DOC ID 3123

MRR Southern, LLC

April 18, 2005

Mr. Jim Barber
NCDENR
Solid Waste Section
Division of Waste Management

Dear Jim,

Enclosed you will find original copies of meeting minutes from both Wake County and the City of High Point, addressing the re-issuance of the franchises to WCA from MRR Southern.

Should you have any problems or questions with franchises or with the previously submitted permit documents, please do not hesitate to contact me.

Regards,
MRR / WCA

Christopher T. Roof

Received
APR 2005

c: WCA – file

Kennedy Covington

ATTORNEYS AT LAW

WCA - Wake Franchise Agmt

Edwin L. Barnes, Jr.
704.331.7564
Fax: 704.353.3264
ebarnes@kennedycovington.com

March 23, 2005

J. Edward Menger
Vice President and General Counsel
WCA Waste Corporation
One Riverway, Suite 1400
Houston, Texas 77056

Dear Ed:

Enclosed are certified copies of the Wake County Board of Commissioners minutes that reflect the decision made by Wake County at two separate readings with respect to the Material Recovery franchise. The relevant pages in the February 7, 2005 minutes are pages 17 and 18, and the relevant pages in the February 21, 2005 minutes are pages 3 through 5.

If you have any questions, please call me or Lacy Reaves at 919/743-7304.

Regards,

Edwin L. Barnes, Jr.
For the Firm

Received
APR 2005
Solid Waste Section

ELB/sts

cc: Norbert Hector (w/o encl.)
Lacy Reaves (w/o encl.)

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WAKE COUNTY NORTH CAROLINA

Board of Commissioners

P.O. Box 550 • Raleigh, NC 27602

TEL 919 856 6160
FAX 919 856 5699

JOE BRYAN, CHAIRMAN
TONY GURLEY, VICE-CHAIRMAN
HERB COUNCIL
KENN GARDNER
PHIL JEFFREYS
BETTY LOU WARD
HAROLD WEBB

WAKE COUNTY)

NORTH CAROLINA)

I, Gwendolyn I. Reynolds , Clerk to the Board of County Commissioners, County of Wake, State of North Carolina, hereby certify that the attached is a true and complete copy of **Minutes of Wake County Board of Commissioners Meeting , dated February 21 , 2005.**

Witness my hand as Clerk to the Board, and the Seal of the County of Wake, this the 21st day of March , 2005.

Gwendolyn I. Reynolds, CMC
Clerk to the Board of Commissioners
Wake County, North Carolina

Received
APR 2005
Solid Waste

The Wake County **Board of Commissioners met in regular session Monday, February 21, 2005, at 2:00 p.m.** in the Commissioners' Meeting Room, 7th Floor, Wake County Courthouse, Raleigh, North Carolina. Members **present were Commissioners Herbert H. Council, Kenneth M. Gardner, Tony Gurley, Phil Jeffreys, Betty Lou Ward, Harold H. Webb and Chairman Joe Bryan.**

Also attending were the County Manager, Mr. David C. Cooke; the County Attorney, Mr. Michael R. Ferrell; and the Clerk to the Board, Ms. Gwendolyn I. Reynolds.

Chairman Bryan called the meeting to order.

****

PLEDGE OF ALLEGIANCE

Chairman Bryan recognized Boy Scout Troop #360 of Leesville Baptist Church, Raleigh, North Carolina, to lead the audience in the Pledge of Allegiance.

****

INVOCATION

Chairman Bryan offered the invocation.

****

APPROVAL OF AGENDA

Upon motion of Commissioner Webb, seconded by Commissioner Ward, the Board unanimously approved the agenda as amended, that the **"Request from Wake County Public Schools for Approval of Multi-year Operating Lease" be considered following the 3:00 p.m. public comment portion of the meeting.** It was noted that the "Request from the Wake County Board of Education to Reallocate Plan 2000 Funds" (Millbrook High Project) was not on today's agenda at the request of the School System.

****

APPROVAL OF MINUTES

Upon motion of Commissioner Ward, seconded by Commissioner Gardner, the Board unanimously approved the minutes of February 7, 14, and 16, 2005.

****

COMMUNITY SERVICE'S BUSINESS PLAN PRESENTATION

The Commissioners have requested that the various County departments present their business plans during regularly scheduled Board meetings in order to inform the general public about the operations and services of Wake County government.

Chairman Bryan recognized Mr. Doug Longhini, Director of Community Services, to present the business plan for the department. He outlined the organizational structure and common mission: To enhance the quality of life by promoting health, safety, environmental protection, leisure facilities and providing information and educational opportunities needed by citizens to make sound decisions.

Mr. Longhini then outlined the mission, services and highlights of each of the divisions: Cooperative Extension; Geographic Information Services; Inspection/Development Plans/Permits; Parks, Recreation and Open Space; and Public Libraries. Examples of the programs and audiences served were also presented.

Following a question and answer period, **the Commissioners received the information as presented.**

****

RESOLUTION SETTING DATE FOR ADVERTISEMENT OF TAX LIENS

In February of each year the Revenue Director is required by state law to report to the Board of Commissioners the total amount of unpaid taxes for the current fiscal year that are liens on real property. Upon receiving the report, the Board of Commissioners must order that the liens be advertised and must set a date on which the advertisement is to occur. The steps taken prior to this action were outlined for Board information.

Upon motion of Commissioner Ward, seconded by Commissioner Council, the Board unanimously adopted a resolution setting the date for the advertisement of tax liens.

RESOLUTION
SETTING DATE FOR ADVERTISEMENT
OF TAX LIENS

WHEREAS, as required by Section 105-369 of the General Statutes of North Carolina, the Revenue Director of Wake County has, on this first Monday in February, 2005, reported the total amount of unpaid taxes for the current fiscal year, including deferred taxes which have become due and for which no prior lien advertisement has been published, and property heretofore protected by automatic stay in bankruptcy.

NOW, THEREFORE, BE IT RESOLVED:

That the Revenue Director be, and he hereby is, ordered to advertise on the tenth day of March, 2005 or as soon thereafter as possible the tax liens on real property in the County for unpaid taxes for current fiscal year, liens for deferred taxes upon which no prior lien advertisement has been published, and liens for delinquent taxes upon real property heretofore protected by automatic stay in bankruptcy, and shall place said advertisement at some public location at the Courthouse and shall publish said advertisement once in one or more newspapers having general circulation in the County setting forth that the taxing unit may foreclose the tax liens and sell the real property subject to the liens in satisfaction of its claim for taxes.

****

REQUEST FOR RE-ISSUANCE OF LANDFILL FRANCHISE
MATERIAL RECOVERY, LLC

An ordinance requiring all Construction and Demolition landfill operators to obtain a franchise from the County prior to operation was enacted by the Board of Commissioners September 7, 1999.

Material Recovery, LLC is the current holder of a franchise to operate a Construction and Debris landfill in Wake County. A new entity, WCA of Wake County, L.P. is acquiring the ownership interest of Material Recovery, LLC. WCA has adopted the application filed by Material Recovery, LLC, for operation of the C&D landfill, and has agreed to comply with the terms and conditions of the franchise previously submitted by Material Recovery, LLC.

County staff is satisfied with the operation of the landfill by Material Recovery, LLC, and has no objection to re-issuance of the franchise on the same terms and conditions.

The Board of Commissioners considered this request for re-issuance of Material Recovery, LLC landfill franchise at its February 7, 2005 meeting. Granting of a franchise requires two separate readings.

Upon motion of Commissioner Jeffreys, seconded by Commissioner Gardner, the Board unanimously approved the adoption of an ordinance re-issuing franchise to Material Recovery, LLC, for operation of construction and demolition landfill.

ORDINANCE RE-ISSUING FRANCHISE
TO MATERIAL RECOVERY, LLC FOR OPERATION OF
CONSTRUCTION AND DEMOLITION DEBRIS LANDFILL (2nd reading)

WHEREAS, Material Recovery, LLC is the current holder of a franchise to operate a construction debris (C&D) landfill in the County; and,

WHEREAS, WCA Waste Corporation, L.P. has acquired the ownership interest of Material Recovery, LLC; and,

WHEREAS, WCA Waste Corporation, has adopted the application filed by Material Recovery, LLC for issuance of a franchise to operate a C&D landfill, and has agreed to comply with the terms and conditions of the Material Recovery, LLC franchise as amended; and,

WHEREAS, the required special use permit from the Wake County Planning Board for operation of a C&D landfill on the site identified in the application has been obtained.

NOW THEREFORE BE IT ORDAINED THAT,

Section 1. The franchise to operate a construction and demolition debris landfill previously issued to Material Recovery, LLC is hereby reissued to Material Recovery LLC, through its new owners WCA Waste Corporation, L.P. The franchised operation shall be conducted in accordance with the representations made on the application submitted by Material Recovery, LLC, and all amendments to that franchise. Copies of all materials submitted by Material Recovery, LLC which have been adopted by WCA Waste Corporation, L.P. are maintained in the permanent files of the Clerk to the Board. This reissued franchise shall expire coterminous with the expiration of the original franchise to Material Recovery, LLC.

Section 2. WCA Waste Corporation, L.P. and Material Recovery, LLC shall provide documentation reasonably required by the County to ascertain compliance with the terms of the franchise as amended.

Section 3. This ordinance is effective upon its second reading by this Board.

****

EXTENSION OF LEASE AGREEMENT FOR HUMAN SERVICES
"WORKING FOR KIDS" PROGRAM

In March 2000, Wake County leased a 2,037 square foot building located at 2815 Kidd Road from Poe Properties, LLC. The building is a stand-alone facility located in close proximity to the Human Services Facility on Swinburne Road and is used to support the grant-funded Working for Kids Program. The current lease is for a term of five years extending through February 28, 2005. The proposed extension is for an additional five-year period extending through February 28, 2010. The yearly rent for the lease extension shall be increased by 3.5 percent on an annual basis. The new annual rent for year one of the extension will be $22,977 or $11.28 per square foot. The County will be responsible for payment of taxes, insurance and interior maintenance in accordance with the original lease. All costs associated with this lease will be covered by a combination of State, Federal and County funds. The lease also contains a non-appropriation clause that permits the County to terminate the lease for any portion of the lease term for which grant funding is not approved.

Upon motion of Commissioner Gurley, seconded by Commissioner Webb, the Board unanimously approved a five-year lease extension with Poe Properties, LLC for 2815 Kidd Road for the Working for Kids Program, subject to terms and conditions acceptable to the County Attorney.

****

EXTENSION OF LEASE AGREEMENT FOR HUMAN SERVICES
COMPREHENSIVE TREATMENT SERVICE PROVIDERS PROGRAM

In 1998, Wake County entered into a lease agreement to utilize 5,644 square feet of office space in the Parkview Building located at 2321 Crabtree Blvd. This facility houses twenty staff members as a part of the Comprehensive Treatment Service Providers Program.

The proposed lease extension is for an additional five years and will extend the lease through March 31, 2010. The new rental rate for the initial year of the lease will be $12.50 per square foot or $70,550 annually. The rental rate will be increased by 3 percent per annum after the initial year through the remaining term of the lease.

The lease is contingent upon the County's receipt of funding from the State of North Carolina for the provision of the Comprehensive Treatment Service Providers Program services. The funds received from the State and the fees charged by the program provide 92 percent of the funding for the program, eight percent of the funds are County dollars.

Upon motion of Commissioner Gardner, seconded by Commissioner Council, the Board unanimously approved a five-year lease extension with SBJ Growth Limited Partnership for 5,644 square feet located 2321 Crabtree Boulevard for the Human Services Comprehensive Treatment Service Providers Program.

****

PUBLIC HEARING
PUBLIC HEARING TO CONSIDER UPPER NEUSE RIVER/
RICHLAND CREEK WATER SUPPLY WATERSHED RESOLUTIONS

Chairman Bryan announced a public hearing to consider Upper Neuse River/Richland Creek Water Supply Watershed resolutions, duly advertised as provided by statute for Monday, February 21, 2005, at 2:00 p.m. in Room 700 of the Wake County Courthouse, Raleigh, North Carolina.

Ms. Melanie Wilson, Wake County Planning Director, was recognized for introductory comments on the proposed resolutions. She stated that under state law, Wake County is required to adopt and implement plans and ordinances that meet or exceed the State's minimum water supply watershed protection requirements. To meet these standards, local governments are allowed to develop land management strategies based on either a low-density or high-density option. Both density options limit impervious

surface coverage as well as requiring vegetated buffers along watercourses and the use of best management practices to control stormwater runoff.

On July 1, 2004, the North Carolina Environmental Management Commission reclassified the Upper Neuse River/Richland Creek watershed from Class C Nutrient Sensitive Waters to Class Water Supply-IV Nutrient Sensitive Waters and Water Supply-IV Nutrient Sensitive Waters Critical Area. The Upper Neuse River/Richland Creek watershed is located in northeastern Wake County, bounded by Capital Boulevard on the east, Durant Road on the south, Falls of Neuse Road on the west, and the Franklin County line to the north. The proposed watershed affects approximately 973 acres (105 parcels) currently within Wake County's planning jurisdiction and zoned under various classifications. Approximately 80 individuals or businesses comprise the property owners listing. The Wake County Landfill and the Hanson/Benchmark quarry comprise approximately two-thirds of the current land area. The remaining land uses are primarily residential, with a few general business activities located south of Old NC 98 at Falls of Neuse Road and a few non-quarry related businesses along Capital Boulevard.

The proposed actions are consistent with the Wake County Land Use Plan and with the Wake County Growth Management Strategies:

> Amend the Wake County Land Use Plan to include the Upper Neuse River/Richland Creek Water Supply Watershed in Section V (Water Supply Watershed Protection Policies)
>
> Update the General Classification Map to include the Upper Neuse River/Richland Creek Water Supply Watershed
>
> Amend the Wake County Zoning Ordinance and Map, Chapters 1-1-52 and 1-1-53 (Watershed Protected Area Overlay Districts) to include the Upper Neuse River/Richland Creek Watershed
>
> Amend Zoning Map to add the Watershed Protected Area Overlay designation to properties in Wake County's jurisdiction

The factual situation having been presented, Chairman Bryan announced that anyone desiring to comment would be heard at this time.

There were no comments in support of or in opposition to the proposed resolutions.

Chairman Bryan then called for the recommendation of the Planning Board and Planning staff.

Ms. Beth Trahos, representing the Wake County Planning Board, reported that the Planning Board recommends approval. Mr. Chris Sinclair, Planning Board Member, was also recognized for comments about County policy and low-density/high density options.

Ms. Wilson reported that Planning staff recommends approval of the resolutions, as presented.

Chairman Bryan declared the hearing closed and invited action by the Board.

Upon motion of Commissioner Ward, seconded by Commissioner Council, the Board unanimously approved the adoption of resolutions amending the Wake County Land Use Plan, Zoning Ordinance and Zoning Map.

RESOLUTION
AMENDING THE WAKE COUNTY LAND USE PLAN
INCORPORATING CHANGES ASSOCIATED WITH THE
UPPER NEUSE RIVER/RICHLAND CREEK WATER SUPPLY WATERSHED

WHEREAS, the Wake County Board of Commissioners adopted the Wake County Land Use Plan in 1997, including a section focusing on water supply watershed protection policies;

WHEREAS, the State of North Carolina requires local governments with jurisdiction within water supply watersheds to update local management plans when an area is reclassified by the State Environmental Management Commission;

WHEREAS, the State Environmental Management Commission reclassified the Upper Neuse River, Richland Creek, and unnamed tributary systems in Wake County from Class C Nutrient Sensitive Waters (NSW) to Class WS-IV NSW and WS-IV NSW Critical Area (CA) on July 1, 2004;

WHEREAS, adopting the proposed revisions will improve the health, safety, and general welfare of Wake County Residents;

WHEREAS, the Board of Commissioners held a duly advertised public hearing on February 21, 2005 to consider the proposed amendment;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF WAKE COUNTY, AS FOLLOWS:

That the Wake County Land Use Plan be amended to include the following:

1. Add to Section V, Part C, Table 1, information on Upper Neuse River/ Richland Creek Watershed including State classification, total size (acres), Acres in Wake County, and acreage in county jurisdiction

2. Add to Section V, Part D, information on Land Use Classifications for the Upper Neuse River/Richland Creek Water Supply Watershed

3. Add Section V, Part H detailing the Upper Neuse River/Richland Creek Water Supply Watershed Plan

4. Add to Section V, Appendix, a map detailing the Watershed Protected Area Overlay District and Water Supply Watershed Boundary in the Upper Neuse River/Richland Creek area

5. Update General Classifications Map to designate properties currently in Wake County's jurisdiction in the Upper Neuse River/Richland Creek Water Supply Watershed as Long-Range Urban Services Area/Water Supply Watershed (LRUSA/WSW)

This amendment shall become effective on adoption of this resolution.

ORDINANCE
AMENDING THE WAKE COUNTY ZONING MAP TO APPLY
THE WATERSHED PROTECTED AREA OVERLAY DISTRICT TO PROPERTIES
WITHIN THE UPPER NEUSE RIVER/RICHLAND CREEK
WATER SUPPLY WATERSHED

WHEREAS, the State Environmental Management Commission reclassified the Upper Neuse River, Richland Creek, and unmanned tributary systems in Wake County from Class C Nutrient Sensitive Waters (NSW) to Class WS-IV NSW and WS-IV NSW Critical Area (CA) on July 2, 2004;

WHEREAS, the Wake County Zoning Ordinance, Section 1-1-52, notes that the Watershed Protected Area Overlay shall be applied to designated area of WS-IV water supply watersheds;

WHEREAS, Wake County staff determined that the Watershed Protected Area Overlay District be the appropriate zoning application for the approximately 105 parcels under the County's planning jurisdiction located within the Upper Neuse River/Richland Creek Water Supply Watershed;

WHEREAS, the proposed zoning map amendment is consistent with the Wake County Land Use Plan and otherwise advance the public health, safety, and general welfare; and

WHEREAS, the proposed zoning map amendment would not have detrimental impact on surrounding property; and

WHEREAS, the Wake County Board of Commissioners held a duly-noticed pubic hearing to consider amending the Zoning Map to rezone the entire area, or part of the area, to the classification requested, or to a more restrictive classification;

SECTION I

The proposed overlay zoning district is found to be consistent with the Wake County Land Use Plan and to otherwise promote the public health, safety, and general welfare, and the Wake County Zoning Map is hereby amended to apply the Watershed Protected Area Overlay District zoning classification to property as follows:

PETITION NO. ZP-847-04

To land located within the Upper Neuse River/Richland Creek Watershed Supply Watershed and under the County's planning jurisdiction. The Upper Neuse River/Richland Creek Water Supply Watershed is bounded by Capital Boulevard on the east, Durant Road on the south, Falls of Neuse Road on the west, and the Franklin County line to the north. The location of the WPAO zoning is more specifically shown on the accompanying map titled "Richland Creek Watershed Zoning Classifications Wake County" and dated February 21, 2005.

SECTION II

This amendment shall become effective upon adoption of this ordinance.

AN ORDINANCE
AMENDING THE WAKE COUNTY ZONING ORDINANCE TO
REFLECT CHANGES ASSOCIATED WITH
THE UPPER NEUSE RIVER/RICHLAND CREEK
WATER SUPPLY WATERSHED

WHEREAS, Wake County adopted regulations to protect water supply watersheds in 1984;

WHEREAS, the State of North Carolina requires local governments with jurisdiction within water supply watersheds to update and amend local ordinances to meet the minimum statewide water supply watershed management regulations when an area is reclassified by the State Environmental Management Commission;

WHEREAS, the State Environmental Management Commission reclassified the Upper Neuse River, Richland Creek, and unnamed tributary systems in Wake County from Class C Nutrient Sensitive Waters (NSW) to Class WS-IV NSW and WS-IV NSW Critical Area (CA) on July 1, 2004;

WHEREAS, the current Wake County Water Supply Watershed Protected Area Overlay District Zoning is intended to ensure that the quality of public water supplies is protected while allowing limited orderly development;

WHEREAS, adopting the proposed revisions will improve the health, safety, and general welfare of Wake County residents;

WHEREAS, the Board of Commissioners held a duly advertised public hearing on February 21, 2005, to consider the proposed amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE WAKE COUNTY BOARD OF COMMISSIONERS:

SECTION I

The Wake County Code of Ordinances (Zoning Ordinance), Chapter 1-1-52 (Watershed Protected Area Overlay District) is hereby amended as follows:

A. **AMEND Section 1-1-52 (B) (1) Watershed Protected Area Overlay District Designated Areas,** as follows, adding the underlined text and removing the strikethrough (~~strikethrough~~) text:

(1) **Designated Areas**
Land in the protected area of a water supply watershed classified WS-IV – other than the Falls Lake watershed (e.g., the Jordan Lake, Cape Fear (Lillington), ~~and~~ Cape Fear (Sanford), and Upper Neuse River/Richland Creek watersheds)

The Wake County Code of Ordinances (Zoning Ordinance), Chapter 1-1-53 (Watershed Protected Area Overlay-2 District) is hereby amended as follows:

A. **AMEND Section 1-1-53 (B) (1) Watershed Protected Area Overlay District Designated Areas,** as follows, adding the underlined text and removing the strikethrough (~~strikethrough~~) text:

(1) **Designated Areas**
Land in the protected area of a water supply watershed classified WS-IV – other than the Falls Lake watershed (e.g., the Jordan Lake, Cape Fear (Lillington), ~~and~~ Cape Fear (Sanford), and Upper Neuse River/Richland Creek watersheds)

SECTION III

This amendment shall become effective upon adoption of this ordinance.

