

Board Chair:
Rodney Cheek

Planning Director:
Matthew Hoagland



Commissioners' Meeting Room
124 W Elm Street
Graham, NC 27253
November 13, 2025 at 7:00 PM

ALAMANCE COUNTY PLANNING BOARD AGENDA

Livestream: <https://tinyurl.com/22kb3exe>

I. CALL TO ORDER

Chairman Rodney Cheek called the meeting to order at 7:00 PM.

II. ROLL CALL

Members Present:

Rodney Cheek, Lee Isley, Tom King, Ernest Bare, Henry Vines Jr., Henry Chandler

Members Absent:

Amie Perkins, Stephen Dobson

Also Present:

Commissioner Steve Carter, Commissioner Pamela Thompson, Assistant County Attorney Michelle Horn, Environmental Health Specialist Rob Snow

III. APPROVAL OF PLANNING BOARD MINUTES

September 11, 2025, Regular Meeting

IV. PUBLIC COMMENTS*

Chairman Cheek then asked the audience if anyone present did in fact wish to speak during the public comments section or if they intended to speak during the public hearing section regarding the landfill. No one in the room indicated they would like to speak during the general public comments.

Mr. Isley made a motion to amend the agenda to move the Phillippie LCID Landfill public hearing to the next item on the agenda. Mr. King then interjected with a point of order and clarification. Mr. King said he didn't think they could legally hold the public hearing because the ordinance requires that mailed notice of the hearing be deposited in the mail between 10 and 25 days prior to the hearing and that the local government post notice at the property. Mr. King said that it appears mailed notice went out 43 days prior to the hearing, and that posted notice was put out 28 days prior to the hearing. He believes these facts might put the board in jeopardy if they went forward with the hearing tonight.

Mr. Hoagland added that if you look at the public hearing requirements of the ordinance that it gives conflicting guidance. It both says notice must go out 10 to 25 days prior to a hearing and that it must go out at least 21 days prior to the hearing. Further, Mr. Hoagland mentioned

that NCGS 160D-406 spells out the procedures for a quasi-judicial hearing but that the item before them tonight is a public hearing, which is a different type of hearing .

Assistant County Attorney Michelle Horn asked some clarifying questions about the public notice requirement. The board also debated the possibility of postponing the hearing.

Mr. Chandler made a motion to continue with the hearing tonight and Mr. Isley seconded the motion. Mr. Cheek asked for the vote, and the motion was approved 3-2 with Mr. Chandler, Mr. Isley, and Mr. Bare voting yes; Mr. Vines and Mr. King voting no.

Mr. Isley restated his original motion to amend the agenda and place the public hearing next. Mr. Chandler seconded the motion. The motion passed unanimously. Mr. Isley then made a motion to enter the public hearing and Mr. Chandler seconded the motion. It was approved unanimously.

V. NEW BUSINESS

1. Phillippie Landfill Public Hearing

Mr. Cheek addressed those in attendance and assured them that the board is interested in hearing what they have to say. However, he advised them to avoid repetitive comments or to go beyond the standard three-minute time limit. He also asked them to be civil in their discourse.

An audience member asked if there would be any additional presentation of information before the public commented. Mr. Hoagland said that he had a staff report he was prepared to read to summarize the issue and that they could bring the site plans and related documents up on the screens in the room as well.

Mr. Hoagland then gave the following report:

Applicant Kenneth Phillippie has submitted an Intent-to-Construction Permit application, site plan, and related documents with the intent of constructing an Inert Debris Landfill on the property located at 4115 Clapp Mill Road, Burlington; otherwise found at Parcel ID 105192, a property totaling approximately 97 acres in size.

Inert Debris Landfills are regulated as a Class 1 use under the Alamance County Heavy Industrial Development Ordinance in Article 6, Part 5 of the Unified Development Ordinance. As such, they are subject to a 10-acre lot size minimum, an operations setback of 150 feet, and stream setback of 100 feet, among other regulations. There is no required Land Use Spacing for Class 1 developments.

