

**MINUTES**  
**OCTOBER 13, 2011**  
**PUBLIC HEARING**  
**YOUNGSVILLE COMMUNITY HOUSE**  
**SPECIAL USE PERMIT**  
**AMIDON**  
**409 NORTH BROOK DRIVE**

Mayor Samuel Hardwick called the Public Hearing to order at 7:03 p.m. In attendance were Commissioners Catherine Redd, Joseph Johnson, Graham Stallings, Marvin Roberts, and Leelan Woodlief. Also in attendance were Interim Town Administrator Bill Tatum, Town Clerk Emily Hurd, Administrative Assistant Kathryn Tucker, Police Chief Daren Kirts, and Town Attorney Pete Tomlinson. Representatives from The Wake Weekly and the Franklin Times were also present. The purpose was to hear comment from the public about the Special Use Permit for Amidon located at 409 Northbrook Drive.

Tatum stated that Amidon has presented the Town with a Special Use Application for outside testing and noise. Mayor Hardwick asked that since there were so many people that wanted to speak, to limit speeches to around 3 minutes so that everyone would have a chance. He explained that after going through the list of people to speak, he would see if anyone else in the audience had something to say. Mayor Hardwick stated that Amidon had received a Favorable Recommendation (with a 5 – 1 vote) from the Youngsville Planning Board with the stipulation that they use suppressors on their firearms. Clay Davidson, with Amidon, wanted to thank the Board for the chance to explain what they are doing at their business. Mr. Davidson stated that their company builds ballistic concrete which is a specialized product used in the training of our military. This concrete is designed to absorb bullets and help prevent the lead from leaching out into the environment. He explained that the production process involves casting large concrete blocks that are normally 3 X 8 feet and are produced at their facility on Northbrook Drive. Mr. Davidson stated that the military requires them to test each block which involves them shooting at the blocks with rifles. When they first moved in to the facility, they checked with Franklin County since they did not realize they were in the Youngsville ETJ and he apologized for that. Franklin County told them that they did not need a permit and that everything was fine for them to proceed. He stated that once he had the go ahead from Franklin County and the Sheriff's Office, they started testing. He stated that was when the neighbors heard the firing and he apologized for that. He stated that they were not aware of the problems they were causing. Mr. Davidson stated that they have since taken measures to address those issues. He explained that they could not be tested on base since civilians are not allowed to shoot on military bases; they have to test them here. He stated that they were taking measures for

both the safety of the residents and mitigates the noise. Up until this point, they have been shooting at an earthen berm. He stated that they do not miss often since there are trained marksmen shooting at the blocks from about 85 feet away. Mr. Davidson stated that due to both noise and safety reasons, they are proposing to put in an 8 foot wall across the back of the property for a backstop. They will also put in an “angle of fire limiter” so that the rifles will not be able to shoot over the 8 foot wall. This will be a trailer that has a sloped roof so that a bullet cannot go over it. Mr. Davidson stated that they had talked with the range experts at Fort Bragg to help design this system. He explained that the noise from rifles go out to the sides. He stated to help lessen the noise was to change the direction of fire. Mr. Davidson also stated that the wall would help to dampen the noise as well and they would also put suppressors on the rifles as a final step to reduce the noise. This system was designed with help from the people at Fort Bragg so that an errant round could not leave the property. Mr. Davidson stated that he felt that these steps addressed both the noise and the safety concerns. He also explained that they had been testing 50 caliber weapons but since they cannot be suppressed they will no longer be testing those at this facility. They will still be testing the 5.56, 7.62 and 9 millimeter weapons with suppressors. Mr. Davidson stated that they would notify residents before shooting if they wanted to leave their names and numbers. He stated that once all of the noise suppression measures are in place that the residents probably wouldn’t even notice the noise. He explained that it would not be completely quiet but it would be about the same level of noise as the rest of the businesses on those commercial lots.

