

COPY

BOARD OF ZONING MEETING

ATOKA, TIPTON COUNTY, TENNESSEE

May 18, 2006

Atoka City Hall

6:00 p.m.

Carolyn D. Lepard
Court Reporter
2943 Littlejohn Road
Millington, Tennessee 38053
(901) 872-2172

Board Members Present

Mr. Mark E. Johnson

Mr. Bobby McDill

Carolyn D. Lepard
Court Reporter
2943 Littlejohn Road
Millington, Tennessee 38053
(901) 872-2172

1 MR. WILLIFORD: My name is Hal Williford.
2 I'm with Memphis Stone and Gravel Company. I am the
3 President. Also with me tonight is my Executive Vice
4 President, Mr. Bill Kelley. He is also a
5 professional engineer, and Alan Parks our geologist,
6 who found this resource, and with us also tonight and
7 he'll be helping me with the presentation. Also some
8 the property owners are here, the Smith Family, and I
9 think the Crum family is planning on being here, too.
10 Memphis Stone and Gravel is up here asking
11 for conditional use permits on the Van Cleve property
12 which we purchased and the Crum and the Smith
13 properties. For the Board members, and people in the
14 audience who are not familiar with Memphis Stone and
15 Gravel, we have been in business since 1910. We've
16 been supplying base materials for roads and wash
17 materials for ready mix and asphalt.
18 Current statistics show that it takes about
19 ten tons a year of aggregate to basically keep up the
20 infrastructure with today's living, and it's only
21 going to increase in the future, so we feel like this
22 is a great resource here for Tipton County and the
23 town of Atoka.
24 The wash materials are primarily used for

1 ready mix, that's ready mix that's in our home
2 foundations, it's in the patios, it's in the
3 walkways, it's in the driveways, stuff like that, and
4 it's also used in your commercial building, and
5 Memphis Stone and Gravel has supplied a lot of those
6 materials in Tipton County and Shelby County for a
7 number of years. A small percentage goes into
8 asphalt. Our sister company is Lehman Roberts
9 Company. They've been in business since '39 here in
10 the Memphis market and down in North Mississippi.
11 That material will go to, from this location, if
12 permitted, to our plant in Arlington and we have a
13 future plant that's going in, in Covington, on
14 Mueller Brass Road that we've got permitted with the
15 City of Covington probably a couple of years ago.

16 We plan to be in operation now but we also
17 plan for I-69 to be down here, but all of you-all
18 have been reading about that. As you know, the State
19 just doesn't have the money just yet.

20 Memphis Stone and Gravel is currently
21 furnishing gravel base material for the Paul Barrett
22 Parkway, and that's the new section between I-40 and
23 Highway 64. We also plan to play an active role in
24 the construction of the widening of Highway 14 and

1 the future I-69 when it comes down this way, and
2 that's what a good part of this resource will be for.
3 As you can see, we feel like this is a very valuable
4 project to Atoka and to Tipton County. Having a
5 natural resource so close, with the price of diesel
6 fuel and stuff like that, bringing it in, it just
7 brings the cost of construction materials through the
8 roof.

9 We operate seven other wash facilities
10 currently. They are in North Mississippi and
11 Arlington. We've been a good neighbor to all of
12 those city and counties where we currently operate.
13 For example, in Desoto County, where we operate four
14 facilities, they gave us a Conservationist of the
15 Year award, and that was for our reclamation that
16 we've done on the properties. And all of our
17 properties that we've mined back in Shelby County
18 have been put back to some type of good use. In
19 fact, if you-all know where the Wal-Mart and the
20 Sam's Store is over there on 64, that was some of our
21 mining years ago.

22 So, there's been a lot of subdivisions
23 developed. I, personally, live in a reclaimed gravel
24 pit in Collierville, Tennessee. My house sits in

1 one, so we know it can be put back to good use.

2 Memphis Stone and Gravel plans to be a long
3 term resident of Atoka and Tipton County. We want to
4 be good neighbors and operate a good, responsible
5 business, and we've proven that in the other
6 communities where we operate now. I assure the Board
7 that we will be good neighbors and that we'll be a
8 good, responsible, business.