Along with the Intent-to-Construct Permit, Mr. Phillippie has submitted a site plan and related documents demonstrating Phase 1 and 2 areas of operations, a 150-foot operations setback, an NCDOT email confirming driveway package approval, a 100-foot stream buffer, an existing vegetation landscape buffer, a 6-foot tall perimeter fence with a locking gate, a lighting plan, an approved NCDEQ Erosion Control Permit, and a letter regarding subsurface groundwater investigation.

As the Planning Board, your role tonight is to conduct a public hearing and determine if the application complies with the requirements of the Heavy Industrial Development Ordinance. If you determine that it does, you will make a recommendation for approval to the County

Commissioners for their final review and/or approval. If you determine that it does not, you shall issue a written determination of the reasons why and deny the application.

With that, I am happy to answer any question you may have before you begin the public hearing.”

Mr. Isley asked what would happen in the event of a denial of this permit. Mr. Hoagland responded that the guidance the ordinance gives is that it must be in writing. He assumes the applicant would have the chance to then amend the application and reapply. Mr. Bare asked if, essentially, their job is to make sure that the application meets all the requirements of the ordinance. Mr. Hoagland responded that it is correct.

Mr. Cheek then asked if the public was ready to speak. An audience member asked if the applicant meets all the requirements, will they still get their permit even if no one in the room wants it. Mr. Cheek responded, “yes.” He elaborated that the Planning Board has been trying for years now to get traction in the county to implement zoning but that every time it goes before the commissioners, they only hear from folks who do not want zoning. Most of those in favor of zoning do not go to those meetings to voice their support. In summary, Mr. Cheek said that in his opinion the only thing worse than zoning is no zoning.

There was then a question from the audience about what is currently taking place on the property versus the proposed LCID landfill. Mr. Jesse Wilson of Wilson Engineering Group then introduced himself and gave some details about the project. He said that at first this will be a borrow pit; an area where dirt is simply removed and taken off site for other purposes. Then, land clearing materials and inert debris will be brought in to fill those open pits. Those activities have already been going on with a neighboring property in the area of this property. This new proposal will essentially split the traffic between two sites instead of just the current one.

Another audience question asked about any approvals for the current removal of dirt. Mr. Wilson stated that they had acquired an Erosion and Sediment Control Permit from N.C.D.E.Q. for that activity to ensure that no runoff leaves the property.

There were then several comments about traffic, dust, debris, procedural issues, other nearby landfills, and current activities on the property from unidentified members of the audience.

Mr. Cheek then informed the room that he would like to get the meeting back on track and allow people to speak one at a time. One audience member then asked about what difference the public comments would make if the applicant can just get their permit anyway. Mr. Hoagland explained that the public comment process is more common to towns and counties that have official zoning. We do not have zoning, but we still have the procedural step of allowing public hearings for applications like this.

Mr. Cheek then began to call the names of those who signed up to speak.*

**More than thirty residents signed up for the public hearing. The following summarizes the concerns presented. These minutes are intended to provide an accurate summary of the discussion and actions taken during the meeting. Names of speakers and referenced individuals are based on available records and audio and may be misspelled or misidentified. If any errors are noted, corrections may be made in the official record upon review.*

Mr. Robertson said he didn't have much to add other than to ask when public comments might make a difference.

Mr. Snyder opened the hearing by asking for clarity on the purpose of the meeting, whether public comments influenced the decision, and what the expected outcome would be. He noted many residents were unclear about the process.

Mr. Hoagland responded to his questions by explaining the process of a public hearing in North Carolina and Alamance County. Most other jurisdictions have zoning where public comments carry more weight because the commissioners ultimately make a zoning text or map change. That's not the case in Alamance County, but they still do have the public comments portion similar to other counties.

Pam and Bob Gaude said they simply came and signed up to learn more information.

Jesse Wilson said he has spoken already.

Caleb Hall said he is also an engineer with Wilson Engineering but added nothing further.

Kelly Cline said she's lived in the area for 20 years, and the road is in terrible shape. She's like to see NCDOT involved to approve better access and that this is a residential area where this should not be allowed.

Mark Hall lives on Highway 62 South near the property and said that the land in that area doesn't perk very well. He also sees that the water table rises and lowers very much in this area and the inert material will let off toxins and be pulled down into the water table.

Danielle Boulette lives on Clapp Mill Road and her parents live there. They are worried about the environmental impacts and property values.