B.J. Lloyd stated that he had some questions. He asked how many shots would be fired per round and the answer was one. He asked if the shooting would be outside of the building and the answer was yes. When asked about precautions, Mr. Davidson explained about the “angle of fire limiters” and the wall. He also stated that it would be trained marksmen shooting the weapons. Mr. Lloyd asked how many rounds would be shot per day and Mr. Davidson stated that it depended on the orders but a normal day would be 200 – 300 rounds. When asked when they would be shooting, Mr. Davidson stated that it would be during business hours only, no more weekend shooting. Mr. Lloyd stated that he was concerned people that lived near where they would be shooting as well as the ability to sell his land near them. Mr. Davidson stated again that they would be putting measures in place for safety and noise reduction. He stated that he felt this would not reduce people’s property values. Mr. Lloyd mentioned the reduced noise and stated that he had read a report concerning the matter and Mr. Davidson stated that the suppressors would be around 120 decibels and explained that a hammer striking a nail was around 110 decibels.

Greg Duffy, Fleming Road, stated that he lived on the property most affected. He stated that when they were shooting the 50 caliber weapons it sounded like cannons. Mr. Duffy stated that it was too loud and it limited their outside enjoyment. He stated that he heard about the measures to be taken, but if Amidon didn’t care about the noise and safety of the neighboring houses then, why should he believe them now. He stated that he had called the Sherriff’s Office 4 times because the noise was so loud that he could not hear his TV inside the house. He stated that until the Youngsville Zoning Department got

involved, Amidon had not been concerned about the local residents and he feels that they are just words at this point. Mr. Duffy wanted to know what kinds of guarantees were there that this measure would even work. He stated that he would like to hear what this suppressed firing would sound like before passing this application. Mr. Duffy stated that he's been here for 20 years and it was supposed to be his country paradise and it's being ruined by both the Highspeed Rail and now the firing range. He stated that there should be concrete proof that this will work before letting it happen.

James Hemby stated that he noticed that this Special Use Application was to be voted on during the normal Board Meeting and he encouraged that Board to table it. He stated that on Father's Day the shots rattled his windows they were so loud. He stated that when he called the Sherriff's Office they could hear the firing in the back ground and questioned about how loud it was. Mr. Hemby asked Mr. Davidson if they were so interested in what the neighbors thought, how come no one would come to the door or answer the phone when this was going on. Mr. Hemby asked what the conditions were that would cause a Special Use Application to be revoked. He also asked if there were any decibel level requirements would the Board test to make sure that they were following the guidelines of the Special Use Application. He wanted to know if there were any punitive measures that would be taken if they failed to meet their requirements. Mr. Hemby stated that there was no way to 100% guarantee the rounds would stay on the property and how would the Town respond. Mr. Hemby wanted clarification about moving the facility from Zebulon to Youngsville. He stated that Mr. Davidson said in January during this meeting, the website says December and he was told on the phone that they still have the facility in Zebulon. He asked if the company that was helping them with their concrete didn't tell them that they would be in the Youngsville ETJ. Mr. Hemby stated that he didn't believe that a company their size couldn't do enough due diligence to find out which zoning jurisdiction they belonged in and get the proper permitting done before firing. Mr. Hemby stated that he didn't believe them when they apologized due to the fact that they did not try to reach out to the neighboring residents until they were going to have the Public Hearing for the Special Use Application. Mr. Davidson stated that they did work with an inspector at the time, which came out and answered their questions. Mr. Davidson stated that they were taking every measure possible to guarantee that a round won't leave their property. When asked, Mr. Davidson stated that he would guarantee that no round would leave their premises. Tomlinson stated that this Public Hearing was to express opinions and not interrogate. He stated that Mr. Davidson would be able to make a rebuttal at the end of the Hearing. Mr. Hemby asked if this was the first live fire exercise on Father's Day. He asked why choose that Sunday afternoon and was there anybody at the facility since no one would come to the door to talk to the residents. Mr. Hemby stated that Mr. Davidson had talked about the caliber of weapons and he wanted to know the range of those weapons. He wanted to know where those rounds could possibly end up after being fired should the 100% guarantee not materialize. He asked if there were any citizen concerns from Zebulon and why did they decide to move to Youngsville. Mr. Hemby also wanted to know what kind of weapons and ammunition was kept at this facility and did that make it a target for terrorist or other people needing weapons that they could not normally get their hands on. Tomlinson

again stated that the Public Hearing was a place to express opinions but that there would be an opportunity at a later time to ask questions.

