairman
Dennis Whitson, Vice Chairman
Arvin Hicks
Bob Brendle
Chris Allison
Benny Stamey
Eric Adams, Alternate

Members Absent:

Tommy Stamey
Dan Thornton
Sam Dotson
Van Boyd, Alternate

Others Present:

Chris Stanfill, Engineer ARCADIS
Brian D. Smith, Baxter Healthcare

Staff Present:

Ronald Harmon, Board Secretary

Call to Order:

Chairman C.B. Edwards called the meeting to order and announced that a quorum of members was present. The next item on the agenda was the seating of alternate members. Eric Adams was seated on the Board for the meeting.

Next item on the agenda was approval of the September agenda. Chair Edwards asked for a motion to approve the agenda as presented. Motion to approve was made by Benny Stamey, second from Chris Allison, vote taken motion carried.

The next item on the agenda was approval of the August 24th meeting minutes. Motion to approve was made by Benny Stamey, second from Chris Allison, vote taken motion carried.

Baxter Floodplain Variance Discussion:

Chairman Edwards stated that the Board needed to adjourn as the Planning Board and reconvene as the Board of Adjustments. Benny Stamey made a motion to adjourn as the Planning Board and reconvene as the Board of Adjustments, second from Chris Allison, vote taken motion carried. The McDowell County Board of Adjustments was in session.

Chairman Edwards turned the floor over to Board Secretary Ronald Harmon for a brief overview of the variance request from Baxter Healthcare. Ronald explained that per the McDowell County Flood Damage Prevention Ordinance, the Board of Adjustments (BOA) was the appeal Board for any grievances regarding the ordinance. Ronald explained that Baxter wanted to expand their waste water treatment plant at the facility, however they were land locked. The only area for expansion would encroach into the floodplain and approval from the BOA was a requirement to issue permits. Ronald explained that most of the information in the document supplied by Baxter for the variance was very technical in manner and the county did not have staff that could interpret the information.

Ronald further explained that he had contacted the NC Department of Crime Control and Public safety, asking how the county should proceed with approval. Ronald stated that he was informed that the BOA could approve what they are comfortable with, in this case the justification for the project and approve the variance contingent upon favorable approval of the technical data from NC Department of Crime Control and Public Safety. Ronald turned the floor over to representatives from Baxter to better explain the variance request.

Brian Smith and Chris Stanfill introduced themselves and briefed the Board. Mr. Smith explained this was a very important project for Baxter, stating that the current treatment plant is 40 years old and deteriorating badly. He stated that Baxter had put hundreds of thousands of dollars in the facility and could no longer afford to keep putting money into a failing system. Mr. Smith stated that their plan was to build a 24 million dollar facility to totally replace the current one.

Mr. Smith stated that the new facility would have a smaller footprint and once it was in operation tear down the old facility and return the area to a natural state. He further reiterated how important it was to upgrade the facility, otherwise Baxter would not be able to operate. Chairman Edwards stated that Baxter was important to more than just McDowell for the jobs provided and the products produced. Mr. Smith explained that 65-70% of all IV solutions in the US are produced at the Baxter North Cove facility. He further explained if the North Cove facility were to shut down for anytime, it would have an instantaneous effect on the amount of solution available in the US.

Mr. Smith stated that the new facility was designed to give added capacity for expansion of business. He stated that the current facility hinders Baxter's ability to take on new business. The Board asked specific questions regarding placement of the new facility in regards to location of the river.

Ronald explained that the river was not the issue, rather a small tributary that flows near the site that was putting the area in the floodplain. Ronald explained to the Board the flood zone the new

facility would be located in and how that would impact development. Ronald stated that the new facility would be in zone AE and would have to be built one foot higher than base flood elevation.

Arvin Hicks asked if the site of the current facility, once torn down would be usable for expansion in the future. Mr. Smith stated that it would be, he further explained that they would bring the grade back to the original grade before the facility was located there. Chris Stanfill with ARCADIS explained how they ran models to determine how the development would impact the flood elevation of the tributary. He stated that in its current state during a flood the tributary has a significant amount of water backup, however once the new facility is built and the old facility is taken down the flow of water will have significantly less impediment. He stated the impact upstream would be significantly less. He also stated that the new facility would be built up two feet higher than the base flood elevation for a 500 year event.

Ronald explained that Jerry Silvers, McDowell County Floodplain Administrator had reviewed the information submitted and recommended approval contingent upon state review and approval of the technical data. Vice Chairman Dennis Whitson asked for clarification, that the new facility footprint will take up less space than the current facility. Mr. Stanfill stated that yes that was a correct statement. He also explained that with new technology they can do the same amount as they currently do with less space, and that it would allow for up to 25% expansion with little to no impacts in the future.

Vice Chairman Whitson asked Ronald if the 30 days' notice to the state prior to granting approval was sufficient or was 45 days be more sufficient. Ronald stated that he had spoken to the state, and they said a letter from the Board explaining they had passed the variance contingent upon favorable state review would suffice and 30 days was not needed. Namely because it would take them 30 days or more to review the technical data. Ronald explained to the Board, if a motion was made it needed to include a sentence that said a variance was approved by the McDowell County BOA contingent upon favorable approval by the state. Ronald stated that if the BOA did make that approval, he had the information packaged up ready to send to Raleigh immediately.

Motion to approve the variance request for expansion of the Baxter wastewater treatment plant contingent upon favorable approval from the state was made by Benny Stamey, second from Arvin Hicks, vote taken motion carried unanimously. Ronald thanked the representatives from Baxter for their attendance and explained that he would send the information to Raleigh for approval early the next morning and would let Mr. Smith know when the information was sent.

Vice Chairman Whitson made a motion to adjourn as the BOA and reconvene as the Planning Board, second from Chris Allison, vote taken motion carried the Planning Board was back in session.

Updates and Communication:

Ronald turned the floor over to Arvin Hicks for a topic he wanted to discuss. Mr. Hicks stated he was going to request to the Board of Commissioners that they make a request to NC Wildlife to

build a shooting range in McDowell County. He further stated that if the request is granted he will ask that the Planning Board works on gathering the information needed. Mr. Hicks explained that now was an opportune time to request federal monies for a gun range, due to all the revenue being made off gun, ammunition and permit sales. Bob Brendle asked what happened to the request to build a range in Burke County. Mr. Hicks explained that Burke County rejected the request. Mr. Hicks explained that the revenue generated off gun and ammo sales went into a fund and was sent back to the state for development of gun ranges. Benny Stamey stated that the current plan was to build 10 ranges in North Carolina with this money. Bob Brendle asked if a location was already decided upon. Mr. Hicks stated that no, that was the reason to ask that the Planning Board work on the request to help find a suitable site.

With no further business Chair Edwards asked for a motion to adjourn. Motion to adjourn was made by Benny Stamey, second from Chris Allison, vote taken the meeting was adjourned.