Raymond Moore, III lives on Jacks Creek Trail and is adjacent to the proposed landfill. His main concern is the water and water table. He also said the road is not a very truck friendly road and he is opposed to the landfill.

Whitney Love lives on Jacks Creek Trail and said it has been burning so bad that it looks like its snowing outside of her house. She fears that ash may land on her house and cause a fire. She also has small kids and is concerned for them.

Robin Hart lives on Cobb Road and says the people who have purchased the landfill own some 250 acres and may have plans for other things like this on the other properties. She said Stinking Quarter Creek runs through the land and she is worried about that flooding. She wants the Planning Board to start thinking about what they can do for the future of the county and put some processes in place.

Mr. Cheek responded and said that this board is currently revising the county's Unified Development Ordinance to iron out some confusion that exists within the document. They have been working on that since early 2024.

Leslie Clair lives on Regulator Drive. He opposes the proposal and permit. He's lived there for over 25 years. He supports growth and good business and recognizes that requires some sacrifices but that this is too far. This would be the third landfill in the area. His other concern is for southern Alamance County. There seem to be a great number of landfills in the general area. He asks if these are getting full and do we really need another one? He is concerned about so many landfills, the water quality, the road, and air quality.

Cindy Becker was called on but said she is just listening.

Brent Lineberry said he lives on Jacks Creek Trail and that the applicant owns property on both sides of his property. He fears that one day he will be surrounded by landfill. He wants Alamance County to conduct an impact study and then should have notified the residents. He said there's a lot of conflicting info about what's going on tonight. He is concerned about noise pollution, air pollution, smoke, ash, and water pollution. He said he will fight this.

Lee Kimrey was called but said he signed up to speak on a later item.

John McCarthy said he and his wife had just moved here from California about six months ago. In other places he's lived, landfills are always on the main road. They don't go through neighborhoods and on small roads. He fears that the Revolutionary Battlefield just down the road will be impacted by the landfill and that the road going in is not suitable for large trucks. He thinks a better use for the area would be developments to support the Revolutionary War Battlefield.

Matt Kirkpatrick lives on Clapp Mill Road and says he is in real estate development. He says this use does not conform to the surrounding area. He is curious about the current operations on the property. He said that according to the ordinance, this development does not promote the health, safety, and general welfare of the residents of the county.

Mr. Bare spoke about how he has been on the board and pushing for zoning for several years now. Citizens asked where zoning proposals go for the ultimate approval and Mr. Hoagland responded that it always goes to the commissioners, town council, or whoever the elected officials are in that jurisdiction. Commissioner Pamela Thompson spoke from the audience and said she has been in favor of zoning the entire time she's been a commissioner. Commissioner Steve Carter spoke as well and recounted the Snow Camp Small Area Plan that came before them in the 2019 timeframe. He said when that plan was presented that the public outcry against it was overwhelming. He said the vast majority of comments he receives are against zoning. There was then some additional miscellaneous discussion about hypothetical zoning implementation, approvals, and denials. Commissioner Thompson encouraged those present to come to county commission meetings and voice their support for zoning.

Jim Powell said his family moved to the area some 250 years ago. He expressed concern about the cumulative impact of multiple landfill facilities. He stated that the region is becoming a "dumping ground" without coordinated planning. He is also concerned with the potential dumping of waste into the creek, and the air quality.

Linda Kirkpatrick expressed that the real problem is that the community is concerned about their health, water, and property. She asked why there are two landfills in a two-mile radius of her house.

Joe Synder expressed that noise pollution could be a huge concern as well as property values. He expressed that the truck "beep" noise when it is in reverse is annoying and that he moved to Alamance County for the quietness; and that the noise from the trucks backing up is going to be a lot of noise and that he would personally become suicidal because it is one of the most annoying sounds he has heard.

David Wrenn spoke in support of Mr. Phillipie, describing his contributions to community projects and emphasizing the need for properly managed disposal capacity in the county. He explained that Mr. Phillipie has planted probably 500 trees and grew up in this neighborhood.

He mentioned to the residents along Jack's Creek Road that when their property was cleared to be developed, that clearing went to Mr. Phillippie's property. He said the owner is not there to destroy anything; this is simply filling holes with trees and other vegetation.