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PUBLIC COMMENT

The Board of Commissioners desires to hear from the public about the operations and services of Wake County Government. It is for that purpose at regular meetings of the Board, a time certain (3:00 p.m.) has been set for public comment. Chairman Bryan recognized the following persons:

1. **Ms. Bettie Murchison**, 2609 Lizei Street, Raleigh
   (support Dubois Center Campus for proposed temporary modular school site)

2. **Ms. Mavis Farrar**, President, National Dubois Alumni Association (support Dubois Center Campus for proposed temporary modular school site)

3. **Ms. Velma Boyd Lawson**, Town Commissioner, Town of Wake Forest
   (support Dubois Center Campus for temporary modular school site; noted that she was not representing the Town Board)

4. **Ms. Mary Evelyn Jones**, 607 E. Walnut Avenue, Wake Forest
   (support Dubois Center Campus for temporary modular school site)

5. **Mr. Doug Dieter**, 12100 Pawleys Mill Circle, Raleigh
6. **Mr. Tom Lehr**, 9408 Buggy Run Circle, Wake Forest
7. **Mr. Mike Soluri**, 12032 Pawleys Mill Circle, Raleigh
8. **Mr. Randy Fisher**, 110 Bell Springs Court, Wake Forest
9. **Ms. Donna Soluri**, 12032 Pawleys Mill Circle, Raleigh
   (The five names listed above presented as a group in opposition to the Dubois Center Campus site, submitted petition in support of the Queensland Road site with knowledge of existing power lines on the proposed property.)

10. **Ms. Laura Demetry**, 3020 Imperial Oaks Drive, Raleigh
    (Issue traumatic for children in the area; vote for the children)

11. **Mr. Rodney Harris**, 1751 Chalk Rd., Wake Forest
    (support Dubois Center Campus for temporary modular school site)

12. **Mr. Lawrence Perry**, Wake Forest
    (support Dubois Center Campus for temporary modular school site)

Following a seven-minute recess, Chairman Bryan continued with public comments:

13. **Ms. Gail Eluwa**, 732 Linda Court, Cary – Raleigh/Wake Citizens Association
    (support Dubois Center Campus for temporary modular school site)

14. **Mr. Mike Timmons**, 117 Vail Springs, Ct., Wake Forest
    (oppose Dubois Center Campus for temporary modular school site)

15. **Ms. Pam Timmons**, 117 Vail Springs Ct., Wake Forest
    (oppose Dubois Center Campus for temporary modular school site)

16. **Ms. Leslie Wright**, PO Box 2713, Raleigh, NC
(personal concerns re problems experienced while using library resources)

17. **Mr. Lamonte Mitchell**, 2501 Firelight Road, Raleigh
(support Dubois Center Campus for temporary modular school site)

18. **Mr. Danny Coleman**, 1627 Battery Drive, Raleigh
(support Dubois Center Campus for temporary modular school site)

19. **Mr. Billy Sutton**, Wakefield Development Co., Raleigh
(Reconfirm proposal and figures presented at previous meeting re Queensland Road site)

20. **Ms. Cynthia Matson**, 6016 Heatherstone Drive, Raleigh
(oppose Dubois Center Campus for temporary modular school site)

21. **Mr. Jim Ford**, 12220 Pawleys Mill Circle, Raleigh
(oppose Dubois Center Campus for temporary modular school site)

22. **Mr. David Hegel**, 3005 Osterley Street, Raleigh
(oppose Dubois Center Campus for temporary modular school site)

23. **Ms. Donna Havens**, 362 Tillamook Drive, Wake Forest
(oppose Dubois Center Campus for temporary modular school site)

24. **Ms. Barbara Davis**, 322 Tillamook Drive, Wake Forest
(oppose Dubois Center Campus for temporary modular school site)

25. **Ms. Julie Vu**, 3001 Osterly Street, Raleigh
(oppose Dubois Center Campus for temporary modular school site)

26. **Mr. Chip Finley**, 106 Summerglow Court, Cary
(oppose Dubois Center Campus for temporary modular school site)

There being no other persons requesting to be heard, Chairman Bryan declared the public comment portion of the meeting closed.

****

DENIAL OF REQUEST FROM WAKE COUNTY PUBLIC SCHOOLS
TO APPROVAL MULTI-YEAR OPERATING LEASE

The Wake County Board of Education has negotiated a ground lease with the National Alumni Association of Dubois High School for 6.22 acres of land for a modular school complex. The lease term is three years beginning February 1, 2005. The Board of Education may exercise up to three one-year periods beyond the initial lease term with

lease payment increasing by five percent annually. The Board of Education approved the ground lease at its January 18, 2005 meeting.

State law prohibits the Board of Education from entering into operational leases for school buildings and/or other facilities for more than three years without prior approval from the Board of Commissioners. Approval by the Board of Commissioners, in the form of a resolution, is a commitment to appropriate funds in subsequent fiscal years sufficient to meet the obligations of the contract. Should the Board of Commissioners approve the resolution, the Board of Education is required to appropriate the current year's portion from existing funds, and in future years, from resources appropriated to them by the Board of Commissioners.

Chairman Bryan recognized Mr. Don Haydon, Wake County Public School System, to confirm the Board of Education's position on the request. Mr. Haydon stated that the Board's action remains the same—Dubois Center site.

Commissioner Ward moved approval of the Board of Education's request, as presented, for multi-year operating lease for the Dubois Center site. The motion was seconded by Commissioner Webb.

Upon vote, by roll call, the motion failed:

Commissioner Council	**- Nay**
Commissioner Jeffreys	**- Nay**
Commissioner Ward	**- Aye**
Commissioner Gardner	**- Nay**
Commissioner Webb	**- Aye**
Commissioner Gurley	**- Nay**
Chairman Bryan	**- Nay**

In response to concerns raised by Commissioners regarding the offering of alternate school sites and the timeframe (the need to have the site prepared, necessary permitting process and the school in place by August 1, 2005), County Attorney Michael Ferrell stated that both he and School Board Attorney Rod Malone agree that there are no legal impediments to using any of the sites, that there are scenarios which could make any of

the sites usable within the schedule to accommodate whatever public bidding that must be done. Mr. Ferrell emphasized that neither he nor Mr. Malone can express an opinion as to whether the required permits can be obtained within the necessary time frame.

Commissioner Gurley then moved that the Board of Commissioners refuse to approve the Wake County School Board ground lease with the National Alumni Association of DuBois High School and, in light of current information, send this issue back to the School Board for their consideration of alternative sites. The motion was seconded by Commissioner Council.

Upon vote, by roll call, the motion passed:

Commissioner Council	**- Aye**
Commissioner Jeffreys	**- Nay**
Commissioner Ward	**- Nay**
Commissioner Gardner	**- Aye**
Commissioner Webb	**- Nay**
Commissioner Gurley	**- Aye**
Chairman Bryan	**- Aye**

Commissioner Jeffreys requested that the record show his opposition to the action due to no consideration being given to the options of K through 12 year-round or half-day kindergarten.

****

PUBLIC HEARING
PUBLIC HEARING ON ISSUANCE OF $150 MILLION IN BONDS BY RDU AIRPORT AUTHORITY TO FINANCE AIRPORT IMPROVEMENTS

Chairman Bryan announced a public hearing to consider the issuance of $150 million in bonds by the Raleigh-Durham Authority to finance airport improvements, duly advertised as provided by statute for Monday, February 21, 2005, at 2:00 p.m. in Room 700 of the Wake County Courthouse, Raleigh, North Carolina.

The County Attorney gave introductory comments and outlined the approval process for issuance of the bonds under federal law. He stated that this debt will not be County debt; if approved it will be Airport Authority debt, payable only from Airport revenues.

Mr. Tom Barrett, Director of Finance and Mr. Jim Gill, Deputy Director of Finance of the Raleigh Durham Airport Authority, appeared before the Board to comment on airport improvements. The Authority intends to issue its revenue bonds in an aggregate principal amount not exceeding $150,000,000, a portion of the funds necessary for the design, engineering, acquisition, construction, renovation and equipping of improvements to the Raleigh-Durham International Airport, which include the construction of the General Aviation Terminal, the construction of the Operations Center, the relocation of Taxiway D, the expansion of the Terminal C apron and the renovation, redevelopment and expansion of Terminal C, including the design and demolition costs, the placement of foundations for future construction, the construction of a central energy plant, tenant relocation costs and project support costs and contingencies in connection therewith all of such projects to be located at the Raleigh-Durham International Airport (collectively, the "Project").

Chairman Bryan stated that a notice of public hearing by the Wake County Board of Commissioners regarding the Project and issuance of the Bonds had been published on February 3, 2005 in *The Raleigh News & Observer.*

The Chairman then announced (at approximately 4:30 pm) that the Board of Commissioners would hear anyone who wished to be heard on the advisability of the proposed issuance of the Bonds.

There being no persons requesting to be heard, Chairman Bryan declared the hearing closed and invited action by the Board.

Upon motion of Commissioner Council, seconded by Commissioner Ward, the Board unanimously adopted a resolution approving an Airport Authority request to issue up to $150 million in bonds to finance airport improvements.

WHEREAS, the Authority is authorized to issue its revenue bonds to provide moneys for the acquisition, construction, reconstruction, extension, betterment, improvement or payment of the cost of one or more revenue bond projects, including projects for aeronautical facilities; and

WHEREAS, the Authority has determined to issue the Bonds to finance costs associated with the design, engineering, acquisition, construction, renovation and equipping of improvements to the Raleigh-Durham International Airport, which include the construction of the General Aviation Terminal, the construction of the Operations Center, the relocation of Taxiway D, the expansion of the Terminal C apron and the renovation, redevelopment and expansion of Terminal C, including the design and demolition costs, the placement of foundations for future construction, the construction of a central energy plant, tenant relocation costs and project support costs and contingencies in connection therewith all of such projects to be located at the Raleigh-Durham International Airport; and

WHEREAS, pursuant to Section 147(0(2) of the Internal Revenue Code of 1986, as amended, the issuance of the Bonds must be approved, after a public hearing, by the governmental unit having jurisdiction over the area in which the Project is located, and

WHEREAS, the Board of Commissioners of Wake County, pursuant to public notice duly given, has held a public hearing on the advisability of the issuance of the Bonds to finance a portion of the Project and has considered the comments of persons who requested to be heard; and

WHEREAS, the Board of Commissioners desires to approve the issuance of the Bonds for the purpose of financing a portion of the Project;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners as follows:

(1) The issuance of the Bonds in an aggregate principal amount not exceeding $150,000,000 to finance a portion of the Project is hereby approved.

(2) The Clerk of the Board of Commissioners is hereby authorized and directed to provide a certified copy of this resolution to the Local Government Commission, the Authority and LeBoeuf, Lamb, Greene & MacRae, L.L.P., as bond counsel with respect to the Bonds.

(3) This resolution shall take effect immediately upon its passage.

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PUBLIC HEARING
PUBLIC HEARING ON THE PROPOSED BOND ORDER
AUTHORIZING ISSUANCE $272,300,000 OF GENERAL OBLIGATION
REFUNDING BONDS AND CONSIDERATION OF ADOPTING THE BOND ORDER

Chairman Bryan announced a public hearing to consider a proposed bond order authorizing issuance of $272,300,000 of General Obligation Refunding Bonds and the adoption of the bond order, duly advertised as provided by statute for Monday, February 21, 2005, at 2:00 p.m. in Room 700 of the Wake County Courthouse, Raleigh, North Carolina.

The County Manager made introductory remarks, indicating that on February 7, 2005, Bond Orders were introduced to allow for the refunding of up to approximately $272.3 million for the 1998, 2001A and 2002 bonds. The authorization to refund 2001A and 2002 is requested so that as staff monitors these issues for refunding potential, staff can move promptly in the market place if an opportunity presents itself. The Manager further stated that with the adoption of these Bond Orders, and the Resolutions Authorizing the Sale of Bonds, the Board of Commissioners will have completed the last steps necessary to allow for the refunding of the 1998, 2001A, 2001B and 2002 bonds.

No one appeared, either in person or by attorney, to be heard on the question of the validity of said order or the advisability of issuing any of said bonds and no written statement relating to said questions had been received by the Clerk to the Board.

Chairman Bryan then declared the public hearing closed and invited action by the Board.

Upon motion of Commissioner Gardner, seconded by Commissioner Webb, the order entitled: "ORDER AUTHORIZING $272,300,000 REFUNDING BONDS" was read a second time by title and placed upon it final passage. Upon vote, the order was unanimously adopted.

The Clerk to the Board of Commissioners was thereupon directed to cause said order to be published, together with the appended statement as required by The Local Government Bond Act, as amended, once in The News and Observer.

On motion duly made by Commissioner Gardner, seconded by Commissioner Webb, the Board unanimously ratified and confirmed the appointment of Helms Mulliss and Wicker, PLLC and Waters & Company, LLC, Birmingham, Alabama, as bond counsel and financial advisor, respectively, with respect to said Refunding Bonds.

ORDER AUTHORIZING
$272,300,000 REFUNDING BONDS

BE IT ORDERED by the Board of Commissioners for the County of Wake, North Carolina:

1. That, pursuant to The Local Government Bond Act, as amended, the County of Wake, North Carolina, is hereby authorized to contract a debt, in addition to any and all other debt which said County may now or hereafter have power or authority to contract, and in evidence thereof, to issue Refunding Bonds in an aggregate principal amount not exceeding $272,300,000, for the purpose of providing funds, together with any other available funds, for (i) refunding all or a portion of the following outstanding general obligation bonds of said County:

$103,000,000	Public Improvement Bonds, Series 1998, dated February 15, 1998 and stated to mature on March 1, 2006 to March 1, 2015, inclusive,
$ 6,800,000	Criminal Justice Facility Bonds, Series 2001A dated February 1, 2001 and stated to mature on February 1, 2006 to February 1, 2017, inclusive, and
$162,500,000	Public Improvement Bonds, Series 2002, dated March 1, 2002 and stated to mature on March 1, 2006 to March 1, 2018, inclusive

and (ii) paying expenses related thereto.

2. That taxes may be levied in an amount sufficient to pay the principal of and the interest on said Refunding Bonds.

3. That a sworn statement of the debt of said County has been filed with the Clerk to the Board of Commissioners and is open to public inspection.

4. That this order shall take effect upon its adoption.

****

RESOLUTION AUTHORIZING THE SALE OF $399,500,000 OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2005

On February 7, 2005, a bond order was introduced to allow for the refunding of up to approximately $272,300,000 of General Obligation Refunding Bonds, Series 2005. This represents bond maturities for the 1998, 2001A and 2002 bonds. Earlier in the meeting the Board of Commissioners adopted the bond order.

In March of 2004, the Board of Commissioners authorized $127,200,000 of the 2001B Bonds to be refunded. The total authorization of both actions totals $399,500,000. County staff is now requesting that the Board take the final step in the process by approving the Resolution for Sale of GO Refunding Bonds, Series 2005 for $399,500,000. This resolution is for GO Bonds from the 1998, 2001A and 2002 Bonds.

RESOLUTION PROVIDING FOR THE ISSUANCE OF UP TO $399,500,000 GENERAL OBLIGATION REFUNDING BONDS, SERIES 2005

BE IT RESOLVED by the Board of Commissioners (the "Board") of the County of Wake, North Carolina (the "Issuer"):

Section 1. The Board has determined and does hereby find, declare and represent:

2. That an order (the "2005 Refunding Bond Order") authorizing $272,300,000 Refunding Bonds was adopted by the Board on February 21,2005, which order has taken effect.

(b) That an order (the "2004 Refunding Bond Order," and together with the 2005 Refunding Bond Order, the "Bond Orders") authorizing $284,600,000 Refunding Bonds was adopted by the Board on February 16, 2004, which order has taken effect.

(c) That the 2004 Refunding Bond Order authorized the refunding of $132,900,000 in principal amount of the Issuer's outstanding School Bonds, Series 2001B, dated February 1, 2001, but because of market conditions, no bonds have been issued to date pursuant to the 2004 Refunding Bond Order to refund any of the Issuer's School Bonds, Series 2001B.

(d) That $170,220,000 of the bonds authorized to be issued by the 2004 Refunding Bond Order remain authorized and unissued, and it is necessary at this time to issue up to $127,200,000 of such bonds and to use the proceeds thereof, together with any other funds necessary, to advance refund all or a portion of each maturity of the Issuer's outstanding School Bonds, Series 2001B (collectively, the "2001B Bonds To Be Refunded").

(e) That none of the bonds authorized to be issued by the 2005 Refunding Bond Order have been issued, that no notes have been issued in anticipation of the receipt of the proceeds of the sale of any such bonds and that it is necessary at this time to issue all or a portion of said bonds and to use the proceeds thereof, together with any other funds necessary, to advance refund all or a portion of each maturity of the Issuer's outstanding Public Improvement Bonds, Series 1998, dated February *15*, 1998; Criminal Justice Facility Bonds, Series 2001A, dated February 1, 2001 and Public Improvement Bonds, Series 2002, dated March 1, 2002 (collectively, together with the 2001B Bonds To Be Refunded, the "Bonds To Be Refunded").

(f) That the prospective Bonds To Be Refunded financed, together with any other funds necessary, various public improvements of the Issuer.

(g) That the shortest period of time in which the Bonds To Be Refunded can be finally paid without making it unduly burdensome on the taxpayers of the Issuer, as determined by the Local Government Commission of North Carolina, is a period which expires not later than December 31, 2020.

Section 2. Pursuant to the Bond Orders there shall be issued bonds of the Issuer in an aggregate principal amount not to exceed $399,500,000 (not in excess of $127,200,000 of the bonds authorized and unissued under the 2004 Refunding Bond Order and not in excess of $272,300,000 of the bonds authorized and unissued under the 2005 Refunding Bond Order), subject to adjustment as hereinafter set forth, designated "General Obligation Refunding Bonds, Series 2005" and dated as of March 1, 2005, or such other date as may be designated by the County Manager or Finance Director (the "Bonds"). The Chairman or Vice-Chairman of the Board, the County Manager or the Finance Director, respectively, each acting on behalf of the Issuer, may increase or decrease the aggregate principal amount of the Bonds by any amount, so long as such amount shall not exceed $399,500,000, as determined to be in the best interest of the Issuer, and may make any such increase or decrease either before or after the bids are opened. The Bonds shall be stated to mature (subject to the right of prior redemption and to adjustment as

hereinafter set forth) annually, March 1 (or such other date designated in accordance with the immediately preceding sentence), $9,210,000 2009 - $9,220,000 2010, $9,230,000 – 2011 - $20,410,000 - 2012, $34,090,000 - 2013, $48,960,000 - 2014, $49,365,000 - 2015, $52,460,000 - 2016, $45,150,000 - 2017 and $10,420,000 - 2018. The foregoing notwithstanding, the Chairman or Vice-Chairman of the Board, County Manager or Finance Director, respectively, each acting on behalf of the Issuer, may increase or decrease the principal amount of the Bonds maturing at each maturity, either before or after the opening of bids (including elimination of a maturity), provided that the aggregate principal amount of the Bonds shall not exceed *$399,500,000.* The Bonds shall bear interest at a rate or rates to be determined by the Local Government Commission of North Carolina at the time the Bonds are sold, which interest to the respective maturities thereof shall be payable on September 1, 2005 (or such other date as is designated by the County Manager or the Finance Director in connection with the sale of the Bonds) and semiannually thereafter on March 1 and September 1 of each year (or other semiannual dates designated by the County Manager or the Finance Director in connection with the sale of the Bonds) until payment of such principal sum.

Notwithstanding the foregoing provisions of this resolution, since interest rates on a proposed sale date are unpredictable, at any time before the Bonds are awarded, the County Manager or the Finance Director, respectively, acting on behalf of the Issuer, may from time to time defer sale of all or any portion of the Bonds (including postponement to a later date, to a subsequently announced date or indefinitely).

Section 3. Each Bond shall bear interest from the interest payment date next preceding the date on which it is authenticated unless it is (a) authenticated upon an interest payment date in which event it shall bear interest from such interest payment date or (b) authenticated prior to the first interest payment date in which event it shall bear interest from its date; provided, however, that if at the time of authentication interest is in default, such Bond shall bear interest from the date to which interest has been paid.

The principal of and the interest and any redemption premium on the Bonds shall be payable in any coin or currency of the United States of America which is legal tender for the payment of public and private debts on the respective dates of payment thereof.

Section 4. The Bonds initially, will be issued by means of a book-entry system with no physical distribution of bond certificates to be made except as hereinafter provided. Initially one fully registered bond certificate for each stated maturity of the Bonds in the aggregate principal amount of such stated maturity and registered in the name of the Securities Depository Nominee (defined below), a nominee of the Securities Depository (defined below), will be issued and required to be deposited with the Securities Depository and immobilized in its custody. The book-entry system of the Securities Depository will evidence positions held in the Bonds by the Securities Depository's participants, with beneficial ownership of the Bonds in the principal amount of $5,000 or any whole multiple thereof being evidenced in the records of such participants. Transfers of beneficial ownership will be effected on the records of the Securities Depository and its participants pursuant to rules and procedures established by the Securities Depository and its participants.