9 We welcome the Board, if we're approved, to
10 come out and conduct an informal inspection or review
11 of our property at anytime to make sure that we're
12 meeting all the conditions that they would put upon
13 us.

14 At this time I would like to turn our
15 presentation over to Mr. Parks, and at the end of his
16 presentation we'll be glad to answer any questions
17 that the Board would have for us.

18 MR. PARKS: I'm going to make this very
19 brief because I want to reserve most of the time for
20 questions and answer, because I'm sure there's going
21 to be lots of questions that I don't anticipate and
22 I'm not a hundred percent right now. *what your most interested in discussing*

23 All this information is on the internet.
24 If you have access to the internet you can look at

1 the maps that are on there. And basically the
2 project is broken into four phases.

3 Phase I will be when we actually start
4 construction on the plant. The plant site will be on
5 the eastern side of the old Van Cleve farm, if you're
6 familiar with that farm. Memphis Stone purchased
7 that tract of land and we have leased two other
8 properties, one owned by the Smith family and one
9 owned by Kelly and Julie Crum. The plant site will
10 probably take six months to a year to construct and
11 what we're talking about is a gravel wash plant where
12 we're processing the raw sand and gravel that are
13 used for concrete.

14 Once we build the wash plant, we have to
15 mine out the first area, and everything that you see
16 in a red outline is the mined area. And what we do
17 is we establish a source of water with a ground water
18 well, and then we're using our old, mined out areas
19 as a basin to recycle the wash water, okay, and
20 that's what you're using. That's what you see, these
21 bodies of water, they are basins that we're
22 constructing so that we can process the sand and
23 gravel.

24 Also you see other basins that will catch

1 the storm water, because all the storm water that
2 hits our project, we have to capture and treat it
3 before we can release it into the creeks, and all
4 that is handled under a State permit.

5 We move all of our material with conveyors,
6 the raw material, except a small portion of clay
7 gravel that we just load directly onto a truck and
8 ship out. But most of the raw material, ninety-five
9 percent, is moved around with a conveying system, and
10 those conveying systems are -- we could stand right
11 next to them while they're operating and carry on a
12 conversation. They're not very loud. But that's
13 what you see, these roads that are going along here
14 (indicating). They're not roads that a truck is
15 going to be traveling. That's where the conveyors
16 are going to be.

17 So the first phase is to get the plant
18 constructed so that we can start operating and we're
19 going to see that on the Crum property first.

20 And then we move into -- and let me say
21 this, we plan on planting some trees in this area
22 right off of Bethel Road, because our objective is to
23 make sure that the public doesn't see us. We're
24 going to do what we can to conceal our operations and

1 we do that with trees, and we also build berms, and
2 I'm going to talk a lot about berms. But when you
3 hear a "berm", all that is, is a hill that we build.
4 It's usually about eight or ten feet high and we
5 vegetate it. So when you drive past the operation,
6 or you look at the operation from your property, all
7 you see is a grass hill. That helps with screening
8 and it also helps with noise, because that berm is
9 built up above the ground surface and our mining
10 activity is usually fifteen to twenty foot below the
11 ground surface, so that acts very well to control the
12 noise.

13 Going on to page 2, as you can see, we've
14 broadened the area. This is the extent of the gravel
15 deposit that we're mining. Over here is Rosemark
16 Estates, this is Tracy Road, and we're -- you can see
17 we've built a berm over here in this corner so that
18 will protect this area from noise and, hopefully, our
19 objective, is you won't be able to see our operation.
20 We move the material over and we've added another
21 cell. What we're going to do is we're going to --
22 we're not going to send truck traffic down Tracy
23 Road. That is not our -- we don't want that to
24 happen. The only way that truck will be over there

1 is if somebody over there orders a load of sand, and
2 that will be the only way. We're going to send
3 truck traffic south down Miller Road and out to
4 Mudville Road and straight over to 14. That's the
5 way we want the truck traffic to go.