James Hubbard clarified that the air curtain burner used for debris disposal is regulated by NCDEQ and cannot operate outside State standards.

Jessie Nickton expressed that he lives on the same driveway as the landfill and just wanted to listen to others speak on the matter.

Carol Davis said that she spoke to the Board in 2022 regarding another LCID landfill. She mentioned that the Coble Township has 75% of the LCID landfills in the county. Ms. Davis reiterated concerns about air quality, noise, and property values. She stated that residents are tired of feeling overlooked in decisions involving their safety and well-being. Her major concern is fairness. If the landfill is approved, she mentions that she would be the only property owner in Alamance County to have two separate landfills adjoining her property (Alamance LCID to the South and Phillippie LCID to the North) and that it is not fair. She mentions a compromise of Mr. Phillippie getting the right-of-way from Highway 62, and that seems like a better way. She offers other suggestions for Mr. Phillippie's business interests that benefit him and the community.

Gary Carlile lives on Highway 62 signed up for public comments but did not want to speak.

Sherry Ford lives on Hwy 62 and expressed her part of the county has their share of landfills. She believes Alamance County is a sucker for taking in developers without guidelines and zoning. A major concern of hers is the air quality, and what people are breathing. She has concerns with car safety and expressed that a child was hit by a car and an elderly woman was rear ended trying to turn in her driveway. She mentioned that there were three car accidents where someone was killed and others injured. She mentions there's no law enforcement and people speed through the village where this landfill is.

Larry (last name unclear) lives on Jack Creek Trail, a newer resident who expressed skepticism about the county's regulatory structure and stated that approving another landfill would discourage families and investors from settling in the area. He asked if the Board could recommend Mr. Phillippie find an alternative entrance into the landfill instead of Clapps Mill.

Alan Figus lives on Jack Creek Trail pointed out he's lived on the road for about 5 years and that the ash from that property on his car looked like bird feathers. He mentioned his property is not close to the landfill, but the effects of the landfill reach his residence. He mentioned he has residents that have Asthma and COPD, so it is a major concern.

Gary Carlisle was called upon but did not wish to speak.

Chairman Cheek asked if everyone had the opportunity to speak who wanted to. Hearing no more comments, a motion to close the public hearing made by Mr. Isley, seconded by Mr. Bare. It was approved unanimously.

Mr. Vines said he had some it seems to him that the landfill is already in operation and he doesn't understand how that's going on before the permit is issued by the county. He didn't think the notification went out properly either.

Mr. Isley asked if Mr. Hoagland could clarify the issue of what's happening now with the property. Mr. Hoagland said he could and explained that the Planning Department actually received a complaint about the property several months ago. Staff inspected the property and

found that concrete crushing and incineration of vegetative material was taking place and that was certified by their engineer. He told the board, however, that type of activity is not governed by the heavy industrial ordinance.

Mr. Jesse Wilson added that the property owner is currently storing concrete and crushing it to gravel his access road. He is operating an air curtain incinerator. He is moving dirt on the property but only for the purposes of building out erosion control measures and accessing those erosion sites. He elaborated on the other erosion control measures they were engaged in in order to comply with state compliance.

A few board members took issue with the activities happening on the property being done before the Intent-to-Construct Permit was issued. Mr. Hoagland read from Section 6.5.4.B which states that no construction activities should take place before that permit is issued. He further said there may be a bit of a catch 22 in our ordinance whereby we don't allow any construction activities but we also require that developers comply with state permits. And those state permits may require certain activities to be conducted in order to receive approval.

Mr. King said it is one thing to submit plans saying what you're going to do, as opposed to actually doing that work. He said they seem to be acting on their sediment and erosion permit without approval from the county. Mr. King elaborated that he works with this a lot in his line of work as well. The normal course is for developers to get approval of their plans first, then they can begin construction only after those plans are approved.

Engineer Jesse Wilson spoke again and elaborated on some of the activities that have taken place in pursuit of both local and state compliance. He reiterated that the property is not operational as a landfill right and would not be until they receive all the proper permits.

Mr. King added that there is a definition for construction activities in the UDO and read it aloud for the room. He said that a developer has to show compliance with the ordinance.