The Issuer and the Bond Registrar will recognize the Securities Depository Nominee or the Securities Depository, as the case may be, while the registered owner of the Bonds, as the owner of the Bonds for all purposes, including payments of principal of, and redemption premium, if any, and interest on the Bonds, notices and voting. The principal of and any redemption premium on each Bond shall be payable to the Securities Depository Nominee or any other person appearing on the registration books of the Issuer hereinafter provided for as the registered owner of such Bond, or his registered assigns or legal representative at the office of the Bond Registrar mentioned hereinafter or such other place as the Issuer may determine upon the presentation and surrender thereof as the same shall become due and payable. Payment of the interest on each Bond shall be made by the Bond Registrar on each interest payment date to the registered owner of such Bond (or the previous Bond or Bonds evidencing the same debt as that evidenced by such Bond) at the close of business on the record date for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding such interest payment date, by check mailed to such person at his address as it appears on such registration books or, during the continuation of the book-entry system, by such other method of payment as the Issuer may determine to be necessary or advisable with the concurrence of the Securities Depository. Transfer of principal and interest and any redemption premium payments to participants of the Securities Depository will be the responsibility of the Securities Depository, and transfer of principal and interest and any redemption premium payments to beneficial owners of the Bonds by participants of the Securities Depository will be the responsibility of such participants and other nominees of such beneficial owners. Such

transfers of interest by the Securities Depository and by such participants and other nominees of such beneficial owners may be made to the owners of Bonds shown on their records on a date on or after said record date for such interest, pursuant to rules and procedures established by the Securities Depository and its participants. The Issuer and the Bond Registrar will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing records maintained by the Securities Depository, its participants or persons acting through such participants.

In the event that (a) any Securities Depository determines not to continue to act as securities depository for the Bonds, or (b) the Finance Director of the Issuer determines to discontinue the book-entry system with such Securities Depository, the Issuer may identify another qualified Securities Depository to replace the predecessor Securities Depository and, in such event, the Issuer will make arrangements with the predecessor Securities Depository and such other Securities Depository to effect such replacement and deliver replacement Bonds registered in the name of such other depository or its nominee in exchange for the outstanding Bonds, and all references in this resolution to any predecessor Securities Depository or Securities Depository Nominee shall thereupon be deemed to mean such other depository or its nominee. If the Issuer does not identify another qualified Securities Depository to replace the predecessor Securities Depository, the Issuer will deliver replacement Bonds in the form of fully registered certificates in the denomination of $5,000 or any whole multiple thereof ("Certificated Bonds") in exchange for the outstanding Bonds as required by the predecessor Securities Depository and others. Upon the request of the Securities Depository, the Issuer may also deliver one or more Certificated Bonds to any participant of the Securities Depository in exchange for Bonds credited to its account with the Securities Depository. The Issuer and the Bond Registrar shall be entitled to rely upon the instructions of the Securities Depository as to the appropriate parties entitled to receive Certificated Bonds.

For purposes of this resolution "Securities Depository" means The Depository Trust Company, New York, New York, or other recognized securities depository selected by the Issuer, which maintains the book-entry system in respect of the Bonds authorized by this resolution, and shall include any substitute for or successor to the securities depository initially acting as Securities Depository. For purposes of this resolution "Securities Depository Nominee" means, as to any Securities Depository, such Securities Depository or the nominee, if any, of such Securities Depository in whose name the Bond certificates

shall be registered on the registration books maintained by the Bond Registrar during the continuation with such Securities Depository of the book-entry system authorized by this resolution. The Depository Trust Company, New York, New York, is hereby appointed as the initial Securities Depository, and Cede & Co., a nominee thereof, is hereby appointed as the initial Securities Depository Nominee for the Bonds.

Unless indicated otherwise, the provisions of this resolution that follow shall apply to all Bonds issued or issuable hereunder, whether initially or in replacement thereof.

Section 5. The Bonds shall be executed with the manual or facsimile signatures of the Chairman or Vice Chairman of the Board and the Clerk to the Board, and the seal or a facsimile of the seal of the Issuer shall be impressed or imprinted, as the case may be, on the Bonds.

The certificate of the Local Government Commission of North Carolina shall be endorsed on all Bonds, and shall bear the manual or facsimile signature of the Secretary of said Commission or on behalf of the Secretary by a Designated Assistant and the certificate of authentication of the Bond Registrar to be endorsed on all Bonds shall be executed as provided hereinafter.

In case any officer of the Issuer or the Local Government Commission of North Carolina whose manual or facsimile signature shall appear on any Bonds shall cease to be such officer before the delivery of such Bonds, such manual or facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery, and any Bond may bear the manual or facsimile signatures of such persons as at the actual time of the execution of such Bond shall be the proper officers to sign such Bond, although at the date of such Bond, such persons may not have been such officers.

No Bond shall be valid or become obligatory for any purpose or be entitled to any benefit or security under this resolution until it shall have been authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed thereon.

Section 6. The Bonds and the endorsements thereon shall be in substantially the following form:

[Front Side of Printed Bonds]

No. R-___ $_____

United States of America
State of North Carolina

COUNTY OF WAKE, NORTH CAROLINA

General Obligation Refunding Bonds, Series 2005

MATURITY DATE	INTEREST RATE	CUSP
_____	_____	_____

The County of Wake, North Carolina (the "Issuer"), is justly indebted and for value received hereby promises to pay to _____ or registered assigns or legal representative on the date specified above (or earlier as hereinafter referred to), upon the presentation and surrender hereof, at the office of the Finance Director of the Issuer, currently at Wake County Office Building, 336 Fayetteville Street Mall, 9th Floor, Raleigh, North Carolina 27602 (the "Bond Registrar"), the principal sum of

_____DOLLARS

and to pay interest on such principal sum from the date hereof or from the March 1 or September 1 next preceding the date of authentication to which interest shall have been paid, unless such date of authentication is a March 1 or September 1 to which interest shall have been paid, in which case from such date, such interest to the maturity hereof being payable on September 1, 2005 and semiannually thereafter on September 1 and March 1 in each year, at the rate per annum specified above, until payment of such principal sum. The interest so payable on any such interest payment date will be paid to the person in whose name this Bond (or the previous Bond or Bonds evidencing the same debt as that evidenced by this Bond) is registered at the close of business on the record date for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding such interest payment date, by check mailed to such person at his address as it appears on the bond registration books of the Issuer. Both the principal of and the interest on this Bond shall be paid in any coin or currency of the United States of America that is legal tender for the payment of public and private debts on the respective dates of payment thereof. For the prompt payment hereof, both principal and interest as the same shall become due, the faith and credit of the Issuer are hereby irrevocably pledged.

[Printed Bonds are to include the following paragraph]

ADDITIONAL PROVISIONS OF THIS BOND ARE SET FORTH ON THE REVERSE HEREOF AND SHALL FOR ALL PURPOSES HAVE THE SAME EFFECT AS IF SET FORTH HERE.

[Reverse Side of Printed Bonds]

This Bond is one of an issue of Bonds designated "General Obligation Refunding Bonds, Series 2005" (the "Bonds") and issued by the Issuer for the purpose of providing funds, with any other funds necessary, for refunding a portion of the Issuer's outstanding (i) Public Improvement Bonds, Series 1998, dated February *15*, 1998, (ii) Criminal Justice Facility Bonds, Series 2001A, dated February 1, 2001, (iii) School Bonds, Series 2001B, dated February 1, 2001 and (iv) Public Improvement Bonds, Series 2002, dated March 1, 2002. This Bond is issued under and pursuant to The Local Government Bond Act, as amended, Article 7, as amended, of Chapter *159* of the General Statutes of North Carolina, orders adopted by the Board of Commissioners (the "Board") of the Issuer which have taken effect as provided by law, and a resolution duly passed by the Board of the Issuer (the "Resolution").

The Bonds maturing prior to March 1, 2016 are not subject to redemption prior to maturity. The Bonds maturing on March 1, 2016 and thereafter may be redeemed, at the option of the Issuer, from any moneys that may be made available for such purpose, either in whole or in part on any date not earlier than March 1, 2015, the principal amount of the Bonds to be redeemed, together with interest accrued thereon to the date fixed for redemption, without premium.

If less than all of the Bonds of any one maturity shall be called for redemption, the particular Bonds or portions of Bonds of such maturity to be redeemed shall be selected by lot in such manner as the Issuer in its discretion may determine; provided, however, that the portion of any Bond to be redeemed shall be in the principal amount of $5,000 or some whole multiple thereof and that, in selecting Bonds for redemption, each Bond shall be considered as representing that number of Bonds which is obtained by dividing the principal amount of such Bond by $5,000. If less than all of the Bonds stated to mature on different dates shall be called for redemption, the particular Bonds or portions thereof to be redeemed shall be called in such maturities and amounts of those maturities as shall be determined by the Issuer.

Not more than 60 days nor less than 30 days before the redemption date of any Bonds to be redeemed, whether such redemption be in whole or in part, the Issuer shall cause a notice of such redemption to be filed with the Bond Registrar and to be mailed, postage prepaid, to the registered owner of each Bond to be redeemed in whole or in part at the address of said owner appearing upon the registration books of the Issuer. Failure to mail such notice or any defect therein as to any Bond or portion thereof shall not affect the validity of the redemption as to any Bond or portion thereof for which such notice was given as required hereby. On the date fixed for redemption, notice having been given as aforesaid, the Bonds or portions thereof so called for redemption shall be due and payable at the redemption price provided therefor, plus accrued interest to such date. If moneys for payment of such redemption price and the accrued interest are held by the Bond Registrar as provided in the Resolution, interest on the Bonds or the portions thereof called for redemption shall cease to accrue. If a portion of this Bond shall be called for redemption, a new Bond or Bonds in principal amount equal to the unredeemed portion hereof will be issued to the registered owner hereof or the legal representative of said owner upon the surrender hereof.]

[The following four paragraphs are to be included in the form of Bond so long as the Bonds are being issued pursuant to a book-entry system.]

The Bonds initially are being issued by means of a book-entry system with no physical distribution of Bond certificates to be made except as provided in the Resolution. Initially one fully registered Bond certificate for each stated maturity of the Bonds, in the aggregate principal amount of the Bonds of such stated maturity and registered in the name of the Securities Depository Nominee (as defined in the Resolution), a nominee of the Securities Depository (as defined in the Resolution), is being issued and required to be deposited with the Securities Depository and immobilized in its custody. The book-entry system of the Securities Depository will evidence positions held in the Bonds by the Securities Depository's participants, with beneficial ownership of the Bonds in the principal amount of $5,000 or any whole multiple thereof being evidenced in the records of such participants. Transfers of beneficial ownership will be effected on the records of the Securities Depository and its participants pursuant to rules and procedures established by the Securities Depository and its participants.

The Issuer and the Bond Registrar will recognize the Securities Depository Nominee or the Securities Depository, as the case may be, while the registered owner of this Bond, as the owner of this Bond for all purposes, including payments of principal of, and redemption premium, if any, and interest on, this Bond, notices and voting. Transfer of principal and interest and any redemption premium payments to participants of the Securities Depository will be the responsibility of the Securities Depository, and transfer of principal and interest and any redemption premium payments to beneficial owners of the Bonds by participants of the Securities Depository will be the responsibility of such participants and other nominees of such beneficial owners. The Issuer and the Bond Registrar will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing records maintained by the Securities Depository, its participants or persons acting through such participants.

While the Securities Depository Nominee or the Securities Depository, as the case may be, is the owner of this Bond, notwithstanding the provisions hereinabove contained, payments of principal of, redemption premium, if any, and interest on this Bond shall be made to the Securities Depository Nominee or the Securities Depository, as the case may be, by wire transfer in immediately available funds to the account of said holder as may be specified in the bond registration books maintained by the Bond Registrar or by such other method of payment as the Issuer may determine to be necessary or advisable with the concurrence of the Securities Depository. In addition, so long as a book-entry system is used for determining beneficial ownership of Bonds, if less than all of the Bonds of any one maturity shall be called for redemption, the Securities Depository shall determine by lot the amount of interest of each direct participant of the Securities Depository in the Bonds within such maturity to be redeemed.

In certain events, the Issuer may replace the Securities Depository at the time with another qualified securities depository. In certain events, the Issuer may discontinue the book-entry system and deliver replacement Bonds in the form of fully registered certificates in the denomination of $5,000 or any multiple thereof in exchange for the outstanding Bonds as provided in the Resolution.

At the office of the Bond Registrar, in the manner and subject to the conditions provided in the Resolution, Bonds may be exchanged for an equal aggregate principal amount of Bonds of the same maturity, of authorized denominations and bearing interest at the same rate.

The Bond Registrar shall keep at its office the books of the Issuer for the registration of transfer of Bonds. The transfer of this Bond may be registered only upon such books and as otherwise provided in the Resolution upon the surrender hereof to the Bond Registrar together with an assignment duly executed by the registered owner hereof or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar. Upon any such registration of transfer, the Bond Registrar shall authenticate and deliver in exchange for this Bond a new Bond or Bonds, registered in the name of the transferee, of authorized denominations, in an aggregate principal amount equal to the unredeemed principal amount of this Bond, of the same maturity and bearing interest at the same rate.

The Bond Registrar shall not be required to exchange or register the transfer of any Bond during a period beginning at the opening of business 15 days before the day of the mailing of a notice of redemption of Bonds or any portion thereof and ending at the close of business on the day of such mailing or of any Bond called for redemption in whole or in part pursuant to the Resolution.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of North Carolina to happen, exist and be performed precedent to and in the issuance of this Bond have happened, exist and have been performed in regular and due form and time as so required; that provision has been made for the levy and collection of a direct annual tax upon all taxable property within the geographic boundaries of the Issuer sufficient to pay the principal of and the interest on this Bond as the same shall become due; and that the total indebtedness of the Issuer, including this Bond, does not exceed any constitutional or statutory limitation thereon.

[The following paragraphs through the Certificate of Authentication are to appear on the front side of printed Bonds.]

This Bond shall not be valid or become obligatory for any purpose or be entitled to any benefit or security under the Resolution until this Bond shall have been authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed hereon.

IN WITNESS WHEREOF, said County of Wake, by resolution duly adopted by its Board, has caused this Bond to be executed with the manual or facsimile signatures of the [Chairman/Vice-Chairman] and the Clerk to the Board and its seal to be impressed or imprinted hereon, all as of the _____ day of_ _____, 2005.

COUNTY OF WAKE, NORTH CAROLINA

[Manual or Facsimile Signature _____]
[Chairman/Vice-Chairman]

[SEAL]

[Manual or Facsimile Signature _____]
Clerk to the Board of Commissioners

CERTIFICATE OF LOCAL GOVERNMENT COMMISSION

The issuance of the within Bond has been approved under the provisions of The Local Government Bond Act of North Carolina.

[Manual or Facsimile Signature]

Secretary, Local Government Commission
[By: _____]
[Designated Assistant]

CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bonds of the series designated herein and issued under the provisions of the within-mentioned Resolution.

COUNTY OF WAKE, NORTH CAROLINA
as Bond Registrar

By:_____
Finance Director

Date of Authentication: _____

ASSIGNMENT

FOR VALUE RECEIVED the undersigned registered owner thereof hereby sells, assigns and transfers unto

_____

_____

the within bond and all rights thereunder and hereby irrevocably constitutes and appoints _____ attorney to register the transfer of said bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

_____
Assignor's Signature

Signature Guaranteed:

_____

NOTICE: The assignor's signature to this assignment must correspond with the name of the registered owner as it appears upon the face of the within bond in every particular, without alteration or enlargement or any change whatever.

[End of Bond Form]

Certificated Bonds issuable hereunder shall be in substantially the form of the Bonds registered in the name of the Securities Depository Nominee with such changes as are necessary to reflect the provisions of this resolution that are applicable to Certificated Bonds.

Section 7. The various maturities of the Bonds will be subject to redemption prior to their respective maturity as shall be designated by the County Manager or Finance Director at the time of sale of the Bonds. All or any of the maturities of the Bonds as so designated by the County Manager or Finance Director, may be nonredeemable prior to their stated maturity. If any of the Bonds are to be redeemable before their stated maturity, the provisions set forth in the remainder of this Section 7 shall apply; but such provisions shall be inapplicable if none of the Bonds are subject to redemption prior to their stated maturity.

The Bonds maturing prior to March 1, 2016 will not be subject to redemption prior to maturity. The Bonds maturing on March 1, 2016 and thereafter will be redeemable, at the option of the Issuer, from any moneys that may be made available for such purpose, either in whole or in part on any date not earlier than March 1, 2015, of the principal amount of the Bonds to be redeemed, together with interest accrued thereon to the date fixed for redemption, without premium.

If less than all of the Bonds of any one maturity shall be called for redemption then, subject to the sentence immediately following, the particular Bonds, or portions of Bonds, of such maturity to be redeemed shall be selected by lot in such manner as the Issuer in its discretion may determine; provided, however, that the portion of any Bond to be redeemed shall be in the principal amount of $5,000 or some whole multiple thereof and that, in

selecting Bonds for redemption, each Bond shall be considered as representing that number of Bonds which is obtained by dividing the principal amount of such Bond by *$5,000.* So long as a book-entry system is used for determining beneficial ownership of Bonds if less than all of the Bonds of any one maturity shall be called for redemption, the Securities Depository shall determine by lot the amount of interest of each direct participant of the Securities Depository in the Bonds within such maturity to be redeemed. If less than all of the Bonds stated to mature on different dates shall be called for redemption, the particular Bonds, or portions thereof to be redeemed shall be called in such maturities and amounts of those maturities as shall be determined by the Issuer.

Not more than 60 days nor less than 30 days before the redemption date of any Bonds to be redeemed, whether such redemption be in whole or in part, the Issuer shall cause a notice of such redemption to be filed with the Bond Registrar and to be mailed, postage prepaid, to the registered owner of each Bond to be redeemed in whole or in part at the address of said owner appearing upon the registration books of the Issuer; provided, however, so long as a book-entry system is used for determining beneficial ownership of Bonds, such notice shall be given to the Securities Depository Nominee by certified or registered mail or by such other method as the Issuer may determine to be necessary or advisable with the concurrence of the Securities Depository. Failure to mail such notice or any defect therein as to any Bond or portion thereof shall not affect the validity of the redemption as to any Bond or portion thereof for which such notice was given as required hereby. Each such notice shall set forth the date designated for redemption, the redemption price to be paid and the maturities of the Bonds to be redeemed. In the event that Certificated Bonds are outstanding, each such notice to the registered owners thereof shall also set forth, if less than all of the Bonds of any maturity then outstanding shall be called for redemption, the distinctive numbers and letters, if any, of such Bonds to be redeemed and, in the case of any Bond to be redeemed in part only, the portion of the principal amount thereof to be redeemed. If any Bond is to be redeemed in part only, the notice of redemption shall state also that on or after the redemption date, upon surrender of such Bond, a new Bond or Bonds in principal amount equal to the unredeemed portion of such Bond will be issued.

If any Bonds, or portions thereof, are to be redeemed, the Bond Registrar shall open a separate account for the sole benefit of the bondholders whose Bonds are being redeemed, which account may be maintained by the Bond Registrar or by an agent. On or before the date fixed for redemption, moneys shall be deposited with the Bond Registrar in its capacity as such for deposit in such account to pay the principal of and the redemption premium, if any, on the Bonds or portions thereof called for redemption as well as the interest accruing thereon to the redemption date thereof.

On the date fixed for redemption, notice having been given in the manner and under the conditions hereinabove provided, the Bonds, or portions thereof so called for redemption shall be due and payable from the moneys required to be deposited in such account at the redemption price provided therefor, plus accrued interest to such date. If moneys sufficient to pay the redemption price of the Bonds, or portions thereof to be redeemed, plus accrued interest thereon to the date fixed for redemption, are held by the Bond Registrar in such account in trust for the registered owners of Bonds, or portions thereof to be redeemed, interest on the Bonds or portions thereof called for redemption shall cease to accrue, such Bonds or portions thereof shall cease to be entitled to any benefits or security under this resolution or to be deemed outstanding, and the registered owners of such Bonds or portions thereof shall have no rights in respect thereof except to receive payment of the redemption price thereof, plus accrued interest to the date of redemption.

If a portion of a Bond shall be selected for redemption, the registered owner thereof or his attorney or legal representative shall present and surrender such Bond to the Bond Registrar for payment of the principal amount thereof called for redemption and the redemption premium, if any, on such principal amount, and the Bond Registrar shall authenticate and deliver to or upon the order of such registered owner or his legal representative, without charge therefor, for the unredeemed portion of the principal amount of the Bond so surrendered, a Bond or Bonds of the same maturity, of any denomination or denominations authorized by this resolution and bearing interest at the same rate.

Section 8. The provisions of this Section 8 relating to the exchange and transfer of Bonds are subject to the provisions for operation of the book-entry system provided in Section 4 of this resolution, including the immobilization of Bond certificates with a Securities Depository during the continuation of the book-entry system. Bonds, upon

surrender thereof at the office of the Bond Registrar together with an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar, may, at the option of the registered owner thereof, be exchanged for an equal aggregate principal amount of Bonds of the same maturity, of any denomination or denominations authorized by this resolution and bearing interest at the same rate.

The transfer of any Bond may be registered only upon the registration books of the Issuer upon the surrender thereof to the Bond Registrar together with an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar. Upon any such registration of transfer, the Bond Registrar shall authenticate and deliver in exchange for such Bond a new Bond or Bonds registered in the name of the transferee, of any denomination or denominations authorized by this resolution, in an aggregate principal amount equal to the unredeemed principal amount of such Bond so surrendered, of the same maturity and bearing interest at the same rate.