Jeff Brown, Fleming Road, stated that he too heard the firing on Father's Day. He stated that he is a licensed gun carrier in the state of North Carolina. He is also a combat infantry veteran of Vietnam and he knows what 50 caliber weapons and M16's can do. He stated that the documents state that there is a .01% that round could leave the premises but Mr. Davidson just stated that there was no chance whatsoever; this means that someone is not telling the truth. He stated that the animals in the area are frightened every time the firing goes on. Mr. Brown stated that to say this was only going to happen during business hours has been proven false as they have been firing on weekends and evenings. He stated that it was incessant all day long. Mr. Brown stated that he was behind developing products that could save soldiers lives but he believes it has to be done safely no matter what the extra costs. He stated that these blocks could be transported to Butner where they have firing ranges already.

Pete Gibson, Fleming Road, stated that he has horses and they train children. He stated that when the horses get spooked there is the possibility of children getting hurt. Mr. Gibson asked which direction where they shooting. He also wanted to point out that Amidon is not the main problem, they are the result. Mr. Gibson explained that the Board of Commissioners, when approving the zoning of that area either didn't take into consideration what it would do to the residents or didn't care. He stated that there was no forethought with the business park to begin with and that was why we were here tonight.

Bill Jackson, Arrowhead Farms, asked Amidon if when they took the contract, did they budget the money to do this or did they skimp on the building. Mr. Jackson stated that the OSHA requirement was 85 decibels for working conditions. He stated that the guy doing the shooting should not be subjected to a higher decibel. Mr. Jackson asked if the "angle of fire limiter" would be on a trailer or building, but the drawing makes it look as if it is a trailer with tires on it. If the tires go flat that would change the angle of fire, opening the possibility of being able to shoot over the wall. He stated that the wall would need to be higher to combat these issues.

Barbara Robison, Fleming Road, stated that her house is directly behind the shooting range. She stated that it sounded like the footage from Afghanistan. She stated that her horses, dogs and cats all went crazy when the firing started. Mrs. Robison stated that she agreed with the gentleman that stated they should take them to Butner for testing. She stated that they moved to the area because it was a nice place to live but due to these conditions, it no longer is. She handed Mr. Davidson a decibel meter, and stated that Amidon should be measuring the levels. She also stated that the EPA has regulations for decibel levels in residential and farming areas which are 50 decibels. She stated what she wanted to see was for them to come out to her property and prove it would only be 50 decibels. Mrs. Robison stated that it wasn't fair for the residents to have to compromise their standard of living.

George Halsey, Fleming Farm Drive, stated that he was about a quarter mile away. He stated that it was more than 200 shots being fired and his grandson could not get to sleep even with the windows closed. He stated that his animals also went crazy as well. He stated that 120 decibels is a lot higher than other counties. Mr. Halsey stated that there seemed to be a difference between what the legal limits were and what Amidon was using.

Holli Hemby, Fleming Road, stated that she agreed with everyone when they stated that they all moved to this area because of the tranquility. She stated that the majority of the properties on Fleming Road were horse farms. Mrs. Hemby stated that Amidon chose to come to an established residential area. She also asked the Board to consider if this was what they wanted for Youngsville.