6 Once we mine the Crum property then we're
7 going to start on the Smith farm and this will be the
8 first area that we're mining over here on the Smith
9 farm. I know many of you here today, I'm sure, live
10 in Quail Hollow Subdivision and you have a very
11 beautiful lake. We've been planning on how we're
12 going to work around that lake since the day we
13 decided this was a potential project for us. And we
14 -- first of all, the State of Tennessee is going to
15 make sure we have a good plan in place to protect the
16 surface water and any stream that's coming down from
17 it, okay? That's a major objective for us, is to
18 control any runoff that's going in there, to not
19 contaminate this lake.

20 We will modify a small portion of the
21 draining area relative to the entire draining area.
22 When we complete Phase II, that's going to take about
23 four years to get Phase II completed.

24 Now we're going into Phase III. This area

1 of the Smith property is what we hope to have
2 permission to mine. We'll start over here in this
3 side. After we get this area right here mined out
4 (indicating), that's going to establish another cell
5 for a process basin where we're recirculating that
6 water. We'll start over here in this corner, and
7 we're going to construct berms all along this edge as
8 we're mining to limit our impact, noise impact, as
9 well as what you see, from the people living this
10 area.

11 Another way that we control our noise, the
12 thing in the past that people can hear most about our
13 operation was the back-up alarms. Everybody is
14 familiar with the beep, beep, beep sound. We're
15 using a different type of back-up alarm that we hope
16 will make a big difference. We're seeing that
17 already. It just uses a different sound altogether.
18 It makes a "shu-shu-shu" sound instead of a beep,
19 beep, beep, and that goes a long way in helping the
20 noise. And all the equipment that we put over here,
21 we hope to have those type of alarms installed on.

22 Now, as you finish mining this area, we've
23 reclaimed the part that we've mined on the Crum farm,
24 and this will be the ^{end-} ~~in~~ product, will be a lake in

1 this area. It's going to be on the order of twenty
2 acres, twenty to twenty-five acres in size.

3 After we've mined this area then we're
4 going to be over here on this side of the Smith farm.
5 Again this is Quail Hollow Subdivision and we'll mine
6 this out and we'll end up leaving two lakes here.
7 And again, you can see the conveyor road that we're
8 moving. We're moving this material with a conveyor
9 system. This will be the last area that we mine and
10 once we've mined these three little parcels out right
11 here, that will conclude the mining on this property.

12 This is a picture of the final reclamation,
13 what it will look like when we're completely
14 finished. There will be a large lake in this area,
15 there'll be a good sized lake here, and I know this
16 is a lot of information to go over and if you have
17 any questions after the meeting, we're going to have
18 that information, you can call me, look on the web
19 site, I'll be happy to talk to you on the phone about
20 it in more detail.

21 So, this is what we hope will be the end
22 product of all the mining activity. Relatively
23 speaking, we move along pretty rapidly, and that is
24 the project, the four phases of the project. And I

1 know it's a very quick overview. I've tried to
2 mention some of the ways that we're going to help our
3 neighbors in controlling noise. The material that
4 we're mining is a naturally wet product. When it
5 comes out of the ground it's moist, it's got moist in
6 it. So the material itself when we're mining doesn't
7 generate dust. The only thing that generates dust is
8 when -- the gravel roads that we may have with
9 conveyors on them, we're got service trucks that go
10 up and down them. Sometimes they dry-up. Everybody
11 is familiar with gravel roads in West Tennessee. The
12 way we control that is we use a water wagon that
13 sprays water on it. It's a very effective means of
14 controlling the dust.

15 And, you know, we're not perfect but
16 anytime there's a problem we are responsible. And if
17 there's dust being generated, we want to get a handle
18 on it as quickly as possible because we don't want
19 somebody to call, upset, because of something like
20 that that we can control.

21 And that's the project, and now I just want
22 to open it up for any questions from the Board or
23 from the public.

24 CHAIRMAN JOHNSON: There are a lot of

1 people here tonight and for, time-wise, we're going
2 to limit everybody to three minutes.

3 MR. MIKE AUSTIN: You said you're going to
4 minimize the run-off into Quail Hollow Lake?

5 MR. PARK: Yes, sir.

6 MR. AUSTIN: I've got news for you, you're
7 taking out three-quarters of the feed, probably, and
8 you're going to cut down trees, which I ain't too
9 happy about.