In all cases in which Bonds shall be exchanged or the transfer of Bonds shall be registered hereunder, the Bond Registrar shall authenticate and deliver at the earliest practicable time Bonds in accordance with the provisions of this resolution. All Bonds surrendered in any such exchange or registration of transfer shall forthwith be cancelled by the Bond Registrar. The Issuer or the Bond Registrar may make a charge for every such exchange or registration of transfer of Bonds sufficient to reimburse it for shipping charges, out-of-pocket costs and any tax, fee or other governmental charge required to be paid with respect to such exchange or registration of transfer, but no other charge shall be made by the Issuer or the Bond Registrar for exchanging or registering the transfer of Bonds under this resolution. The Bond Registrar shall not be required to exchange or register the transfer of any Bond during a period beginning at the opening of business 15 days before the day of the mailing of a notice of redemption of Bonds, or any portion thereof and ending at the close of business on the day of such mailing or of any Bond called for redemption in whole or in part pursuant to Section 7 of this resolution.

As to any Bond, the person in whose name the same shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of or on account of the principal or redemption price of any such Bond and the interest on any such Bond shall be made only to or upon the order of the registered owner thereof or his legal representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond, including the redemption premium, if any, and interest thereon, to the extent of the sum or sums so paid.

The Issuer shall appoint such registrars, transfer agents, depositaries or other agents as may be necessary for the registration, registration of transfer and exchange of Bonds within a reasonable time according to then current commercial standards and for the timely payment of principal, interest and any redemption premium with respect to the Bonds. The Issuer is to act as the initial registrar, transfer agent and paying agent for the Bonds (collectively the "Bond Registrar"), subject to the right of the governing body of the Issuer to appoint another Bond Registrar. The Finance Director (or such other officer who shall from time to time perform the duties of finance officer within the meaning of North Carolina General Statutes, Sec. *159-24*, as it may be amended from time to time, or any successor statute), is hereby designated to act on behalf of the Issuer in carrying out its responsibilities as Bond Registrar, subject to the right of the governing body of the Issuer to designate another officer to act on its behalf, and as such shall keep at the office of the Finance Director, currently at Wake County Office Building, 336 Fayetteville Street Mall, 9th Floor, Raleigh, North Carolina 27602, the books of the Issuer for the registration, registration of transfer, exchange and payment of the Bonds.

Section 9. The actions of the County Manager and the Finance Director of the Issuer in applying to the Local Government Commission of North Carolina to advertise and sell the Bonds are hereby approved, ratified and confirmed. The Local Government Commission of North Carolina is hereby requested to ask for sealed bids for the Bonds by publishing notices and printing and distributing a Preliminary Official Statement and an Official Statement, including any supplement thereto, relating to the sale of the Bonds. The Preliminary Official Statement, proposed to be dated on or about March 4, 2005, substantially in the form presented at this meeting, and an Official Statement, proposed to be dated on or about March *15*, 2005, in substantially the form of the Preliminary Official Statement presented at this meeting, with such changes as are necessary to reflect the maturities, redemption provisions, interest rates and other pricing data of the Bonds is

hereby approved and the Chairman or Vice-Chairman of the Board, the County Manager and the Finance Director, respectively, of the Issuer are each hereby authorized to approve changes in such Preliminary Official Statement or Official Statement, to approve any supplement to such Preliminary Official Statement or Official Statement and to execute such Official Statement and any supplement to such Official Statement for and on behalf of the Issuer.

Section 10. The Chairman or Vice-Chairman of the Board, the County Manager and the Finance Director, respectively, of the Issuer are each hereby authorized, in the event they determine, in their discretion, such action to be appropriate and in the best interests of the Issuer in connection with the issuance of the Bonds, to engage a qualified bank or trust company to serve as escrow agent in connection with the refunding of the Bonds To Be Refunded as described in this resolution, and to negotiate, execute and deliver, on behalf of the Issuer, with the advice of bond counsel to the Issuer, an Escrow Deposit Agreement to accomplish the refunding of the Bonds To Be Refunded and to perform the obligations of the Issuer under said Escrow Deposit Agreement. The Chairman or Vice-Chairman of the Board, the County Manager and the Finance Director, respectively, of the Issuer are each hereby further authorized, in the event they determine, in their discretion, such action to be appropriate and in the best interests of the Issuer in connection with the issuance of the Bonds to engage a qualified verification agent to render the customary services of an escrow verification agent in connection with the refunding of the Bonds To Be Refunded.

Section 11. There may be printed on the reverse of each of any printed Bonds the legal opinion of Helms Mulliss & Wicker, PLLC, bond counsel to the Issuer, with respect to the validity of the Bonds, and there may be printed immediately following such legal opinion a certificate bearing the manual or facsimile signature of the Chairman or Vice-Chairman of the Board of the Issuer, said certificate to be in substantially the following form:

> "I HEREBY CERTIFY that the foregoing is a true and correct copy of the legal opinion on the bonds therein described which was manually signed by Helms Mulliss & Wicker, PLLC, Raleigh, North Carolina, and was dated as of the date of delivery of and payment for said bonds.
>
> [Manual or Facsimile Signature]
> Chairman/Vice-Chairman of the County of Wake, North Carolina"

Section 12. The Issuer covenants that, to the extent permitted by the Constitution and laws of the State of North Carolina, it will do and perform all acts and things to comply with the requirements of the Internal Revenue Code of 1986, as amended (the "Code"), and any related regulations and procedures in order to assure that interest paid on the Bonds will not be includable in the gross income of the owners thereof for purposes of federal income taxation, except to the extent that the Issuer obtains an opinion of bond counsel to the effect that noncompliance would not result in interest on the Bonds being includable in the gross income of the owners of the Bonds for purposes of federal income taxation.

As necessary or appropriate in connection with the issuance of the Bonds, all officers, employees and agents of the Issuer are authorized and directed to provide certifications of material facts and estimates as to the reasonable expectations of the Issuer as of the date(s) the Bonds are delivered and on behalf of the Issuer to sign agreements or acknowledge instructions regarding compliance with the requirements of the Code and any related regulations and procedures relating to the Bonds.

Section 13. There are hereby created, as may be needed, appropriate funds and accounts of the Issuer for the receipt and expenditure of the proceeds of the Bonds, and appropriate debt service funds and accounts of the Issuer for the receipt and disbursement of debt service payments on the Bonds.

Section 14. The Issuer hereby undertakes, for the benefit of the beneficial owners of the Bonds to provide:

(a) by not later than seven months from the end of each fiscal year of the Issuer, commencing with the fiscal year ending June 30, 2005, to each nationally recognized municipal securities information repository ("NRMSIR") and to the state information depository for the State of North Carolina ("SID"), if any, audited financial statements of the Issuer for such fiscal year, if available, prepared in accordance with Section 159-34 of the General Statutes of North Carolina, as it may be amended from time to time, or any successor statute, or, if such audited financial statements of the Issuer are not available by seven months from the end of such fiscal year, unaudited financial statements of the Issuer for such fiscal year to be replaced subsequently by audited financial statements of the Issuer to be delivered within 15 days after such audited financial statements become available for distribution;

(b) by not later than seven months from the end of each fiscal year of the Issuer, commencing with the fiscal year ending June 30, 2005, to each NRMSIR, and to the SID, if any, (i) the financial and statistical data as of a date not earlier than the end of the preceding fiscal year for the type of information included under heading "The County - Debt Information and -Tax Information" in the Official Statement relating to the Bonds and (ii) the combined budget of the Issuer for the current fiscal year, to the extent such items are not included in the financial statements referred to in (a) above;

(c) in a timely manner, to each NRMSIR or to the Municipal Securities Rulemaking Board ("MSRB"), and to the SID, if any, notice of any of the following events with respect to the Bonds, if material:

(1) principal and interest payment delinquencies;

(2) non-payment related defaults;

(3) unscheduled draws on debt service reserves reflecting financial difficulties;

(4) unscheduled draws on any credit enhancements reflecting financial difficulties;

(5) substitution of any credit or liquidity providers, or their failure to perform;

(6) adverse tax opinions or events affecting the tax-exempt status of the Bonds;

(7) modification to the rights of the beneficial owners of the Bonds;

(8) cost of any of the Bonds for redemption;

(9) defeasance of any of the Bonds;

(10) release, substitution or sale of any property securing repayment of the Bonds; and

(11) rating changes; and

(d) in a timely manner, to each NRMSIR or to the MSRB, and to the SID, if any, notice of a failure of the Issuer to provide required annual financial information described in (a) or (b) above on or before the date specified.

If the Issuer fails to comply with the undertaking described above, any beneficial owner of the Bonds may take action to protect and enforce the rights of all beneficial owners with respect to such undertaking, including an action for specific performance; provided, however, that failure to comply with such undertaking shall not be an event of default and shall not result in any acceleration of payment of the Bonds. All actions shall be instituted, had and maintained in the manner provided in this paragraph for the benefit of all beneficial owners of the Bonds.

The Issuer reserves the right to modify from time to time the information to be provided to the extent necessary or appropriate in the judgment of the Issuer, provided that:

(a) any such modification may only be made in connection with a change in circumstances that arises from a change in legal requirements, change in law, or change in the identity, nature, or status of the Issuer;

(b) the information to be provided, as modified, would have complied with the requirements of Rule 1 5c2- 12 issued under the Securities Exchange Act of 1934 ("Rule 15c2- 12") as of the date of the Official Statement relating to the Bonds after taking into account any amendments or interpretations of Rule 1 5c2- 12, as well as any changes in circumstances; and

(c) any such modification does not materially impair the interests of the beneficial owners, as determined either by parties unaffiliated with the Issuer (such as bond counsel), or by the approving vote of the registered owners of a majority in principal amount of the Bonds pursuant to the terms of this bond resolution, as it may be amended from time to time, at the time of the amendment.

To the extent permitted by the U.S. Securities and Exchange Commission, the County may discharge its undertaking described above by transmitting those documents or notices electronically to www.disclosureusa.org.

Any annual financial information containing modified operating data or financial information shall explain, in narrative form, the reasons for the modification and the impact of the change in the type of operating data or financial information being provided.

The provisions of this Section shall terminate upon payment, or provision having been made for payment in a manner consistent with Rule 1 5c2-12, in full of the principal of and interest on all of the Bonds.

Section 15. The Chairman or Vice-Chairman of the Board, the Clerk to the Board, the County Manager, the Finance Director and the other officers of the Issuer are each hereby authorized and directed to execute and deliver for and on behalf of the Issuer any and all financing statements, certificates, documents or other papers, including, without limitation, Letter(s) of Representations to Securities Depositories, and to perform any and all acts they may deem necessary or appropriate in order to carry out the intent of this resolution and the matters herein authorized.

Section 16. This resolution shall take effect upon its passage.

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PARTNERSHIP AGREEMENT WITH THE TOWN OF APEX
FOR THE ACQUISITION OF APPROXIMATELY 60 ACRES OF OPEN SPACE

The Town of Apex has requested that the County participate in the fee simple purchase of approximately 60 acres known as the Seymour Tract. This property is adjacent to 101 acres already owned by the Town and is located along Beaver Creek approximately three miles upstream of B. Everett Jordan Lake. Beaver Creek is one of the eight open space stream corridors previously identified and approved by the Board of Commissioners for acquisition.

The Town has designated the 158 acres including over 12,000 feet of frontage on Beaver Creek as a natural park to provide wildlife habitat with the flood plain acreage providing nutrient and sediment removal, flood storage and a future greenway corridor to Jordan Lake State Park and the American Tobacco Trail.

The purchase price for the 60 acres is $1,800,000. The Town has requested that the County provide $750,000. The Town will provide the remaining $1,050,000 which includes $766,751 from the NC Clean Water Management Trust Fund.

Upon motion of Commissioner Ward, seconded by Commissioner Council the Board unanimously authorized the County Manager to execute a grant agreement with the Town of Apex for Wake County to provide up to $750,000 for the acquisition of the 60 acre Seymour Tract with terms and conditions of said agreement to be acceptable to the County Attorney.

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PARTNERSHIP AGREEMENT WITH THE CITY OF RALEIGH
FOR ACQUISITION OF 52.60 ACRES OF OPEN SPACE
ADJOINING CLEMMONS EDUCATIONAL STATE FOREST

The State of North Carolina currently holds an option to purchase 99.,32 acres known as the Moore property located adjacent to the State of north Carolina Clemmons Educational State Park and adjoining the 252 acre Watson tract acquired by the State of North Carolina in partnership with Wake County in November 2004. The State secured this option with the intent of obtaining funds from the Clean Water Management Trust Fund to acquire the property. The State was unable to secure the funding needed and has requested that the City of Raleigh consider purchase of the property. The City currently leases the property for bio-solid disposal as a part of the City's public utilities operations and would like to continue this operation on a portion of the property.

The City is requesting that Wake County consider participation in the purchase of Tract 2 as a part of the County's open space preservation program. This proposed partnership would include the purchase by the City of the 56.20-acre Tract 2 from Lucy Moore Snakenburg for $587,500. The County would contribute $293,750 or 50 percent of the purchase price. The City and County would enter into a partnership grant agreement to assure the property would be permanently maintained as open space and that Tract 2 cannot be leased to any other party without approval by the City of Raleigh and Wake County.

The grant agreement with the City will contain the condition that should the State of North Carolina secure funding in the future for the purchase of the 56.20 acres from the City, that the City would reimburse the County for its share of the purchase price. The property would then be utilized by the State as a part of Clemmons State Forest for open space and water quality related education and research. The Raleigh City Council approved this proposal February 15, 2005, subject to consideration and approval by the Board of Commissioners.

Upon motion of Commissioner Council, seconded by Commissioner Ward, the Board unanimously authorized the County Manager to execute a grant agreement with the City of Raleigh to provide up to $293,750 for the acquisition of approximately 52.60 acres of the Lucy Moore Snakenburg property. Terms and conditions of said grant agreement to be acceptable to the County Attorney.

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WAKE COUNTY FIRE TAX DISTRICT – LONG-RANGE BUSINESS PLAN

Chairman Bryan recognized Mr. John Rukavina for presentation of the Long-Range Business Plan for Wake County Fire Tax District. The plan includes policies for fire apparatus acquisition and replacement and financial policies and endorsed processes and work to date on performance standards, staffing and stations. Recommendations are still being developed for stations and staffing.

To purchase fire apparatus, County staff and the Fire Commission request Board approval to expend up to $6.8 million. Payment of pumpers and tankers will not be due until delivery of the apparatus; however, appropriation is needed in order to award the bid. Until payment is due, staff will work with the fire service to identify the lowest cost financing alternatives available, which may include self-financing, certificates of participation, vendor financing, or bank qualified loans.

Upon motion of Commissioner Gardner, seconded by Commissioner Webb, the Board unanimously approved the fire apparatus replacement process and appropriate $6.8 million in the Fire Tax District capital fund to debt finance pumpers and tankers; the financial policies (financial model, fund balance, emergency expenditures, revenue projections, bulk purchasing) contained in the Long-Range Business Plan; and endorsement of the continued development of staffing, station and performance standard policies.

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MEMORANDUM OF UNDERSTANDING REGARDING CLAYTON BYPASS (RESOURCE CONSERVATION OVERLAY DISTRICT II)

The North Carolina Department of Transportation is proposing to construct the Transportation Improvement Program Project R-2552, known as the Clayton Bypass. The US Fish and Wildlife Service is concerned that this project may have a negative impact on the Dwarf Wedge Mussel which is listed as a federally endangered species. Since the Dwarf Wedge Mussel is an endangered species, NCDOT must demonstrate to the US Fish and Wildlife Service that appropriate conservation measures are in place before the project can continue.

In order to demonstrate Wake County's intent to protect any endangered species that may be impacted by the Clayton Bypass the County is being requested to enter into a Memorandum of Understanding with NCDOT and the US Fish and Wildlife Service, affirming that the County currently has in place specific regulations in the Zoning Ordinance that protects water quality in this area, and that the County will consider implementing an amendment to the Zoning Ordinance creating a Resource Conservation Overlay District-II throughout the portion of the Swift Creek Basin subject to County jurisdiction. The Resource Conservation Overlay District-II would require a 100-foot buffer along each side of any perennial stream located within the district.

This process will be the same as any other change that the County would consider to the Zoning Ordinance and would involve the Planning Board and the public before it is brought back to the Board of Commissioners.

Upon motion of Commissioner Ward, seconded by Commissioner Council, the Board unanimously adopted the Memorandum of Understanding contingent upon approval by the County Manager and County Attorney, with the North Carolina Department of Transportation (NCDOT) and the United States Fish and Wildlife Service in order to allow NCDOT to get its letter of concurrence from the US Fish and

Wildlife Service to meet its March 29, 2005 review date for its May 2005 let date for the Clayton Bypass.

MEMORANDUM OF UNDERSTANDING BETWEEN
THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION,
THE UNITED STATES FISH AND WILDLIFE SERVICE,
AND THE COUNTY OF WAKE, NORTH CAROLINA

THIS MEMORANDUM OF UNDERSTANDING (hereinafter, "MOU") is made and entered into on the date herein below last written, by and between the STATE OF NORTH CAROLINA, acting through the DEPARTMENT OF TRANSPORTATION (hereinafter, "NCDOT"); the UNITED STATES OF AMERICA, ACTING THROUGH THE U.S. FISH AND WILDLIFE SERVICE (hereinafter, "USFWS") and WAKE COUNTY, NORTH CAROLINA (hereinafter, "the County"), and collectively referred to hereinafter as the Parties.

RECITALS:

WHEREAS, the USFWS is authorized to enter into agreements with NCDOT and the County in accordance with the Endangered Species Act (18 U.S.C. *1531*, et seq.; as amended) (hereinafter, "ESA");

WHEREAS, NCDOT and the County are authorized to enter into agreements with USFWS;

WHEREAS, NCDOT proposes to construct Transportation Improvement Program Project R-2552, also known as the Clayton Bypass (hereinafter, "the Project"), which may impact the Dwarf Wedge Mussel *Alasmidonta heterodon* (hereinafter, "the Mussel"), which is listed as a Federally endangered species;

WHEREAS, NCDOT desires to minimize the impacts of the Project on the Mussel;

WHEREAS, it has been determined in consultation with USFWS that the following measures will help minimize the potential effects to the Mussel or its habitat resulting from the Project; and

WHEREAS, no party to this MOU shall be obligated to provide compensation beyond what is set out herein for the Project.

NOW, THEREFORE, the Parties hereby agree as follows:

1. NCDOT agrees to avoid and minimize potential impacts to the Mussel through proposed roadway design changes and other conservation measures as described in the Biological Assessment prepared for the Project. Those measures include:

a. Providing $75,000.00 to USFWS for research regarding propagation of the Mussel. The three year research project was completed by Richard Neves at Virginia Polytechnical Institute and State University;

b. Adding hazardous spill basins to Sections AA and AB of the Project closest to Swift Creek;

c. Extending controlled access at interchanges on Sections AB, B, and C of the Project;

d. Removing curb and gutter from the proposed Ranch Road widening plans;

e. Shifting the alignment of the 1-40 interchange and the Clayton Bypass to the north away from Swift Creek, and reducing the footprint of the interchange;

f. Adding four bridges and special drainage design features to the Project plans.

g. Implementing multiple sediment and erosion control special design provisions, as well as inspections and water quality monitoring during construction.

2. The County affirms that Section 1-1-26 of the Wake County Zoning Ordinance
was amended on May 19,2003 to prohibit fill and new development in areas designated as "floodway" or "floodway fringe." This applies jurisdiction-wide to lots created after May 19, 2003.

3. The County affirms that Section 2-10-3 8 of the Wake County Stormwater Control, Management and Watercourse Buffer Regulations limits the nitrogen export load for new development to 3.6 pounds per acre per year. Alternatively, residential developers have the option of making a one-time offset payment to the North Carolina Ecosystem Enhancement Program (hereinafter, "EEP") to bring the nitrogen export load down from 6 pounds per acre per year to 3.6 pounds per acre per year; while other developers have the option of making a one-time offset payment to the Fund to bring the nitrogen export load down from 10 pounds per acre per year to 3.6 pounds per acre per year. Residential developments which exceed 6 pounds per acre per year and other developments which exceed 10 pounds per acre per year must install County-approved stormwater control measures to reduce the nitrogen export load of their development to the applicable 6 or 10 pounds per acre per year limitation to become eligible for payment offsets. Section 2-10-3 8 applies throughout the County's jurisdiction.

4. The County affirms that pursuant to Section 2-10-40 of the Wake County Stormwater Control, Management and Watercourse Buffer Regulations, the peak stormwater runoff from any new development site shall be no greater for post development conditions than pre-development conditions for the one year, 24-hour storm event. Exemptions from this regulation include: 1) developments where the increase in peak stormwater runoff between pre-development and post development conditions for the one year, 24-hour storm is 10% or less or 2) the maximum impervious surface coverage of the lot is not more than 15% and the remaining pervious portions of the lot are used to convey and control the stormwater runoff of

the lot to the maximum extent practical. Section 2-10-40 applies throughout the County's jurisdiction. The Wake County Zoning Ordinance contains other impervious surface regulations that vary by zoning district. For residential zoning districts, the maximum impervious surface limit is 30%. This applies throughout the County's jurisdiction.

5. The County agrees to consider the implementation of an amendment to the Wake County Zoning Ordinance creating the Resource Conservation Overlay District-II (hereinafter, "RCOD-II"). The RCOD-II zoning district will apply throughout the portion of the Swift Creek Basin subject to County jurisdiction, and will require a 100-foot buffer along each side of any perennial stream located within that district. The ordinance amendment will list the impervious surface limits that apply in the County's underlying zoning districts and that are required by its Stormwater Control, Management and Water Course Buffer Regulations.