Mayor Hardwick asked if there were anymore comments and when there were none, Mr. Davidson was offered the opportunity to answer some of the questions in a rebuttal. Mr. Davidson stated that they did do their due diligence by asking Franklin County and the Sherriff's Office before firing. They were told that they did not need any permits nor were they told that they were in the Youngsville ETJ. Mr. Davidson responded to the comments about the suppressors stating that they were state of the art and had to be special ordered. He stated that the maximum decibel level would be 120 decibels at the gun and not what the neighbors would hear; it would be lower for them. He stated that the direction of fire would also direct the sound away from Fleming Road and the wall would also help to reduce the sound so that it should not be too high for the residences. Mr. Davidson stated that with all the measures put in place, they believe that the sounds would not be significant. If, after all of the measures have been put in place, the sound is still too loud, they will consider other options. He stated that the Company did not want to go out, build and purchase all this and be denied after spending all of that money. He stated that they would still be happy to work with the community. He explained that there were still things that could be done such as installing sound barriers. Mr. Davidson stated that the people he spoke with at Fort Bragg believe that these measures would be enough to diminish the sounds. He stated that he was not aware of a decibel level restriction by Franklin County and if there is, they would strive to meet it. Mr. Davidson repeated that this would be only 10 decibels higher than striking a nail in a facility located on Medium Industrial property. He stated that this would not be any different from the regular noise of the Medium Industrial businesses located out there. He stated that they will buy a decibel meter but without a specific limit to aim for, he's not sure what they would measure for. As for safety issues, they will no longer be shooting 50 caliber rounds at their facility. He mentioned that on Father's Day, they had a last minute requirement from the Marine Corps and were not aware of the issues so they continued to test that day. He stated that there would not be any more tests like that. Mr. Davidson stated that they will only be doing two types of testing at this facility. The first is Research and Development where they shoot a number of different types of rounds and this can be tested off site. The second type is production testing where they are producing a large amount of blocks. He explained that there were too many blocks to be taken off site to test each individual block due to the costs involved. He apologized again for the level of angst over the Father's Day testing. A gentleman in the audience stated

that he could hear the backup beeping at the facility behind him and stated that it was 145 decibels (OSHA required). He stated that he could also hear the forklifts down the road. Mr. Davidson stated that those types of sounds are normal coming from a Medium Industrial park. He stated that the sounds that they would produce are lower than that and Amidon is also talking about putting up sound barriers as well. He stated that it looked as if they are being made to do more than other users in the area are being required.

Tom Laponzina, Fleming Forest, stated that he felt it was absurd that a company testing live ammunition would not have a decibel meter. He stated that on Father's Day, no one knew what was going on. He stated that originally it was going to be a manufacturer of concrete materials and he can see the Town accepting that type of business as it's appropriate for the area. However, to not have anyone aware of firing live ammunition along with a vote of 5 to 1 to approve this, he felt that the issue is no longer with Amidon but the people of Youngsville who have to exercise due diligence. He stated that it was mentioned that they had done testing at Fort Bragg and also in the desert. Mr. Laponzina stated that Youngsville was not the desert and not a proper place to be doing live fire. He stated that Youngsville was now a suburban community and the idea that this would even be considered is absurd and that it was not only Amidon but also the Board that needed to be looked at.

Another gentleman asked if they were allowed to fire there and sound was an issue, why doesn't the company purchase silencers? Mr. Davidson stated that the suppressors that they had been speaking about were the best available silencers.

Rick Lewis stated that he lived further than most of the people at the meeting tonight, and what he's hearing is that most of the people bought into the area for the quiet where they could have dogs and horses. He stated that a firing range and the mini farms in the area just don't go together and doesn't make good sense.

Janie Raper, Fleming Farms, and she heard the loudness. She explained that she's battled cancer and is now in remission as well as her husband who also has a heart issue. She stated that people with health problems would have issues. She stated that she chose this area due to the peace and tranquility over Wake Forest and now she's having a lot of regrets because of the highspeed rail, the 96 bypass and now the shooting. She stated that this is stressful. Mrs. Raper stated that home is where you go to de-stress but now you they no longer have that option with the firing going on in the background. She stated that this would also affect the real estate market.

Another gentleman asked about the permit that the Planning Board approved and if it was available to the public. Mayor Hardwick explained that they did not approve the permit; they only made a Favorable Recommendation to the Board of Commissioners. He explained that this Board is the one that would vote on the permit. When asked if the Special Use Permit could have restrictions, Mayor Hardwick stated yes that it could be very restrictive.

The Public Hearing was closed at 7:49 p.m.