10 CHAIRMAN JOHNSON: Also, if you'll give
11 your name.

12 MR. AUSTIN: I'm sorry. I'm Mike Austin
13 and I live in Quail Hollow. I'm right behind,
14 actually, where your berm ends. It's right along my
15 property line, but that whole west end of that field
16 feeds Quail Hollow Lake when it rains and you're
17 taking that away, and you're cutting down trees which
18 is going to, you know, help with the noise and with
19 the dust.

20 MR. PARK: I'll begin and Bill Kelley, our
21 engineer, he'll finish up this.

22 You are correct that some of this watershed
23 we are going to modify.

24 MR. AUSTIN: Some of it, and you're going

1 down into the trees.

2 MR. PARKS: Some of it, yes, that hill
3 where it --

4 MR. AUSTIN: (Interposing) Pull that back
5 open. There you go. Thank you.

6 MR. PARKS: Let me get to the

7 MR. AUSTIN: I can see on the big map.
8 See, you're cutting down into them trees, and they
9 have twenty foot gullies down there that feed that
10 lake, we've never had a mud problem down there, and I
11 foresee a mud problem down there.

12 MR. PARKS: Well, what we intend to do is
13 we're going to install erosion control, use a variety
14 of methods but also we're going to divert that
15 watershed very quickly and capture any run-off that
16 drains that way and, if necessary --

17 MR. AUSTIN: (Interposing) That's my
18 problem. You're going to divert it from the lake and
19 that feeds the lake. That's what I'm saying.

20 MR. PARKS: Well, this along with all of
21 this. There's much more of that watershed than just
22 the area that's on that hillside. I know, that in my
23 opinion, it's not going to be enough to detrimentally
24 affect the lake.

1 MR. AUSTIN: There's five feeds on that
2 property alone that feed that lake, five. They also
3 feed Haskin's pond, it diverts down, it "Y's" and
4 comes into the lake, that keeps Quail Hollow Lake.
5 I've got a \$250,000 property back there, and it's at
6 the north end of the lake, which is the shallow end.
7 If you guys divert the lake I'm going to have a
8 swamp.

9 MR. PARKS: Well, again I don't think that
10 the amount of watershed will make a drastic
11 difference.

12 MR. MIKE HASKINS: Have you-all actually
13 done a study to look at that run-off and how much
14 water you're diverting?

15 MR. PARKS: That is a part of the State
16 permit right there. We have to demonstrate -- we
17 have to analyze all the hydraulics associated with
18 the project, and we're working on it right now, as a
19 matter of fact. And that's something that we submit
20 to the State. The State -- all this activity that
21 we're talking about has to go through the State
22 permitting process. They're going to look at not
23 only the water we're generating in the process but
24 the storm water and how the storm water will be

1 affected by the change in the hydraulics, they will
2 look at that.

3 Bill, do you want to add anything?

4 MR. KELLEY: We can divert some water back
5 to the lake. We can give them some back. We have a
6 Fish and Wildlife management proposal, certainly.

7 MS. TREY CARTER: I'm Trey Carter and I live
8 over in Quail Hollow. You say that as far as the
9 dust issue -- you guys are going to be responsible --
10 are you going to be responsible for that also?

11 MR. WILLIFORD: Yes.

12 MS. CARTER: My son has severe allergy and
13 asthma. He has to have two or three medications a
14 day plus he does weekly shots just to keep it under
15 control. If you bring a gravel pit in -- I've
16 already talked to two specialists -- he's going to
17 undergo some serious problems.

18 UNIDENTIFIED FEMALE SPEAKER: I've got a
19 letter from my doctor right here -- my daughter just
20 was released from the hospital -- saying --

21 MS. CARTER: (Interposing) This is a
22 health issue. We're talking about my son's life.

23 MR. WILLIFORD: Okay. We're talking about
24 issues that Alan and I are both concerned with. He

1 lives within a half of mile of our competitor's
2 gravel operation -- I do, he lives within a quarter
3 of a mile of it. Our families are raised there and
4 we have no issues with these problems because they're
5 responsible producers just like we are.