6. The USFWS agrees to consider the NCDOT minimization measures listed in paragraph 1, and the County ordinances listed in paragraph 2 through 5, as conservation measures when evaluating the potential effect of the Project on the Mussel.

7. The USFWS agrees to consider the County ordinances listed in paragraph 2 through 5 as conservation measures when evaluating potential effects of future County projects, such as the Lake Benson drinking water reservoir.

8. The USFWS requires the proposed County ordinances be adopted before construction begins on the Project.

Amendment or modification of this Memorandum of Understanding may be proposed at any time but will not be adopted unless agreed to by all Parties in writing.

IN WITNESS WHEREOF, the Parties hereto have caused this Memorandum of Understanding to be executed as of the date below last written.

STATE OF NORTH CAROLINA,
acting through the DEPARTMENT OF TRANSPORTATION

By:_____ Date: _____

Its: _____, Duly Authorized

UNITED STATES OF AMERICA,
acting through the U.S. Fish and Wildlife Service

By:_____ Date: _____

Its: _____, Duly Authorized

THE COUNTY OF WAKE, NORTH CAROLINA

By: _____ Date: _____

Its: _____, Duly Authorized

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FRANKLIN COUNTY AND WAKE COUNTY LINE RESOLUTION

As development has increased along the Wake/Franklin County line, there has been confusion over the actual location of the line, particularly I the Richland Hills Subdivision area. This subdivision is in Wake Forest's corporate limits. To resolve this issue Wake County staff is working with Franklin County in requesting that the State and County Boundaries Surveyor with the North Carolina Geodetic Survey, survey the Wake/Franklin County line. Staff from the two counties will review the survey and recommend to both counties' Board of Commissioners the location of the County line for their approvals. The State will then make the line with geodetic monuments and plats will be recorded with both Register of Deeds Offices and the North Carolina Secretary of State's Office pursuant to NCGS 153A-18a and 153A-18c.

The Commissioners received the information on the resolution of the County line, as presented, and **by general consensus of the Board, staff was directed to continue to pursue the delineation of the County line and to move as expeditiously as possible.**

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APPROVAL OF AN INTERLOCAL AGREEMENT WITH THE
BOARD OF EDUCATION FOR COMMUNITY USE PARK FACILITIES
AT HARRIS CREEK ELEMENTARY SCHOOL

In December 2003, the Board of Education purchased 25.68 acres on Forestville Road in Raleigh for the construction of Harris Creek Elementary School. The Board of Education and County desire to jointly develop recreational improvements on the property for use by the community. It is proposed that the terms and conditions relating to the funding, design, construction, ownership and maintenance of the recreational improvements located

on school property be outlined in an interlocal agreement acceptable to the Board of Commissioners and Board of Education.

A Joint Use Agreement outlining the program, operation and maintenance responsibilities will also be executed prior to issuance of a certificate of occupancy for the community use facilities. The school system's Community Schools Office will coordinate the scheduled use of the fields and collect user fees. The facilities will be maintained entirely by the school system similar to other community use facilities already in the system.

Upon motion of Commissioner Ward, seconded by Commissioner Council, the Board unanimously approved entering into an Interlocal Agreement with the Board of Education for the development of community use park facilities at Harris Creek Elementary School with the County's contribution not to exceed $170,000; that a Joint Use Agreement will be executed prior to issuance of certificate of occupancy for the park facilities and each agreement will be subject to terms and conditions acceptable to the County Manager and the County Attorney.

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REQUEST FROM WAKE COUNTY BOARD OF EDUCATION
TO APPROPRIATE PLAN 2004 FUNDS

The Wake County Board of Education is requesting funds for Elementaries E9 (Forest Pines Drive) and E15 (Pippin Road) to be used to outfit the modular elementary campuses at Dubois and Wendell (Highway 97). The actual items purchased will be used at E9 and E15 when they move from the modular campuses into their permanent schools.

The current funding request totals $50,738,330 and includes $41,235,665 for construction; $2,477,745 for design; $4,066,960 for outfitting modular schools and relocating mobiles and $2,957,960 for system wide improvement, contingency, commissioning, re-roofing, permits.

Upon motion of Commissioner Ward, seconded by Commissioner Webb, the Board approved the request from the Board of Education to appropriate Plan 2004 funds for School Capital Projects. Commissioners Council, Gardner, Gurley, Ward, Webb and Chairman Bryan voted aye; Commissioner Jeffreys voted nay.

RESOLUTION
APPROVING APPROPRIATION OF PLAN 2004 FUNDING
FOR SCHOOL CAPITAL BUILDING PROJECTS

WHEREAS, the Wake County Board of Education is engaged in a Long Range Building Program; and,

WHEREAS, the Wake County Board of Commissioners has approved the projects listed below as part of the schools capital building program, and contracts have been or will be let for planning and design of services, and construction; and,

WHEREAS, the Wake County Board of Education has duly requested, through resolutions adopted October 5, 2004 and January 18, 2005, that the Board of Commissioners approve the appropriation of $50,738,330 to the Plan 2004 Building Program.

NOW, THEREFORE, BE IT RESOLVED that the Wake County Board of Commissioners hereby appropriates $50,738,330 as listed below:

Project Description	**Amount**
E9 Elementary (Forest Pines)	$ 1,679,359
E15 (Pippin Road)	1,679,359
East Millbrook Middle	1,270,802
East Wake High	19,144,106
Enloe High	22,091,559
Lynn Road Elementary	1,206,943
Mobiles Units – Relocations	708,242
Ligon Middle	36,422
Millbrook High	110,327
North Garner Middle	37,704
Program Contingency	491,869
Permit Fees:	
East Weak High	67,569
Enloe High	104,388
Re-Roofing (Aversboro Elem)	298,000
Systemwide Improvement Projects	
Bugg Elementary	38,196
Garner High	496,754
Green Elementary	272,035
Wake Forest-Rolesville High	297,168
West Millbrook Middle	707,528
Total	**$ 50,738,330**

Adopted this the 21st day of February, 2005.

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ENVIRONMENTAL STEWARDSHIP AGENDA FOR 2004-05

Each year since 2002 the Wake County Board of Commissioners has adopted an Environmental Stewardship Agenda. The Environmental Stewardship Agenda provides a framework for creating a vision, identifying needs and marshalling resources to address environmental issues. It addresses water quality, parks, recreation and open space, solid waste, air quality, environmental health and safety, environmental education and environmental information.

The agenda for 2004-2005 has been reviewed by the Environmental Services Committee, the Human Services Board, the Soil and Water Conservation District Board of Supervisors and the Open Space and Parks Advisory Committee and all recommend that the Board of Commissioners receive the Environmental Stewardship Agenda.

Following the presentation and **upon motion of Commissioner Council, seconded by Commissioner Webb, the Board unanimously adopted the Environmental Stewardship Agenda for 2005-2006.**

(A copy of the Environmental Stewardship Agenda for 2005-2006 is made a part of these minutes and the permanent file maintained by the Clerk to the Board.)

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WAKE CRIMINAL JUSTICE RESOURCE CENTER
FY 2006 MANAGEMENT CONTRACT

The North Carolina Department of Corrections' Criminal Justice Partnership Program provides grants that support innovative corrections programs throughout North Carolina. Wake County has been a recipient of CJPP grants for the Wake Day Reporting Center and has contracted with Carolina Correctional Services, Inc., a not-for-profit corporation, for management and operation of the Center.

The Board's Criminal Justice Partnership Advisory Board conducted a thorough review of the activities of that Center and at its July 2004 meeting, adopted a proposal that the Center function as a "Resource" Center which under Department of Correction rules, would broaden the mission and encourage more referrals to the Center.

A contract has been negotiated with Carolina Correctional Service for operating and managing the Center in FY 2006, contingent on receipt of a CJPP grant for up to $342,915 for that purpose.

Upon motion of Commissioner Council, seconded by Commissioner Gurley, the Board unanimously authorized the County Manager to enter into an agreement for FY 2006 with Carolina Corrections Services, Inc. for continued operation and management of the Wake Criminal Justice Resource Center.

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HUMAN SERVICES STAFFING ALIGNMENT

The Wake County Human Services staff has conducted an analysis of staffing patterns across a number of program areas. The analysis reveals that in the past several years the agency has relied on temporary staff to meet some of the increases in the demand for services. It was further revealed that the demand for these services will not diminish in the foreseeable future and that the need for staff is a permanent one.

Mr. Bob Sorrels, Deputy Director of Human Services, commented on staff recommendation for staffing alignment in the following areas:

POSITIONS	FTE
Child Health Clinic	2.0
Health Promotion	1.0
HIV/STD Clinic	0.5
Maternal Health Clinic	1.0
Southern Regional Center	2.6
Information Management Unit	4.0
Child Support Enforcement	4.0
South Wilmington Street Center	2.0
Customer Service Center	4.0

Work First Program	1.0
Child Services Coordination	1.0
Ready-to-Learn Centers	1.0
Cornerstone	0.5

Upon motion of Commissioner Council, seconded by Commissioner Ward, the Board unanimously approved the establishment of 24.6 regular FTE positions, as outlined above, in the Wake County Human Services Department.

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REQUEST FOR RE-ISSUANCE OF LANDFILL FRANCHISE
SHOTWELL LANDFILL, INC.

Shotwell Landfill, Inc. is the current holder of a franchise to operate a Construction and Debris landfill in Wake County. It has been acquired by new owners, David King and Gary Lynch. The new owners have requested that the franchise be reissued noting the change in stock ownership of the corporation. The new stock owners have informed the County that they and the corporation ratify and adopt the franchise application previously submitted by Shotwell Landfill, Inc., and will abide by the terms and conditions of the franchise previously awarded as it may from time to time have been or may be amended.

County staff is satisfied with the operation of the landfill by Shotwell Landfill, Inc. and has not objection to re-issuance of the franchise on the same terms and conditions.

An ordinance requiring all Construction and Demolition landfill operators to obtain a franchise from the County prior to operation was enacted by the Board on September 7, 1999, Granting of a franchise requires two separate readings by the Board.

Upon motion of Commissioner Ward, seconded by Commissioner Gardner, the Board unanimously approved the request from David King and Gary Lynch for re-issuance of franchise to operate a C&D landfill.

ORDINANCE RE-ISSUING FRANCHISE TO
SHOTWELL LANDFILL, INC. FOR OPERATION OF
CONSTRUCTION AND DEMOLITION DEBRIS LANDFILL

WHEREAS, Shotwell Landfill, Inc. is the current holder of a franchise to operate a construction debris (C&D) landfill in the County; and,

WHEREAS, David King and Gary Lynch have acquired all the shares of Shotwell Landfill, Inc.; and,

WHEREAS, Shotwell Landfill, Inc, through its new owners, have adopted and ratified the application previously filed by Shotwell Landfill, Inc. for a franchise to operate a C&D landfill, and has agreed to comply with the terms and conditions of the franchise granted pursuant thereto; and,

WHEREAS, the required special use permit from the Wake County Planning Board for operation of a C&D landfill on the site identified in the application has been obtained.

NOW THEREFORE BE IT ORDAINED THAT,

Section 1. The franchise to operate a construction and demolition debris landfill previously issued to Shotwell Landfill, Inc. is hereby reissued to Shotwell Landfill, mc, through its new owners David King and Gary Lynch. The franchise operation shall be conducted in accordance with the representations made on the application submitted by Shotwell Landfill, Inc., and all amendments to that franchise. Copies of all materials submitted by Shotwell Landfill, Inc. which have been readopted by Shotwell Landfill, Inc. and its new owners are maintained in the permanent files of the Clerk to the Board. This reissued franchise shall expire coterminous with the expiration of the original franchise to Shotwell Landfill, Inc.

Section 2. Shotwell Landfill, Inc. shall provide documentation reasonably required by the County to ascertain compliance with the terms of the franchise as amended.

Section 3. This ordinance is effective upon its second reading by this Board.

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COMMITTEE REPORTS

Commissioner Webb announced that the Public Safety Committee of the Board of Commissioners is scheduled to meet Tuesday, March 22, 2005, at 2:00 p.m. in the Conference Center of the Wake County Office Building for discussion of open burning ordinance in the County and EMS issues.

Commissioner Jeffreys reminded the Board of the joint meeting with the Raleigh City Council Wednesday, February 23, 2005, at 8:00 a.m. in the Raleigh Convention and Conference Center to receive an update on the Ten-Year Plan to End Homelessness.

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OTHER BUSINESS

Chairman Bryan noted that there had been discussion about the Board of Commissioners and Board of Education meeting before the normally scheduled meeting of March 16. It was the consensus of the Board that the two boards would meet Monday, February 28, 2005, at 9:00 a.m., Webster Training Center.

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CLOSED SESSION

Upon motion of Commissioner Council, seconded by Commissioner Ward, the Board unanimously approved going into closed session to instruct staff regarding the terms and conditions of contracts to purchase the following properties for the Little River Reservoir Project: approximately 1.002 acres owned by Mildred S. Perry, et. al; approximately 0.636 acres owned by Ronnie S. Perry; approximately 0.529 acres owned by James P. and Rhonda P. Alford; approximately .028 from Ronnie S. and Carolyn D. Perry; approximately .251 acres owned by Wilbur W. Ferrell, TRS; approximately 1.296 acres owned by G. B. Pate; approximately 1.001 acres owned by Charles and Ann J. Thomas; and approximately 13.168 acres owned by William C. Vick Construction Co.; and 18.077 acres owned by Raymond Jr. Perry and Cheryl Perry.

Following the business in closed session, **Chairman Bryan called the meeting back into regular session.**

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ACQUISITION OF PROPERTY
LITTLE RIVER RESERVOIR PROJECT

As result of the information given to the Board of Commissioners in closed session, **upon motion of Commissioner Council, seconded by Commissioner Webb, the Board unanimously adopted the following resolutions to facilitate the development of the Little River Reservoir Project:**

RESOLUTION
AUTHORIZING CONDEMNATION TO ACQUIRE
CERTAIN PROPERTY OF RAYMOND JR PERRY AND CHERYL PERRY

WHEREAS, the governing body of the County of Wake, hereby determines that it is necessary and in the public interest to acquire certain Property owned by Raymond Jr. Perry and Cheryl Perry for the following public purposes:

> To protect the public health, to provide the public with an adequate and sound public water supply and distribution system, and to improve such system to meet the need for expanded or upgraded services, specifically, to construct and maintain the Little River Reservoir Project for public water supply and distribution purposes.

WHEREAS, the proper officials and representatives of the County of Wake have been unable to acquire the needed interest in this Property by negotiated conveyance.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE COUNTY OF WAKE THAT:

1. The County of Wake shall acquire by condemnation for the purposes stated above, the Property and interest described as follows:

   > All of that certain tract or parcel of land lying and being in Little River Township, Wake County, North Carolina, being known as and more particularly identified as a 18.077 acres of land further identified as Wake County PIN # 1786.01 45 1675, Tax ID # 0182604 and shown as Tracts 1,2, and 3 on a survey prepared by McKim and Creed entitled "Proposed Purchase of Tract 3 and Recombination of Property of Raymond Jr. and Cheryl Perry", dated January 3, 2001, attached hereto and incorporated herein as Exhibit A.

2. Even though the proposed project requires condemnation of less than the entire tract, all of the tract is affected, and economy and the expenditure of public funds and the interests of the public will be best served by taking the entire tract.

3. The attorneys representing the County of Wake are directed to institute the necessary proceedings against the proper parties under Chapter 40A of the North Carolina General Statutes to acquire the Property herein described.

RESOLUTION
AUTHORIZING CONDEMNATION TO ACQUIRE
CERTAIN PROPERTY OF MILDRED S. PERRY, ET AL.

WHEREAS, the governing body of the County of Wake, hereby determines that it is necessary and in the public interest to acquire certain Property owned by Mildred S. Perry, et al. for the following public purposes:

> To protect the public health, to provide the public with an adequate and sound public water supply and distribution system, and to improve such system to meet the need for expanded or upgraded services, specifically, to construct and maintain the Little River Reservoir Project for public water supply and distribution purposes.

WHEREAS, the proper officials and representatives of the County of Wake have been unable to acquire the needed interest in this Property by negotiated conveyance.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE COUNTY OF WAKE THAT:

1. The County of Wake shall acquire by condemnation for the purposes stated above, the Property and interest described as follows:

> All of that certain tract or parcel of land lying and being in Little River Township, Wake County, North Carolina, being known as and more particularly described as 1.002 acres of land, further identified as Wake County PIN # 1787.01 46 1442, Tax ID # 0054896 and shown as Tracts 1 and 2 on a survey prepared by McKim and Creed entitled "Proposed Purchase of Tract 2 and Recombination of Ronnie S. Perry-Life Estate of Mildred S. Perry Property", dated January 22, 2002, attached hereto and incorporated herein as Exhibit A.

2. Even though the proposed project requires condemnation of only Tract 2, Tract 1, is affected, and economy and the expenditure of public funds would be promoted by taking both Tract 1 and 2, and the interest of the public will be best served by acquiring both parcels.

3. The attorneys representing the County of Wake are directed to institute the necessary proceedings against the proper parties under Chapter 40A of the North Carolina General Statutes to acquire the Property herein described.

RESOLUTION
AUTHORIZING CONDEMNATION TO ACQUIRE FLOOD EASEMENT OVER CERTAIN PROPERTY OF RONNIE S. PERRY

WHEREAS, the governing body of the County of Wake, hereby determines that it is necessary and in the public interest to acquire a flood easement over certain Property owned by Ronnie S. Perry for the following public purposes:

> To protect the public health, to provide the public with an adequate and sound public water supply and distribution system, and to improve such system to meet the need for expanded or upgraded services, specifically, to construct and maintain the Little River Reservoir Project for public water supply and distribution purposes.

WHEREAS, the proper officials and representatives of the County of Wake have been unable to acquire the needed interest in this Property by negotiated conveyance.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE COUNTY OF WAKE THAT:

1. The County of Wake shall acquire by condemnation for the purposes stated above, the Property and interest described as follows:

> A flood easement over all of that certain tract or parcel of land lying and being in Little River Township, Wake County, North Carolina, being known as and more particularly described as 0.636 acres of land, further identified as a portion of Wake County PIN # 1787.01 36 6312, Tax ID # 0120854 and shown as Tracts 2 and 3 on a survey prepared by McKim and Creed entitled "Proposed Purchase of Tract 2 and Tract 3 and Recombination of Ronnie S. Perry Property", dated January 30, 2002, attached hereto and incorporated herein as Exhibit A.

2. The attorneys representing the County of Wake are directed to institute the necessary proceedings against the proper parties under Chapter 40A of the North Carolina General Statutes to acquire the Property herein described.

RESOLUTION
AUTHORIZING CONDEMNATION TO ACQUIRE FLOOD EASEMENT OVER CERTAIN PROPERTY OF RONNIE S. AND CAROLYN D. PERRY

WHEREAS, the governing body of the County of Wake, hereby determines that it is necessary and in the public interest to acquire a flood easement over certain Property owned by Ronnie S. Perry and Carolyn D. Perry for the following public purposes:

To protect the public health, to provide the public with an adequate and sound public water supply and distribution system, and to improve such system to meet the need for expanded or upgraded services, specifically, to construct and maintain the Little River Reservoir Project for public water supply and
distribution purposes.

WHEREAS, the proper officials and representatives of the County of Wake have been unable to acquire the needed interest in this Property by negotiated conveyance.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE COUNTY OF WAKE THAT:

1. The County of Wake shall acquire by condemnation for the purposes stated above, the Property and interest described as follows:

A flood easement over all of that certain tract or parcel of land lying and being in Little River Township, Wake County, North Carolina, being known as and more particularly described as0.028 acres of land, further identified as a portion of Wake County PIN #1787.01 364552, Tax ID #0054886 and shown as Tracts 2 and 3 on a survey prepared by McKim and Creed entitled "Proposed Purchase of Tract 2 and Tract 3 and Recombination of Ronnie S. Perry Property", dated January 29, 2002, attached hereto and incorporated herein as Exhibit A.

2. The attorneys representing the County of Wake are directed to institute the necessary proceedings against the proper parties under Chapter 40A of the North Carolina General Statutes to acquire the Property herein described.

RESOLUTION
AUTHORIZING CONDEMNATION TO ACQUIRE FLOOD EASEMENT OVER CERTAIN PROPERTY OF JAMES P. AND RHONDA P. ALFORD

WHEREAS, the governing body of the County of Wake, hereby determines that it is necessary and in the public interest to acquire a flood easement over certain Property owned by James P. and Rhonda P. Alford for the following public purposes:

To protect the public health, to provide the public with an adequate and sound public water supply and distribution system, and to improve such system to meet the need for expanded or upgraded services, specifically, to construct and maintain the Little River Reservoir Project for public water supply and distribution purposes.

WHEREAS, the proper officials and representatives of the County of Wake have been unable to acquire the needed interest in this Property by negotiated conveyance.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE COUNTY OF WAKE THAT:

1. The County of Wake shall acquire by condemnation for the purposes stated above, the Property and interest described as follows:

> A flood easement over all of that certain tract or parcel of land lying and being in Little River Township, Wake County, North Carolina, being known as and more particularly described as 0.529 acres of land, further identified as a portion of Wake County PIN # 1787.01 46 0291, Tax ID # 0206449 and shown as Tract 2 on a survey prepared by McKim and Creed entitled "Proposed Purchase of Tract 2 and Recombination of James P. Alford and Rhonda P. Alford Property", dated January 21,2002, attached hereto and incorporated herein as Exhibit A.