Mr. Hoagland brought the definition of "construction activities" up on the screen in the room and said that it appears to be particularly harsh in not allowing a developer to engage in such activities without county approval.

Assistant Attorney Horn said she would like to add some clarification from earlier. From her interpretation, the 21-day minimum notice requirement is the more strict standard from our ordinance. From her interpretation, since those notice requirements conflict, following the more strict standard should apply.

Mr. Chandler spoke and said he made two trips out the this area. He evaluated some 70 homes in that area that connect to this road. He understands the specifics of the ordinance but he is also concerned about public safety. He sees this is a rural and residential area and he does not plan to support this permit. He believes if it is approved then the residents' concerns will get worse. He told the chairman that he does not plan to support this.

Mr. Isley asked again about the Planning Board's role tonight and Mr. Hoagland stated again that they are to evaluate the proposal and determine if they have complied with the ordinance in order to receive the Intent-to-Construct Permit. If they do, the Planning Board will make that recommendation to the commissioners. If not, they must issue that denial in writing.

Mr. Vines made a motion to deny the permit for the reason that they have not complied with the requirements of the ordinance.

Mr. King suggested that the board go through the ordinance point by point and find whether or not they have complied. He noted that the Class 1 land use and stream buffering look to be complied with. There are no buildings involved. He mentioned that there's no land use spacing requirement for this class of use and no waiver would be needed. He then asked about the 150-foot operations setback and the temporary sediment basin. Mr. Hoagland showed the 150-foot operations setback outlined on their site plan on the large screens in the room.

Mr. King then asked about the traffic impact analysis. Mr. Hoagland said he received an email from the assistant engineer from the district NCDOT office stating that the traffic impact analysis would not be needed and that they have approved the plans in the driveway application.

Mr. Vines said he's traveled this road often and thinks this would be dangerous for the residents if this was approved. He said he thinks there are enough gray areas in there that they can deny this permit. He also said he didn't think they needed another landfill in that area of the county and he thinks it is a bad location for this.

Mr. King zeroed in on the fact that the ordinance requires the applicant to demonstrate whether or not the development will create an amount of traffic to push the road over its practical carrying capacity. He said that rather than deny the application he would be willing to give the applicant the ability to address this portion of the ordinance and amend their application.

After some discussion about how to proceed, Mr. King made a motion to table this until the next meeting and give the applicant specific instruction in writing on what the board would like to see improved about their application. Mr. Bare clarified that there is already a motion on the floor to deny the permit. Mr. Isley clarified Mr. King's motion and asked if they would have Mr. Hoagland send that written notice of deficiencies to the applicant. Mr. King agreed.

Mr. Chandler then seconded Mr. Vines' motion to deny the permit.

Mr. King asked if they could finish going through their application and the ordinance point by point. He said he had additional concerns about the traffic impact analysis requirement. Mr. Hoagland again referred to the NCDOT email. Mr. King said it appears the ordinance puts that burden of analysis on the applicant, not on NCDOT, and asked the applicant if they can provide certification that the activity will not push the road over its carrying capacity. Engineer Jesse Wilson admitted they had not conducted such an analysis. However, he said he did not believe the issue would be the carrying capacity as NCDOT defines it, it would be the width and curves of the road and ability to handle that size traffic. He doesn't think those problems related to carrying capacity as they determine the load on the road.

Mr. King reiterated that the ordinance places that burden on the ordinance. Mr. Hoagland said the question before the board is have they demonstrated that compliance? Is it satisfied by the letter from NCDOT or do they need to conduct their own analysis? There was then some miscellaneous discussion between board members, others present, and unidentified residents in attendance.

Mr. Hoagland asked a clarifying question about the motion and second on the floor and if the board is now listing specific deficiencies with the application. A few board members responded, yes.

King continued analyzing the ordinance and application. He asked about their lighting plan. Mr. Hoagland showed on the site plan where they plan to place their lighting fixtures along the interior road and the note on the site plan detailing them.

Mr. King asked about the temporary sediment basin within the proposed 150-foot operations setback. He said there are no plans showing what kind of vegetative screening will be put back in place once the temporary sediment basin is taken out of operation.