2. The attorneys representing the County of Wake are directed to institute the necessary proceedings against the proper parties under Chapter 40A of the North Carolina General Statutes to acquire the Property herein described.

RESOLUTION
AUTHORIZING CONDEMNATION TO ACQUIRE
CERTAIN PROPERTY OF WILBUR W. FERRELL, TRS

WHEREAS, the governing body of the County of Wake, hereby determines that it is necessary and in the public interest to acquire certain Property owned by Wilbur W. Ferrell, TRS for the following public purposes:

> To protect the public health, to provide the public with an adequate and sound public water supply and distribution system, and to improve such system to meet the need for expanded or upgraded services, specifically, to construct and maintain the Little River Reservoir Project for public water supply and distribution purposes.

WHEREAS, the proper officials and representatives of the County of Wake have been unable to acquire the needed interest in this Property by negotiated conveyance.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE COUNTY OF WAKE THAT:

1. The County of Wake shall acquire by condemnation for the purposes stated above, the Property and interest described as follows:

All of that certain tract or parcel of land lying and being in Little River Township, Wake County, North Carolina, being known as and more particularly described as .251 acres of land, further identified as a portion of Wake County PIN # 1788.03 12 8786, Tax ID # 0022003 and shown as Tract 2 on a survey prepared by McKim and Creed entitled "Easement Survey of Wilbur Willie Ferrell, TRS Property", dated March 7,2002, attached hereto and incorporated herein as Exhibit A.

2. The attorneys representing the County of Wake are directed to institute the necessary proceedings against the proper parties under Chapter 40A of the North Carolina General Statutes to acquire the Property herein described.

RESOLUTION
AUTHORIZING CONDEMNATION TO ACQUIRE
CERTAIN PROPERTY OF G.B. PATE

WHEREAS, the governing body of the County of Wake, hereby determines that it is necessary and in the public interest to acquire certain Property owned by G.B. Pate for the following public purposes:

To protect the public health, to provide the public with an adequate and sound public water supply and distribution system, and to improve such system to meet the need for expanded or upgraded services, specifically, to construct and maintain the Little River Reservoir Project for public water supply and distribution purposes.

WHEREAS, the proper officials and representatives of the County of Wake have been unable to acquire the needed interest in this Property by negotiated conveyance.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE COUNTY OF WAKE THAT:

1. The County of Wake shall acquire by condemnation for the purposes stated above, the Property and interest described as follows:

All of that certain tract or parcel of land lying and being in Little River Township, Wake County, North Carolina, being known as and more particularly described as 1.296 acres of land, further identified as Wake County PIN # 1796.03 11 1173, Tax ID # O116922 and shown on a survey prepared by McKim and Creed entitled "Survey of Gerald B. Pate", dated October 25, 2000, attached hereto and incorporated herein as Exhibit A.

2. The attorneys representing the County of Wake are directed to institute the necessary proceedings against the proper parties under Chapter 40A of the North Carolina General Statutes to acquire the Property herein described.

RESOLUTION
AUTHORIZING CONDEMNATION TO ACQUIRE
CERTAIN PROPERTY OF CHARLES AND ANN J. THOMAS

WHEREAS, the governing body of the County of Wake, hereby determines that it is necessary and in the public interest to acquire certain Property owned by Charles Thomas and Ann J. Thomas for the following public purposes:

> To protect the public health, to provide the public with an adequate and sound public water supply and distribution system, and to improve such system to meet the need for expanded or upgraded services, specifically, to construct and maintain the Little River Reservoir Project for public water supply and distribution purposes.

WHEREAS, the proper officials and representatives of the County of Wake have been unable to acquire the needed interest in this Property by negotiated conveyance.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE COUNTY OF WAKE THAT:

1. The County of Wake shall acquire by condemnation for the purposes stated above, the Property and interest described as follows:

> All of that certain tract or parcel of land lying and being in Little River Township, Wake County, North Carolina, being known as and more particularly described as 1.001 acres of land identified as Wake County PIN# 1786.02 55 9718, Tax ID # 0150648 and shown on a survey prepared by McKim and Creed entitled "Property of Charles A Thomas and Ann Jones", dated February 16, 2001, attached hereto and incorporated herein as Exhibit A.

2. The attorneys representing the County of Wake are directed to institute the necessary proceedings against the proper parties under Chapter 40A of the North Carolina General Statutes to acquire the Property herein described.

RESOLUTION
AUTHORIZING CONDEMNATION TO ACQUIRE
CERTAIN PROPERTY OF WILLIAM C. VICK CONSTRUCTION CO.

WHEREAS, the governing body of the County of Wake, hereby determines that it is necessary and in the public interest to acquire certain Property owned by William C. Vick Construction Co. for the following public purposes:

To protect the public health, to provide the public with an adequate and sound public water supply and distribution system, and to improve such system to meet the need for expanded or upgraded services, specifically, to construct and maintain the Little River Reservoir Project for public water supply and distribution purposes.

WHEREAS, the proper officials and representatives of the County of Wake have been unable to acquire the needed interest in this Property by negotiated conveyance.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE COUNTY OF WAKE THAT:

1. The County of Wake shall acquire by condemnation for the purposes stated above, the Property and interest described as follows:

All of that certain tract or parcel of land lying and being in Little River Township, Wake County, North Carolina, being known as and more particularly described as 13.168 acres of land, further identified as a portion of Wake County PIN # 1786.01 38 4625, Tax ID # 0069438 and shown on a survey prepared by McKim and Creed entitled "Boundary Survey of Proposed Purchase of Tract "2" and Recombination of Property of William C. Vick and wife Opal C. Vick", dated January 3, 2001, attached hereto and incorporated herein as Exhibit A.

2. The attorneys representing the County of Wake are directed to institute the necessary proceedings against the proper parties under Chapter 40A of the North Carolina General Statutes to acquire the Property herein described.

****

There being no further business to come before the Board at this time, **Chairman Bryan recessed the meeting until Wednesday, February 23, 2005, at 8:00 a.m., Raleigh Convention and Conference Center, upon the motion of Commissioner Ward, seconded by Commissioner Gardner and the unanimous vote of the Board.**

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Respectfully submitted:

Gwen Reynolds
Clerk to the Board

CAROLINA
ECOSYSTEMS, INC.

8208 Brian Ct.; Garner, NC 27529
P:919-606-1065 – F:919-341-4474

February 26, 2007

Scanned by	Date	Doc ID #
LY Frost	***September 28, 2007***	***RCO3123***

Ms. Amanda Jones
Asheville Regulatory Field Office
U.S. Army Corps of Engineers
151 Patton Avenue
Room 208
Asheville, North Carolina 28801-5006

RE: Nationwide Permit 39 Pre-Construction Notification
Rutherford County C&D Landfill Expansion
Rutherfordton, North Carolina

Dear Ms. Jones;

The Rutherford County Solid Waste Department is proposing to expand its existing construction and demolition (C&D) landfill located in Rutherfordton, North Carolina. In support of this activity, Carolina Ecosystems, Inc. (CEI) and David Garrett & Associates, Inc. have prepared this Nationwide 39 Pre-Construction Notification (PCN) for the project. Included in this submittal are the PCN form, vicinity and site maps, engineering plans and details, site photographs, and an agent authorization letter. Additional information supplementing the PCN form is included in this cover letter.

Project Background

Rutherford County has owned and operated its landfill since the 1950's. The site consists of a closed Municipal Solid Waste (MSW) landfill, current MSW transfer station, and an active C&D landfill. The remainder of the site is currently forested or borrow area as shown on the site plan (Figure 2). These areas are reserved for C&D Landfill expansion and a future MSW landfill.

The current C&D landfill is projected to reach its capacity in mid-summer of 2007. Therefore, the proposed expansion is required to provide C&D capacity for the County residents. The existing MSW landfill was closed in 1998, and the County currently transfers its waste to a private facility. However, the County is considering constructing an MSW to reduce costs in the future, and much of the landfill property will be required for this facility (Drawing 1). The current expansion of the C&D landfill will reduce the available MSW landfill by 9.0 acres. The site has a permit from the NC Department of Environment and Natural Resources (NCDENR) Solid Waste Section.

Project Purpose and Alternatives

The overall purpose of this project is to continue to provide the citizens of Rutherford County with safe and cost-effective C&D waste disposal for the immediate and long-term future. The existing C&D landfill is nearing capacity, with no additional room for expansion except for the proposed northward expansion. Expanding the landfill in another direction is not feasible due to the presence of the closed MSW landfill (south), a perennial stream (UT to Cleghorn Creek) and its floodplain (west), and the office building and scale house (east) as shown in Figure 2. New "green" landfill sites are difficult to permit in general, and not allowed under the current state landfill moratorium. Transporting C&D waste to an off-site private facility would increase the cost of waste disposal passed on to the County residents.

Site Description

The C&D site is located along a ridge line that runs generally from north to south. The site is bounded on the south by the the City of Rutherford Wastewater Treatment Plant and a public road, on the west by Cleghorn Creek and its tributary, on the north by residences and businesses, and on the east by an unnamed tributary of Stonecutter Creek. The site is located in the Broad River Basin, more specifically in USGS Hydrologic Unit 03050105, NCDWQ Subbasin 03-08-02. The proposed C&D landfill area (Figure 2) is designed to avoid several site constraints including the important intermittent and perennial streams to the west, and the office and scale house infrastructure to the east.

Wetlands and streams jurisdictional under the Clean Water Act, Section 404 were delineated in 2000 and confirmed by the US Army Corps of Engineers (Steve Chapin) in 2001. The jurisdictional determination is attached. Jurisdictional areas were delineated within a study area that comprised all potential areas within the property that could be developed but excluded the primary perennial streams on the east and west boundary of the property and their adjacent floodplains. Areas delineated within the study area include three streams that graded from intermittent to perennial, two headwater wetlands associated with the streams on the east side of the property, and a small headwater wetland associated with the stream that is the subject of this permit application.

The proposed site plan includes unavoidable impacts to the intermittent unimportant section of the stream on the west side of the property, and a small headwater wetland above the existing road crossing. The stream channel is approximately 1-2 feet wide with a depth of less than 1 foot. Aquatic sampling with a kick net was performed on February 7, 2007. No macrobenthos or fish were found in the stream above the road crossing, which is similar to the results of the delineation in 2000. The channel is intermittent beginning at a head cut and proceeding through a wetland, where it loses its bed and bank, before reforming in a channel to the existing road crossing. Below the 36" pipe, the topography becomes extremely steep with exposed bedrock.

Avoidance and Minimization

The proposed landfill design has been adjusted to avoid the important intermittent and perennial sections of the tributary, below the road crossing. This has caused not only a loss of some C&D

landfill capacity, but also a loss of future MSW landfill capacity. Downstream hydrology will be maintained through the installation of an underdrain to allow base flow to continue during the wet season. Secondary effects from stormwater will be controlled by routing the landfill stormwater to sediment basins sized to control and treat the 24-hour 25-year storm.

Mitigation

Compensatory mitigation of such minor impacts will not be required based on conversations with USACE and NCDWQ staff. On-site mitigation is not practical due to the minor amount of stream and wetland to be impacted. Mitigation of the impacts is provided through the avoidance and minimization described above. In addition, the water quality of the site will be monitored for 30 years after closure to ensure that there is no degradation of water quality from the operation of the landfill. The important intermittent and perennial sections of the subject stream, and the perennial tributary along the property line will be preserved. The project will not add impervious surface to the property as the landfill will be capped with a vegetated cover of 18 inches of topsoil.

Protected Species

A full site suitability analysis was performed under the NCDENR Solid Waste regulations in 2002. This included an evaluation of potential habitat for threatened or endangered species under the Endangered Species Act. The listed species for Rutherford County are shown in Table 1. No individuals of these species were observed during site investigations by qualified biologists.

Table 1
Federally Protected Species in Rutherford County, NC

Common Name	Scientific Name	Federal Status	Potential Habitat
Rock Gnome Lichen	*Gymnoderma lineare*	E	No
Dwarf-flowered heartleaf	*Hexastylis naniflora*	T	Yes
Small whorled pogonia	*Isotria medeloides*	T	No
White irisette	*Sisyrinchium dichotomum*	E	No
Indiana myotis	*Myotis sodalist*	E	No

There is no record of the listed species on the landfill property. However, there is a known population of *Hexastylis naniflora* (dwarf-flowered heartleaf) approximately 0.2 miles to the east. The known population was checked prior to the field visit to determine flowering and growth status. A typical dwarf-flowered heartleaf plant from the reference population is shown in the attached photographs. The slopes along the drainage on the site were examined for the presence of *Hexastylis* plants. Several plants were found, however the leaf morphology was consistently arrow-head shaped and not typical of dwarf-flowered heartleaf (see attached photographs). The population on site is likely to be *Hexastylis arifolia*. Although species verification is not possible until flowering in late March to June, a survey is not recommended due to the consistent leaf morphology that is atypical of *H. naniflora*.

Historical and Archaeological Resources

State regulations require that a C&D landfill not damage or destroy an archaeological site or historical property. The North Carolina Department of Cultural Resources (DCR) was contacted in order to determine archaeological and historical significance of the property in 2002. Their response, which is attached, did not require a survey of the property.

Stormwater Management

Stormwater generated on the landfill property will be controlled on-site per current State regulations. During the construction and operation of the landfill cell, stormwater will be routed to dry detention basins shown on Figure 2. The basins will be sized to handle the 24-hour 25 year storm event, and limit post-construction discharge to less than 110% of pre-construction discharge. The landfill cap and basins will be monitored semiannually and maintenance performed for 30 years after closure. The expansion of the landfill will not add impervious surface to the property. The closed landfill, although capped, will allow for some stormwater treatment. The cap would consist of at least 18 inches of vegetated cover soils. Infiltration through the vegetated cap would provide some treatment and retention of stormwater prior to entering the dry detention basins. The discharge from the basins will be via overland flow with no direct discharge into any waterbody.

Based on the preceding information and the proposed site plans, there will be no significant impact to jurisdictional resources as a result of this project. All conditions of the Nationwide Permit 39, and its corresponding General Certification 3402, have been met during the design phase of the project. The construction will be monitored to ensure compliance with the conditions of the permit as it is issued.

The preceding information, along with the enclosed Pre-Construction Notification and associated materials, is submitted for your review for this project. A copy has also been sent to Mr. Dave McHenry at the NC Wildlife Resources Commission. NCDWQ does not require submittal of a PCN for this activity, per Kevin Barnett of the Asheville Regional Office. We appreciate your time in reviewing the documentation of this important public service project for the citizens of Rutherford County. Please contact me at your earliest convenience if you have any questions or require any additional information.

Sincerely,
Carolina Ecosystems, Inc.

Philip May
Senior Environmental Scientist

Cc: David McHenry, NC Wildlife Resources Commission
Jim Coffey, NCDENR Western Regional Engineer, Asheville Office
Don Baynard, Rutherford County Landfill
David Garrett P.G., P.E., David Garrett & Associates

Rutherford County Construction & Demolition Landfill

Nationwide Permit 39 Pre-Construction Notification

ATTACHMENT LIST

Attachment

1	PCN Form
2	Figures and Drawings
3	Site Photographs
4	Regulatory Correspondence

Figures & Drawings (Attachment 2)

1	Vicinity Map
2	Site Overview
3	Existing Conditions
4	Proposed Phase 1A Expansion Plan
5	Proposed 20-acre Expansion Plan

ATTACHMENT 1

Pre-Construction Notification Form

Office Use Only: Form Version March 05

USACE Action ID No. _____ **DWQ No.** _____

(If any particular item is not applicable to this project, please enter "Not Applicable" or "N/A".)

I. Processing

1. Check all of the approval(s) requested for this project:
   - ☒ Section 404 Permit
   - ☐ Section 10 Permit
   - ☐ 401 Water Quality Certification
   - ☐ Riparian or Watershed Buffer Rules
   - ☐ Isolated Wetland Permit from DWQ
   - ☐ Express 401 Water Quality Certification

2. Nationwide, Regional or General Permit Number(s) Requested: **39**

3. If this notification is solely a courtesy copy because written approval for the 401 Certification is not required, check here: ☒

4. If payment into the North Carolina Ecosystem Enhancement Program (NCEEP) is proposed for mitigation of impacts, attach the acceptance letter from NCEEP, complete section VIII, and check here: ☐

5. If your project is located in any of North Carolina's twenty coastal counties (listed on page 4), and the project is within a North Carolina Division of Coastal Management Area of Environmental Concern (see the top of page 2 for further details), check here: ☐

II. Applicant Information

1. Owner/Applicant Information
   Name: **Don Baynard, Solid Waste Director**
   Mailing Address: **Rutherford County Landfill**
   Laurel Hill Drive
   Rutherfordton, NC 28139

   Telephone Number: **828-287-6125** Fax Number: **828-287-6312**
   E-mail Address: _____

2. Agent/Consultant Information (A signed and dated copy of the Agent Authorization letter must be attached if the Agent has signatory authority for the owner/applicant.)
   Name: **Phil May**
   Company Affiliation: **Carolina Ecosystems, Inc.**
   Mailing Address: **8208 Brian Court**
   Garner, NC 27529

   Telephone Number: **919-606-1065** Fax Number: **919-341-4474**
   E-mail Address: **phil.may@carolinacco.com**

III. Project Information

Attach a **vicinity map** clearly showing the location of the property with respect to local landmarks such as towns, rivers, and roads. Also provide a detailed **site plan** showing property boundaries and development plans in relation to surrounding properties. Both the vicinity map and site plan must include a scale and north arrow. The specific footprints of all buildings, impervious surfaces, or other facilities must be included. If possible, the maps and plans should include the appropriate USGS Topographic Quad Map and NRCS Soil Survey with the property boundaries outlined. Plan drawings, or other maps may be included at the applicant's discretion, so long as the property is clearly defined. For administrative and distribution purposes, the USACE requires information to be submitted on sheets no larger than 11 by 17-inch format; however, DWQ may accept paperwork of any size. DWQ prefers full-size construction drawings rather than a sequential sheet version of the full-size plans. If full-size plans are reduced to a small scale such that the final version is illegible, the applicant will be informed that the project has been placed on hold until decipherable maps are provided.

1. Name of project: **Rutherford County C&D Landfill Expansion**

2. T.I.P. Project Number or State Project Number (NCDOT Only): **NA**

3. Property Identification Number (Tax PIN): **1614250 & 1206282 & 1626422**

4. Location
   County: **Rutherford** Nearest Town: **Rutherfordton**
   Subdivision name (include phase/lot number): **NA**
   Directions to site (include road numbers/names, landmarks, etc.): **From the intersection of US 221 (W Main St) and Alt. US 74 in Rutherfordton, go west approx. 0.1 miles on W Main St. and turn left on Laurel Hill Drive. Site is at the end of the road.**

5. Site coordinates (For linear projects, such as a road or utility line, attach a sheet that separately lists the coordinates for each crossing of a distinct waterbody.)
   Decimal Degrees (6 digits minimum): **35.350000** °N **81.933333** °W

6. Property size (acres): **153.79**

7. Name of nearest receiving body of water: **UT Cleghorn Creek**

8. River Basin: **Broad**
   (Note – this must be one of North Carolina's seventeen designated major river basins. The River Basin map is available at http://h2o.enr.state.nc.us/admin/maps/.)

9. Describe the existing conditions on the site and general land use in the vicinity of the project at the time of this application: **The site consists of existing and closed landfill areas, borrow areas, solid waste transfer station, and maintenance and office space. Land use in the vicinity is primarily forested, with some residential and business areas.**

10. Describe the overall project in detail, including the type of equipment to be used: **Landfill construction will include installation of sediment and erosion control devices including basins and silt fence. An underdrain will be installed in the jurisdictional areas consisting of riprap contained in filter fabric. When the area is dried out, construction of the landfill will begin including subgrade installation of impermeable clay layer, followed by landfilling activities. Equipment used will include pans, track hoes, graders and other standard construction equipment.**

11. Explain the purpose of the proposed work: **The project will allow the County to provide its citizens with continued construction and demolition disposal capacity without increasing tax burden or disposal fees. The expansion will provide an additional 5 years capacity for the safe disposal of construction and demolition waste material.**

IV. Prior Project History

If jurisdictional determinations and/or permits have been requested and/or obtained for this project (including all prior phases of the same subdivision) in the past, please explain. Include the USACE Action ID Number, DWQ Project Number, application date, and date permits and certifications were issued or withdrawn. Provide photocopies of previously issued permits, certifications or other useful information. Describe previously approved wetland, stream and buffer impacts, along with associated mitigation (where applicable). If this is a NCDOT project, list and describe permits issued for prior segments of the same T.I.P. project, along with construction schedules. **A jurisdictional delineation was issued in 2001 for the entire site, and was field verified by Carolina Ecosystems, Inc. on February 7, 2007 by the same personnel that performed the original delineation. Field conditions at the impact location have not changed. JD Action ID 20031141.**

V. Future Project Plans

Are any future permit requests anticipated for this project? If so, describe the anticipated work, and provide justification for the exclusion of this work from the current application.
No future impacts are planned for the continued expansion of the C&D facility. There may be minor potential impacts on the eastern portion of the property associated with an MSW landfill in the future. However, at this time the County has not decided to open a MSW landfill and will continue to transfer household waste to an off-site facility.

VI. Proposed Impacts to Waters of the United States/Waters of the State

It is the applicant's (or agent's) responsibility to determine, delineate and map all impacts to wetlands, open water, and stream channels associated with the project. Each impact must be listed separately in the tables below (e.g., culvert installation should be listed separately from riprap dissipater pads). Be sure to indicate if an impact is temporary. All proposed impacts, permanent and temporary, must be listed, and must be labeled and clearly identifiable on an accompanying site plan. All wetlands and waters, and all streams (intermittent and perennial) should be shown on a delineation map, whether or not impacts are proposed to these systems. Wetland and stream evaluation and delineation forms should be included as appropriate.

Photographs may be included at the applicant's discretion. If this proposed impact is strictly for wetland or stream mitigation, list and describe the impact in Section VIII below. If additional space is needed for listing or description, please attach a separate sheet.

1. Provide a written description of the proposed impacts: **The impacts include 98.1 linear feet of intermittent unimportant stream channel and 0.007 acres of forested wetland. These impacts occur at the upper extent of the channel shown in Figure 2.**

2. Individually list wetland impacts. Types of impacts include, but are not limited to mechanized clearing, grading, fill, excavation, flooding, ditching/drainage, etc. For dams, separately list impacts due to both structure and flooding.

Wetland Impact Site Number (indicate on map)	Type of Impact	Type of Wetland (e.g., forested, marsh, herbaceous, bog, etc.)	Located within 100-year Floodplain (yes/no)	Distance to Nearest Stream (linear feet)	Area of Impact (acres)
1	**Fill**	**Forested**	**No**	**0**	**0.007**
Total Wetland Impact (acres)					**0.007**

3. List the total acreage (estimated) of all existing wetlands on the property: **<1 (within study area)**

4. Individually list all intermittent and perennial stream impacts. Be sure to identify temporary impacts. Stream impacts include, but are not limited to placement of fill or culverts, dam construction, flooding, relocation, stabilization activities (e.g., cement walls, rip-rap, crib walls, gabions, etc.), excavation, ditching/straightening, etc. If stream relocation is proposed, plans and profiles showing the linear footprint for both the original and relocated streams must be included. To calculate acreage, multiply length X width, then divide by 43,560.

Stream Impact Number (indicate on map)	Stream Name	Type of Impact	Perennial or Intermittent?	Average Stream Width Before Impact	Impact Length (linear feet)	Area of Impact (acres)
1	**UT**	**Underdrain (fill)**	**Int.**	**1.5'**	**98.1**	**0.003**
Total Stream Impact (by length and acreage)					**98.1**	**0.003**

5. Individually list all open water impacts (including lakes, ponds, estuaries, sounds, Atlantic Ocean and any other water of the U.S.). Open water impacts include, but are not limited to fill, excavation, dredging, flooding, drainage, bulkheads, etc.

Open Water Impact Site Number (indicate on map)	Name of Waterbody (if applicable)	Type of Impact	Type of Waterbody (lake, pond, estuary, sound, bay, ocean, etc.)	Area of Impact (acres)
Total Open Water Impact (acres)				**0**

6. List the cumulative impact to all Waters of the U.S. resulting from the project:

Stream Impact (acres):	**0.003**
Wetland Impact (acres):	**0.007**
Open Water Impact (acres):	**0**
Total Impact to Waters of the U.S. (acres)	**0.010**
Total Stream Impact (linear feet):	**98.1**

7. Isolated Waters
   Do any isolated waters exist on the property? ☐ Yes ☒ No
   Describe all impacts to isolated waters, and include the type of water (wetland or stream) and the size of the proposed impact (acres or linear feet). Please note that this section only applies to waters that have specifically been determined to be isolated by the USACE.
   NA

8. Pond Creation
   If construction of a pond is proposed, associated wetland and stream impacts should be included above in the wetland and stream impact sections. Also, the proposed pond should be described here and illustrated on any maps included with this application.
   Pond to be created in (check all that apply): ☐ uplands ☐ stream ☐ wetlands
   Describe the method of construction (e.g., dam/embankment, excavation, installation of draw-down valve or spillway, etc.):_____
   Proposed use or purpose of pond (e.g., livestock watering, irrigation, aesthetic, trout pond, local stormwater requirement, etc.):_____
   Current land use in the vicinity of the pond:_____
   Size of watershed draining to pond:_____ Expected pond surface area:_____

VII. Impact Justification (Avoidance and Minimization)

Specifically describe measures taken to avoid the proposed impacts. It may be useful to provide information related to site constraints such as topography, building ordinances, accessibility, and financial viability of the project. The applicant may attach drawings of alternative, lower-impact site layouts, and explain why these design options were not feasible. Also discuss how impacts were minimized once the desired site plan was developed. If applicable, discuss construction techniques to be followed during construction to reduce impacts. **The proposed impacts have**

been avoided to the greatest extent practical. The total avoidance of impacts would create a large bend in the landfill design that would severely limit the capacity of the C&D facility, or possibly divide it in two. This loss of landfill capacity would force the County to further reduce their MSW landfill capacity for the future. The landfill has been designed to avoid the important intermittent and perennial sections of the stream below the road crossing as described in the cover letter. Construction will include an underdrain to allow any base groundwater flow to enter the downstream channel, retaining the hydrology of the system. The site stormwater will be controlled and routed as described below. Sediment and erosion control measures will be installed prior to construction in order to prevent impacting downstream aquatic resources. The site will be maintained and monitored for the life of the facility and a 30-year post closure period, including semi-annual surface water sampling up and downstream of the C&D landfill on the UT to Cleghorn Creek.

VIII. Mitigation

DWQ - In accordance with 15A NCAC 2H .0500, mitigation may be required by the NC Division of Water Quality for projects involving greater than or equal to one acre of impacts to freshwater wetlands or greater than or equal to 150 linear feet of total impacts to perennial streams.

USACE – In accordance with the Final Notice of Issuance and Modification of Nationwide Permits, published in the Federal Register on January 15, 2002, mitigation will be required when necessary to ensure that adverse effects to the aquatic environment are minimal. Factors including size and type of proposed impact and function and relative value of the impacted aquatic resource will be considered in determining acceptability of appropriate and practicable mitigation as proposed. Examples of mitigation that may be appropriate and practicable include, but are not limited to: reducing the size of the project; establishing and maintaining wetland and/or upland vegetated buffers to protect open waters such as streams; and replacing losses of aquatic resource functions and values by creating, restoring, enhancing, or preserving similar functions and values, preferable in the same watershed.

If mitigation is required for this project, a copy of the mitigation plan must be attached in order for USACE or DWQ to consider the application complete for processing. Any application lacking a required mitigation plan or NCEEP concurrence shall be placed on hold as incomplete. An applicant may also choose to review the current guidelines for stream restoration in DWQ's Draft Technical Guide for Stream Work in North Carolina (see DWQ website for most current version.).

1. Provide a brief description of the proposed mitigation plan. The description should provide as much information as possible, including, but not limited to: site location (attach directions and/or map, if offsite), affected stream and river basin, type and amount (acreage/linear feet) of mitigation proposed (restoration, enhancement, creation, or preservation), a plan view, preservation mechanism (e.g., deed restrictions, conservation easement, etc.), and a

description of the current site conditions and proposed method of construction. Please attach a separate sheet if more space is needed.

No compensatory mitigation is proposed for this project. The project has been designed to avoid significant aquatic resources, and the remaining impacts are to a channel supporting no aquatic life and an extremely minor amount of wetland. The limited acreage of the impact makes on-site mitigation impractical. Avoidance of the important sections of the stream channel and control of secondary effects such as stormwater discharge are provided as described in other sections. The remaining perennial stream will have a 50' buffer from the landfill per solid waste regulations, along with the perennial stream running along the western property boundary. Water quality monitoring of the UT to Cleghorn Creek will be provided for the life of the facility and a 30-year post closure period.

2. Mitigation may also be made by payment into the North Carolina Ecosystem Enhancement Program (NCEEP). Please note it is the applicant's responsibility to contact the NCEEP at (919) 715-0476 to determine availability, and written approval from the NCEEP indicating that they are will to accept payment for the mitigation must be attached to this form. For additional information regarding the application process for the NCEEP, check the NCEEP website at http://www.nceep.net/pages/inlieureplace.htm. If use of the NCEEP is proposed, please check the appropriate box on page five and provide the following information:

   Amount of stream mitigation requested (linear feet): **0**
   Amount of buffer mitigation requested (square feet): **0**
   Amount of Riparian wetland mitigation requested (acres): **0**
   Amount of Non-riparian wetland mitigation requested (acres): **0**
   Amount of Coastal wetland mitigation requested (acres): **0**

IX. Environmental Documentation (required by DWQ)

1. Does the project involve an expenditure of public (federal/state/local) funds or the use of public (federal/state) land? Yes ☒ No ☐

2. If yes, does the project require preparation of an environmental document pursuant to the requirements of the National or North Carolina Environmental Policy Act (NEPA/SEPA)? Note: If you are not sure whether a NEPA/SEPA document is required, call the SEPA coordinator at (919) 733-5083 to review current thresholds for environmental documentation. Yes ☐ No ☒

3. If yes, has the document review been finalized by the State Clearinghouse? If so, please attach a copy of the NEPA or SEPA final approval letter. Yes ☐ No ☐

X. Proposed Impacts on Riparian and Watershed Buffers (required by DWQ)

It is the applicant's (or agent's) responsibility to determine, delineate and map all impacts to required state and local buffers associated with the project. The applicant must also provide justification for these impacts in Section VII above. All proposed impacts must be listed herein, and must be clearly identifiable on the accompanying site plan. All buffers must be shown on a map, whether or not impacts are proposed to the buffers. Correspondence from the DWQ Regional Office may be included as appropriate. Photographs may also be included at the applicant's discretion.

1. Will the project impact protected riparian buffers identified within 15A NCAC 2B .0233 (Neuse), 15A NCAC 2B .0259 (Tar-Pamlico), 15A NCAC 02B .0243 (Catawba) 15A NCAC 2B .0250 (Randleman Rules and Water Supply Buffer Requirements), or other (please identify_____)? Yes ☐ No ☒

2. If "yes", identify the square feet and acreage of impact to each zone of the riparian buffers. If buffer mitigation is required calculate the required amount of mitigation by applying the buffer multipliers.

Zone*	Impact (square feet)	Multiplier	Required Mitigation
1	0	3 (2 for Catawba)	0
2	0	1.5	0
Total	0		0

* Zone 1 extends out 30 feet perpendicular from the top of the near bank of channel; Zone 2 extends an additional 20 feet from the edge of Zone 1.

3. If buffer mitigation is required, please discuss what type of mitigation is proposed (i.e., Donation of Property, Riparian Buffer Restoration / Enhancement, or Payment into the Riparian Buffer Restoration Fund). Please attach all appropriate information as identified within 15A NCAC 2B .0242 or .0244, or .0260. **N/A**

XI. Stormwater (required by DWQ)

Describe impervious acreage (existing and proposed) versus total acreage on the site. Discuss stormwater controls proposed in order to protect surface waters and wetlands downstream from the property. If percent impervious surface exceeds 20%, please provide calculations demonstrating total proposed impervious level. **Impervious surface areas on the site will not change due to this project. The C&D landfill will be capped with a vegetated cover consisting of 18" of topsoil and planted with herbaceous species. The cap will be maintained and regularly monitored for 30 years post-closure to ensure stability. Stormwater from the landfill will be routed to a dry detention basin on the west side of the landfill. The basin will be sized to remove 85% total suspended solids from the 24-hour 25-year storm event and will discharge into an upland area.**

XII. Sewage Disposal (required by DWQ)

Clearly detail the ultimate treatment methods and disposition (non-discharge or discharge) of wastewater generated from the proposed project, or available capacity of the subject facility.

Wastewater is transported via existing sewer line to the adjacent wastewater treatment plant. No additional wastewater will be generated by this expansion.

XIII. Violations (required by DWQ)

Is this site in violation of DWQ Wetland Rules (15A NCAC 2H .0500) or any Buffer Rules?
Yes ☐ No ☒

Is this an after-the-fact permit application? Yes ☐ No ☒

XIV. Cumulative Impacts (required by DWQ)

Will this project (based on past and reasonably anticipated future impacts) result in additional development, which could impact nearby downstream water quality? Yes ☐ No ☒
If yes, please submit a qualitative or quantitative cumulative impact analysis in accordance with the most recent North Carolina Division of Water Quality policy posted on our website at http://h2o.enr.state.nc.us/ncwetlands. If no, please provide a short narrative description: **The project will provide disposal capacity for construction & demolition waste in Rutherford County. Although this waste is generated by development activities, the availability of waste capacity has not been associated with increased development in current literature. This project provides an ongoing public service for County residents and will not change the growth of development within the County. In addition, the presence of the landfill facility is unlikely to promote development within the immediate vicinity.**

XV. Other Circumstances (Optional):

It is the applicant's responsibility to submit the application sufficiently in advance of desired construction dates to allow processing time for these permits. However, an applicant may choose to list constraints associated with construction or sequencing that may impose limits on work schedules (e.g., draw-down schedules for lakes, dates associated with Endangered and Threatened Species, accessibility problems, or other issues outside of the applicant's control).
The current C&D landfill will reach capacity in mid-summer 2007. Construction needs to be initiated in early summer in order to have capacity for ongoing disposal operations.

2/26/07

Applicant/Agent's Signature **Date**
(Agent's signature is valid only if an authorization letter from the applicant is provided.)

February 14, 2007

To Whom It May Concern,

This letter authorizes Carolina Ecosystems, Inc. to act as authorized agent on the behalf of Rutherford County during the Clean Water Act, Section 404/401 permitting of the Rutherford County C&D Landfill located on Laurell Hill Drive in Rutherfordton NC.

Sincerely,

Don Baynard
Solid Waste Director
Rutherford County Landfill
Laurell Hill Drive
Rutherfordton, NC 28139

ATTACHMENT 2

Figures & Drawings

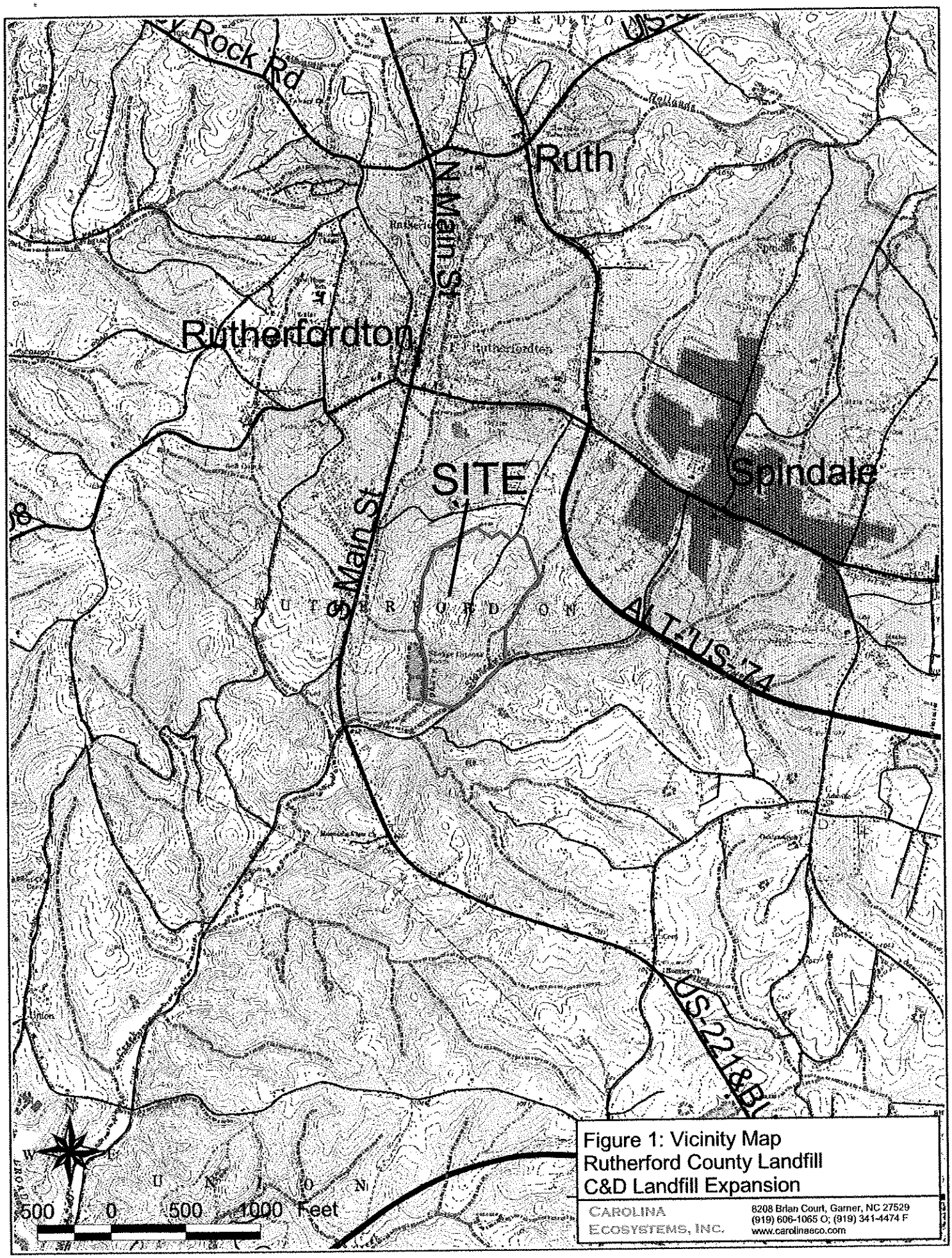

Figure 1: Vicinity Map
Rutherford County Landfill
C&D Landfill Expansion

CAROLINA ECOSYSTEMS, INC.
8208 Brian Court, Garner, NC 27529
(919) 606-1065 O; (919) 341-4474 F
www.carolinaeco.com

Figure 2: Site Overview
Rutherford County Landfill
C&D Landfill Expansion

CAROLINA ECOSYSTEMS, INC.
8208 Brian Court, Garner, NC 27529
(919) 606-1065 O; (919) 341-4474 F
www.carolinaeco.com

REVISION
NO.
DATE

David Garrett & Associates
Engineering and Geology
5105 Harbour Towne Drive, Raleigh, North Carolina 27604
Email: david_garrett_pg@mindspring.com 919-231-1818 (Office and Fax) 919-418-4375 (mobile)

SEAL

SEAL

PROJECT TITLE:
RUTHERFORD COUNTY CDLF
PERMIT RENEWAL
RUTHERFORD COUNTY, N.C.

DRAWING TITLE:
PROPOSED 20 ACRE
CONCEPTUAL EXPANSION
PLAN

DESIGNED BY: G.D.G.	DRAWN BY: A.W.H.
CHECKED BY: G.D.G.	PROJECT NO: RUTH-2
SCALE: AS SHOWN	DATE: FEBURARY 2007
FILE NAME: RUTH-00106	
SHEET NO:	DRAWING NO:

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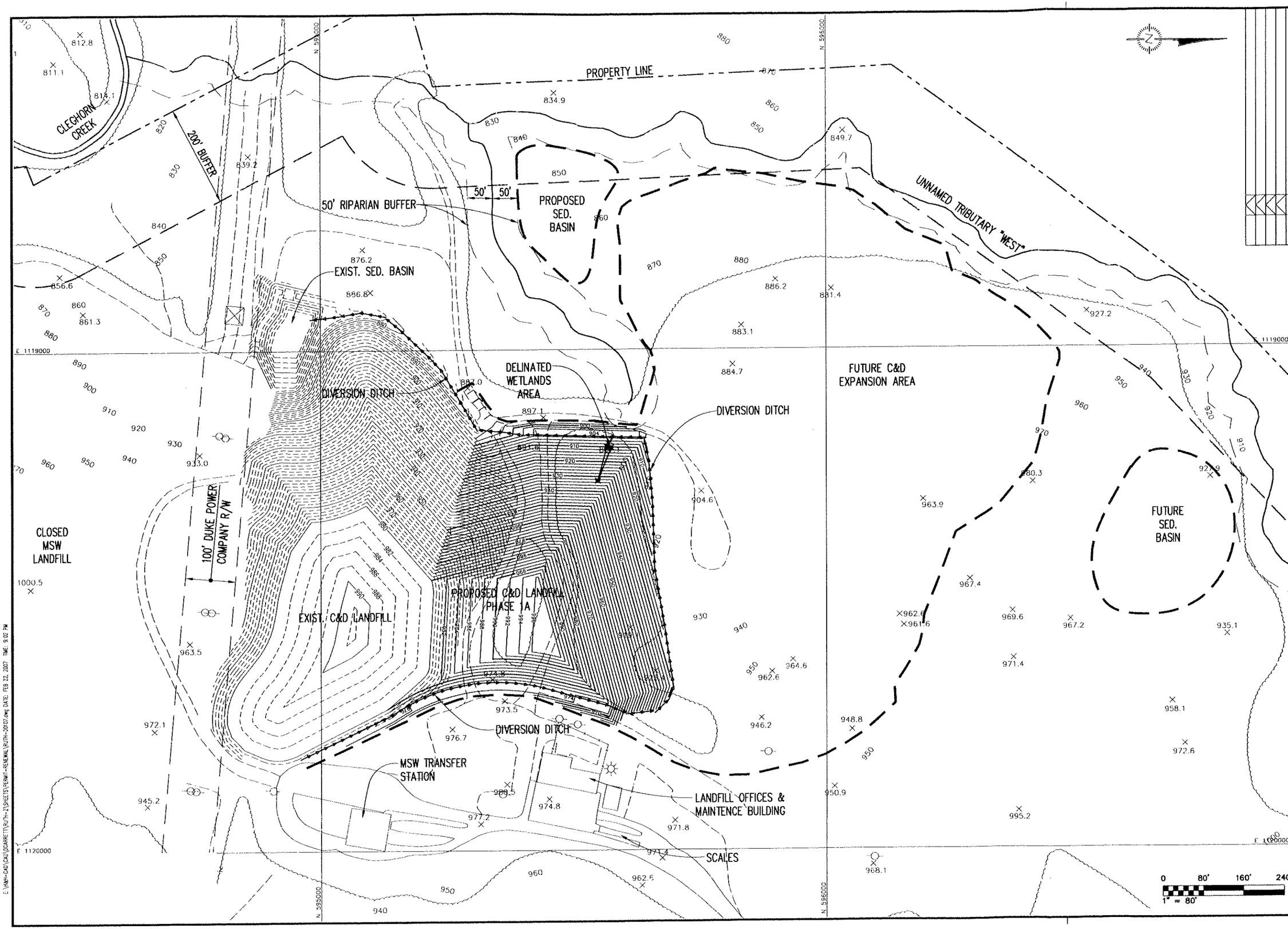

David Garrett & Associates
Engineering and Geology
5106 Harbour Towne Drive, Raleigh, North Carolina 27604
Email: david_garrett_geo@mindspring.com 919-231-1868 (Office and Fax) 919-418-4375 (mobile)

REVISION | NO | DATE

SEAL

SEAL

PROJECT TITLE
RUTHERFORD COUNTY CDLF
PERMIT RENEWAL
RUTHERFORD COUNTY, N.C.