Mr. King then referenced subsection G of the Ordinance under Operations Area and said they didn't receive anything about identifying any wetlands or woody swamps on the property.

Mr. King then noted that it appears they have complied with stream buffers, flood zone, other landscaping and screening, gating and fencing. He asked about their NCDEQ Erosion and Sediment Control Permit. Mr. Hoagland responded that they had actually sent that over today and he displayed that plan approval on the large screens in the room.

Mr. King summarized his remarks and Mr. Chandler asked Mr. Hoagland if he had everything written down.

Mr. Hoagland said he had written down three primary items:

1. An incomplete traffic impact analysis based on the requirements of the ordinance.
2. A determination of wetlands or woody swamps as defined by the Army Corps of Engineers.
3. A plan to re-plant in the operations setback buffer once the temporary sediment basin is no longer in operation.

After some minor discussion amongst the board, Mr. Hoagland added a fourth item:

4. A ceasing of construction activities until a decision is made on the Intent-to-Construct Permit.

Board members and Assistant Attorney Horn had a clarifying conversation about what might happen if the permit is approved, denied, or if they voted to continue until the next meeting. Mr. King added that if it were denied there would be no waiting period for them to simply apply again immediately. Mr. Hoagland added that if they did reapply, they would have to go through all the same procedural steps.

Mr. Vines asked if he could rescind his motion to deny. Mr. Chandler indicated to Mr. Vines that he would be fine with that. Mr. Vines rescinded his motion to deny.

Mr. Hoagland restated the four points from above and said he would make sure that gets to the applicant in writing, pending a motion from the board. Mr. Vines made a motion to have Mr. Hoagland transmit the board's request to the applicant and continue discussion of the issue until the January 2026 meeting. Mr. Isley seconded the motion. It was approved unanimously.

VI. OLD BUSINESS

1. Second Consideration of UDO Article 6.12 Amendments
2. Second Consideration of UDO Article 6.13 Amendments

VII. NEW BUSINESS

1. Consideration of Draft UDO Article 6.14 Amendments
2. Consideration of Draft UDO Article 7 Amendments

Mr. Isley made a motion to postpone and continue all UDO review items to the January meeting. The motion was seconded by Mr. Chandler and approved unanimously.

VIII. NEW BUSINESS

1. Planning Board Applicants Review and Recommendation

Mr. Hoagland read a statement explaining that the Planning Board is unique in that they review and make a recommendation on their potential members to the county commissioners. The commissioners may then appoint whoever they like at their discretion.

He introduced the applicants for an upcoming appointment term: Natalie Thacker, Jeffrey Michael Stevens, Brandon Martin, Max Morgan, Jeff Throneburg, Johnna Burkett, Baker "Lee" Kimrey, and Henry Vines.

- Mr. Lee Kimrey introduced himself and spoke about his experience in zoning and land use, expressing interest in serving at a future opportunity. Mr. Isley thanked him for his patience in waiting through the public hearing to speak.
- Mr. Morgan spoke about his development background, the fact that he comes to most Planning Board meetings, and his desire to contribute to county planning efforts.
- Mr. Vines said he has seen these issues now for about 35 years. He discussed the origins of zoning and the need for continued focus on protecting residents from incompatible development.

Mr. Chandler made a motion to recommend Mr. Henry Vines for reappointment to the Planning Board. It was seconded by Mr. Bare and the vote in favor was unanimous.

Mr. Isley again thanked the gentlemen who applied and encouraged them to reapply and stay engaged. He appreciates their willingness to serve. Chairman Cheek noted that their applications will stay on file for two years.

Mr. Chandler made a motion to adjourn.

IX. ANNOUNCEMENTS/DISCUSSION

Chairman Cheek said that before they adjourn, he wants to announce that the annual Christmas Party is scheduled for December 11, 2025, at MexAm Restaurant in Graham. They will also invite the Historic Properties Commission and Board of Adjustment members. Mr. Hoagland expressed to the Board that no official business will be discussed or undertaken at this event, per state law.

X. ADJOURNMENT

Mr. Bare seconded Mr. Chandler's motion to adjourn, and it was approved unanimously. The meeting was adjourned at 10:30 p.m.