DRAWING TITLE
PROPOSED PHASE 1A
CONCEPTUAL EXPANSION
PLAN

DESIGNED BY: G.D.G.	DRAWN BY: A.W.H.
CHECKED BY: G.D.G.	PROJECT NO.: RUTH-2
SCALE: AS SHOWN	DATE: FEBURARY 2007
FILE NAME: RUTH-D0107	
SHEET NO	DRAWING NO.

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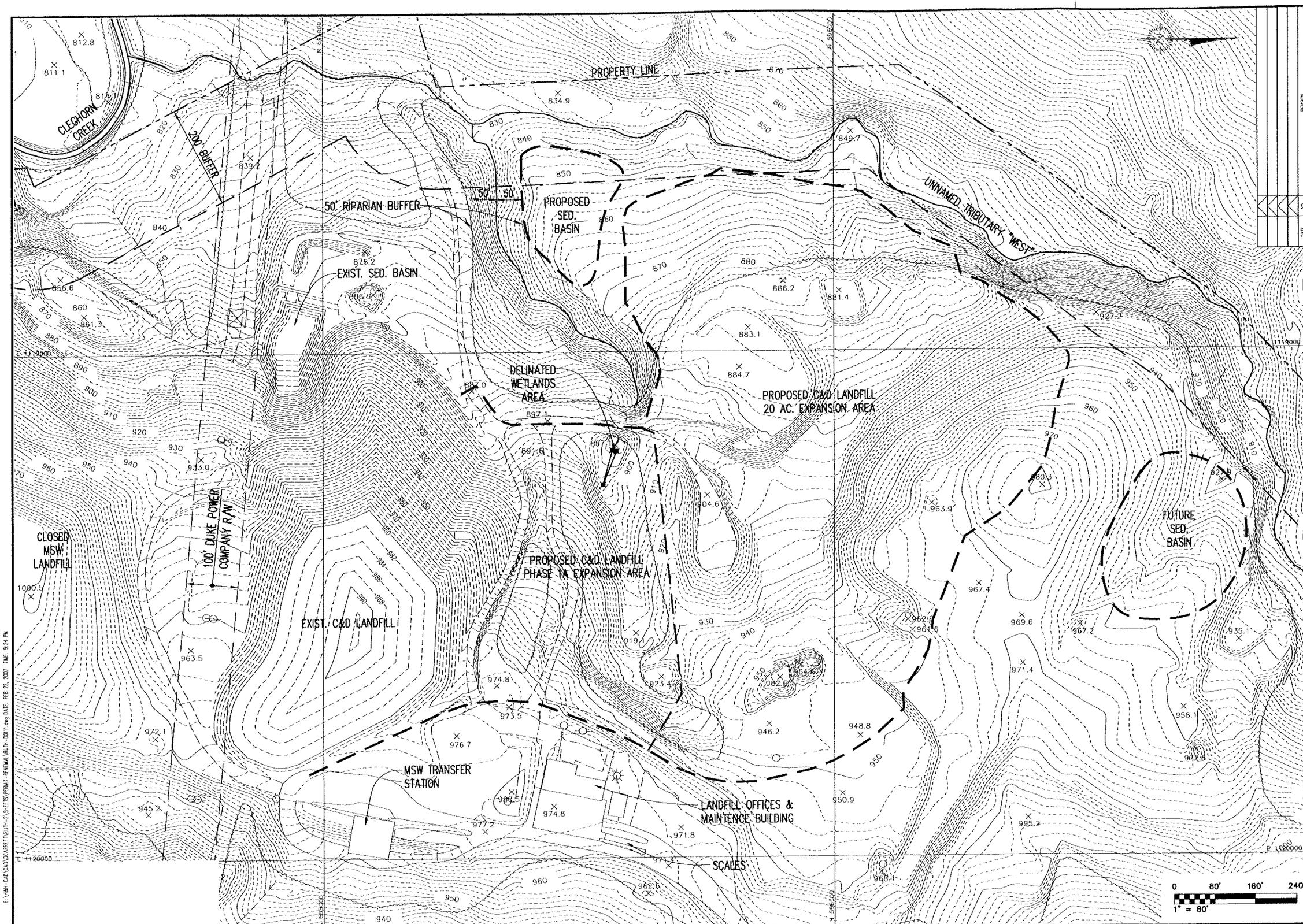

David Garrett & Associates
Engineering and Geology
5405 Harbor Town Drive, Raleigh, North Carolina 27604
Email: david_garrett_geologist@mindspring.com 919-231-1855 (Office and Fax) 919-418-4375 (mobile)

NO	DATE	REVISION

SEAL

SEAL

PROJECT TITLE:
RUTHERFORD COUNTY CDLF
PERMIT RENEWAL
RUTHERFORD COUNTY, N.C.

DRAWING TITLE:
EXISTING CONDITIONS

DESIGNED BY: G.D.G.	DRAWN BY: A.W.H.
CHECKED BY: G.D.G.	PROJECT NO.: RUTH-2
SCALE: AS SHOWN	DATE: FEBURARY 2007
FILE NAME: RUTH-D0111	
SHEET NO:	DRAWING NO.

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ATTACHMENT 3

Site Photographs

Photo 1: Start of intermittent stream channel, looking upstream.

Photo 2: Intermittent stream below headcut.

Photo 3: Headwater wetland area.

Photo 4: Intermittent stream below wetland.

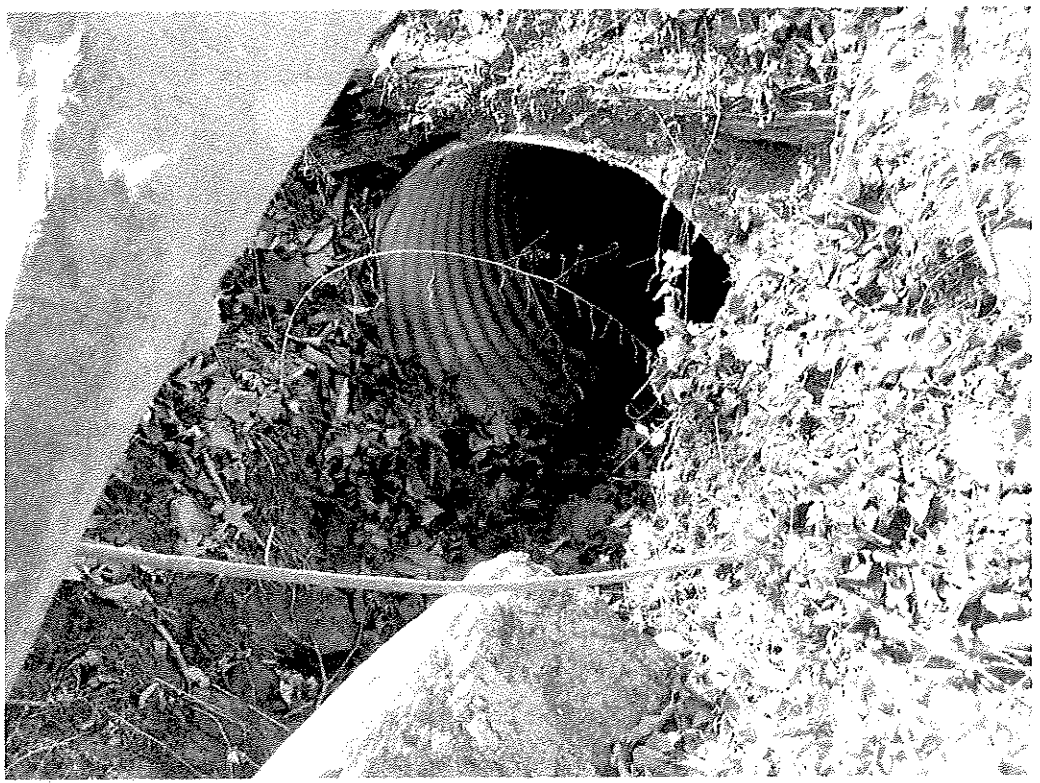


Photo 5: Pipe inlet (36") at road crossing.

Photo 6: Stream below road crossing – note steeper banks and bedrock.

Photo 7: *Hexastylis* plant found on site. Only arrow shaped leaves present.

Photo 8: *Hexastylis naniflora* plant from reference population on Stonecutter Creek.

ATTACHMENT 4

Regulatory Correspondence

North Carolina Department of Cultural Resources

State Historic Preservation Office

David L. S. Brook, Administrator

James B. Hunt Jr., Governor
Betty Ray McCain, Secretary

Division of Archives and History
Jeffrey J. Crow, Director

June 27, 2000

David Garrett, PG, PE
1408 Rock Dr.
Raleigh, NC 27610

Re: Landfill Development Site, Rutherforton, Rutherford County, ER 99-9032

Dear Mr. Garrett:

Thank you for forwarding additional information concerning the above project. Since the proposed development is to take place in areas where previous ground disturbance has occurred, it is unlikely that archaeological resources will be affected. We, therefore, recommend that no archaeological investigation be conducted in connection with this project.

The above comments are made pursuant to Section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation's Regulations for Compliance with Section 106 codified at 36 CFR Part 800.

Thank you for your cooperation and consideration. If you have questions concerning the above comment, please contact Renee Gledhill-Earley, environmental review coordinator, at 919/733-4763.

Sincerely,

Renee Gledhill-Earley

David Brook
Deputy State Historic Preservation Officer

DB:scb

cc: ACOE-Asheville
James Coffey-DENR Solid Waste

David Garrett, P.G., P.E.
Engineering and Geology

January 7, 2001

Mr. Steve Chapin
US Army Corps of Engineers
Asheville Regulatory Field Office
151 Patton Avenue, Room 208
Asheville, North Carolina 28801-5006

RE: Wetlands Delineation and Survey
(Request for Certification)
Rutherford County, NC

Dear Mr. Chapin:

I am pleased to forward maps pertaining to a wetlands delineation performed during mid-2000 at the Rutherford County Landfill site in Rutherfordton, North Carolina. The delineation was performed at my request by my colleague at G.N. Richardson & Associates, Mr. Philip May. The delineated area was flagged in the field and surveyed by Don McEntire, RLS, of Professional Surveying, Inc., of Rutherfordton. Mr. McEntire's signature is affixed to the survey certification block.

Current plans are to develop the referenced site as a lined municipal solid waste disposal area. The initial development is planned in the western side of the property, which will not impact the stream delineated by points #315A and B and #316. Please note that the continuation of this stream to the north is also outside the proposed development area and will undergo no impacts. Based on the site development plan, two streams on the east side of the property, delineated by points #101 through 111 and points #210 through 215, respectively, will not be developed until 15 to 20 years into the future. At present, we anticipate no steam impacts within a minimum of 15 years.

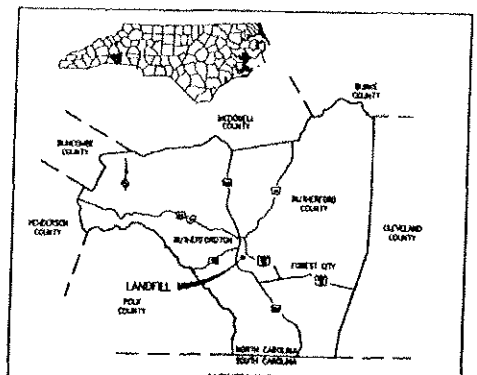
Please feel free to contact me at your earliest convenience if you have any questions regarding the work or future plans. I respectfully request that the original signature map, so indicated in the provided set, be signed by you or your designee in the appropriate block and returned to my office at the address shown on the letterhead. I thank you, in advance, for your cooperation.

Very Truly Yours,

G. David Garrett, P.G., P.E.

Enclosure: Delineation Map (Original and Full-Size Copy)
Two 11x17" Reductions

1408 Rock Drive, Raleigh, North Carolina 27610
E-mail: david_garrett_pg@mindspring.com **919-231-1818** (Office and Fax) **919-418-4375** (Mobile)



VICINITY MAP
N.T.S.

DELINEATION COORDINATES			
NODE ID	NORTHING	EASTING	WIDTH (SEE NOTE 2)
101	595685.90	1121284.63	2'
102	595709.92	1121251.77	3'
103	595737.80	1121213.42	10'
104A	595765.06	1121184.30	
104B	595768.68	1121192.92	
105	595804.49	1121153.21	6'
106	595831.12	1121129.00	4'
107	595881.47	1121103.92	5'
108	595888.97	1121071.17	5'
109	595909.27	1121044.42	3'
110	595943.50	1121020.82	5'
111	596012.97	1121000.16	2'
201	594745.85	1120450.64	2'
202A	594768.31	1120422.54	
202B	594785.57	1120452.03	
203A	594825.72	1120434.09	
204A	594844.92	1120387.63	
204B	594854.54	1120412.02	
205A	594879.84	1120365.41	
205B	594888.71	1120388.86	
206A	594919.45	1120339.25	
206B	594922.74	1120354.74	
207	594957.04	1120330.99	6'
208	594969.74	1120308.75	3'
209	595003.07	1120316.77	5'
210	595052.07	1120302.56	3'
211	595092.74	1120304.84	4'
212	595127.62	1120312.88	4'
213	595153.27	1120307.66	5'
214	595179.49	1120306.43	3'
215	595213.02	1120298.44	2'
315A	595574.41	1119196.58	
315B	595596.04	1119194.69	
316	595547.87	1119262.79	3'

NOTES:

1. USACE DETERMINED THAT FLAGS #107 AND #213 BEGINNING OF "IMPORTANT STREAMS".
2. WIDTH MEASUREMENTS DENOTE CHANNEL WIDTH AT THAT POINT.
3. FLAG NUMBERS #301-#314 ARE BELOW AN OLD ROAD CROSSING IN A STEEP VALLEY. THESE POINTS WERE NOT SURVEYED, AND THERE WILL BE NO IMPACTS TO THE VALLEY BELOW THE ROAD.

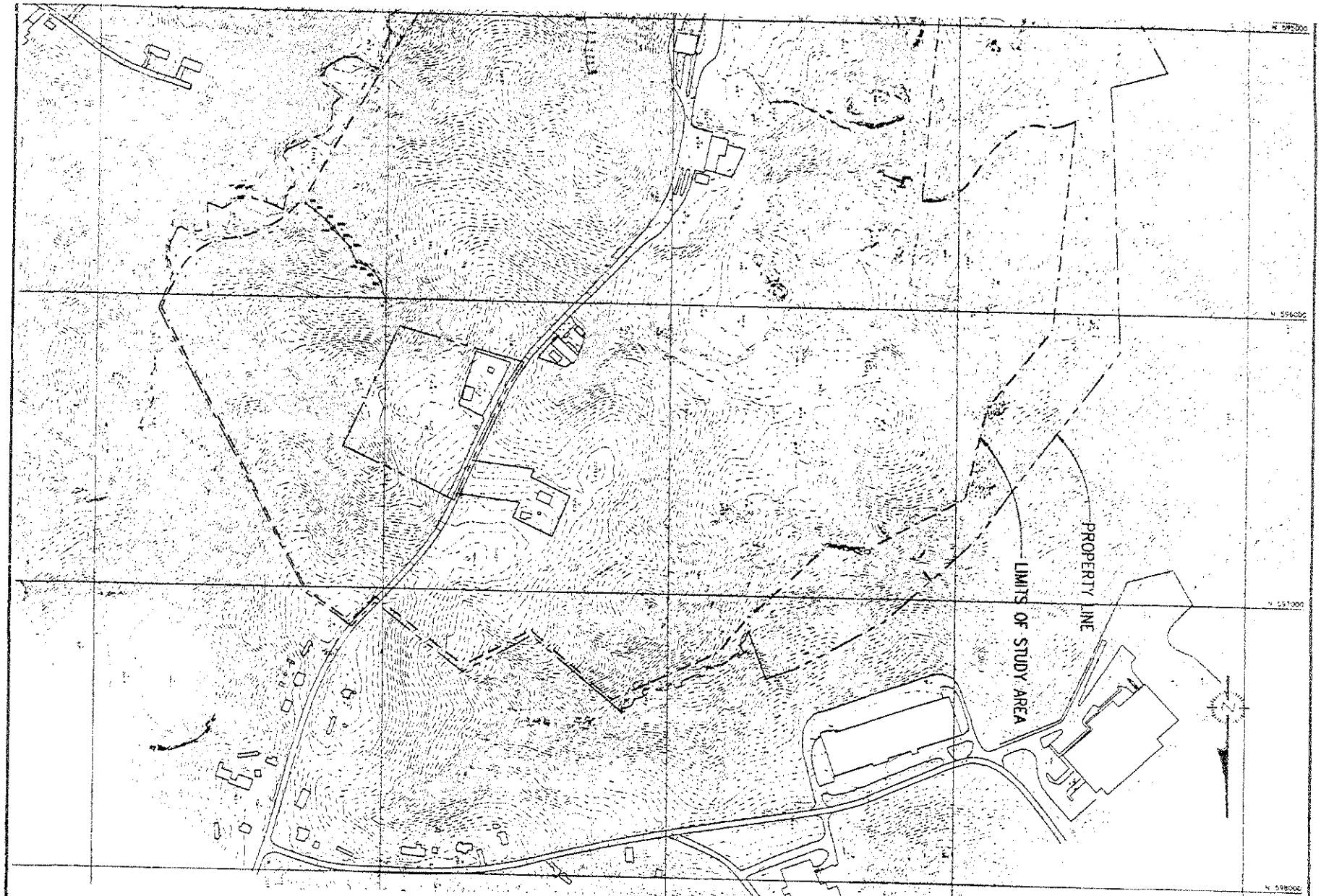
THIS CERTIFIES THAT THIS PLAT ACCURATELY DEPICTS THE BOUNDARY OF THE JURISDICTION OF SECTION 404 OF THE CLEAN WATER ACT AS DETERMINED BY THE UNDERSIGNED ON THIS DATE. UNLESS THERE IS A CHANGE IN THE LAW OR OUR PUBLISHED REGULATIONS, THIS DETERMINATION OF SECTION 404 JURISDICTION MAY BE RELIED UPON FOR A PERIOD NOT TO EXCEED FIVE YEARS FROM THIS DATE. THIS DETERMINATION WAS MADE UTILIZING THE 1987 CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL.

NAME: S. Stephen D. Clayton
TITLE: Biologist
DATE: 11/28/01

I, Donald McClintock CERTIFY THAT THE POINTS INDICATED ON THIS MAP WERE PLOTTED ON THIS MAP FROM A FIELD SURVEY PERFORMED UNDER MY SUPERVISION IN AUGUST 2000 AND IS AN ACCURATE REPRESENTATION OF THE FLAGGING PROVIDED BY OTHERS FOR THE PURPOSE OF DELINEATION THE LIMITS OF WETLANDS AS PERFORMED BY G.N. RICHARDSON & ASSOC. IN MAY 2000.

FOR SURVEYOR: Donald McClintock
NC REGISTRATION NUMBER: L-4183
DATE OF CERTIFICATION: October 30, 2000

0 200' 400' 600'



DATE	NO	REVISION

DRAWING TITLE

WETLAND DELINEATION FOR RUTHERFORD COUNTY LANDFILL

PROJECT TITLE

RUTHERFORD COUNTY SOLID WASTE MANAGEMENT

SEAL

SEAL

G.N. RICHARDSON & ASSOCIATES, INC.

DAVID GARRETT, P.G.
ENGINEERING GEOLOGIST
1408 Rock Drive
Raleigh, North Carolina 27610

DRAWN BY: DM 12/16
PROJECT NO: RUTH-00053
SCALE: AS SHOWN
DATE: SEPT 2000
DWG NO: 2GEM-1
CHECKED BY: DMG
REVIEW BY: HWV
APPROVED BY: DMG