6 UNIDENTIFIED FEMALE SPEAKER: But when our
7 children get sick, you're responsible, right?

8 MS. CARTER: Do your children have severe
9 allergy and asthma problems? I mean it may not
10 affect you but you don't already have children with
11 that condition.

12 MR. WILLIFORD: We're operating seven of
13 these facilities right now and this is not an issue
14 at any of the locations. The only time that we've
15 had dust problems is when we're constructing the
16 property. We have a water truck there while we're
17 building, in progress, to control that, to minimize
18 that, as much as possible.

19 And, you know, we would be glad for you-all
20 to take a tour of some of our other operations or
21 talk to some of the other governments where we do
22 business. The Memphis City Health Department is very
23 familiar with our operation. We do quite a bit down
24 in Desoto County.

1 We are also controlled by MSHA, which is
2 Mine Safe and Health Administration which is the same
3 one that monitors all of our locations. Any mining
4 activity within the United States, and they come in
5 twice a year, and put dust monitors on our employees
6 because we're concerned that our employees are being
7 affected just like anybody else. We have to pass
8 certain standards or we have to state some kind of
9 engineering control to make sure where a situation
10 like this is concerned. The Mine Safety and Health
11 Administration, they won't tolerate for employees, so
12 you know it's definitely not affecting somebody
13 that's a quarter of a mile or a third of a mile away
14 or whatever.

15 MS. CARTER: Like you said with your
16 employees, they're in physical condition to handle
17 that kind of thing but my son, my child, and I know
18 Dottie's child, they are very sensitive to that kind
19 of thing. There are days they can't go outside and
20 play because it's too dry and the dust is blowing.
21 And I know that that's not anything that we can
22 prevent but something like this, you know, I'm just -
23 - you're asking to put my son at risk.

24 MR. WILLIFORD: First of all, I don't think

1 you're exposed as much because of the engineering
2 controls that we have put in. By moving the majority
3 of the material by conveyor, like Alan pointed out,
4 the material is wet and it's put into a hopper and
5 then loaded on the conveyor and it's going to the
6 wash basin.

7 Well, this is a washed aggregate facility.
8 We're pulling seven thousand gallons per minute of
9 water. I mean so we're -- what we're doing is we're
10 taking the clay out of the material and it goes back
11 into these ponds.

12 UNIDENTIFIED FEMALE SPEAKER: We're talking
13 over a period of time our children are going to be
14 breathing so much of this stuff that over a period of
15 time it will add up.

16 MR. HARRY HADDAD: Harry Haddad, I live in
17 Rosemark Estates and I'm hearing you say a quarter to
18 a half of mile as an example. How many houses are
19 going to be within 300 feet? I think I read 300 feet
20 as the buffer zone, between the back of the house.
21 Did I read that?

22 MR. PARKS: That's correct.

23 MR. HADDAD: I mean I appreciate your
24 examples but those are not good examples in this

1 situation. I don't know about Quail Hollow, there
2 are some much closer than that. I know the whole
3 Santa Rose Drive in Rosemark Estates -- I've seen the
4 plans for Phase II -- and they're all within 300
5 feet.

6 This is over the hill by the edge of my
7 fence. I'd like to point that out. So when you give
8 us examples, please, understand that's not

9 MR. WILLIFORD: That's a very good point.
10 The situation that's behind your house is that, you
11 know, you guys are going to know it's there when
12 we're constructing the berm. After that, with the
13 new sound system that we've got with the back-up
14 alarms, I really don't think that you'll know we're
15 there. And that's the purpose for us buying this
16 tract of land here. There's very little gravel on
17 this property -- is because we wanted to get the
18 plant -- because the plant is where most of the noise
19 is generated -- we wanted to get it as far away from
20 you guys as possible.

21 MR. AUSTIN: What happens at that plant?
22 What do you do at that plant?

23 MR. WILLIFORD: That's where I'm talking
24 about that the material is washed and processed.

1 There's two sets of screens, and they're made out of
2 rubber. The reason because we make them out of
3 rubber instead of steel is because they last longer
4 and they're quieter. When that material hits it
5 there are spray bars of water that come down on it
6 with a lot of force and it separates the rock from
7 the sand, the first set of screens.

8 MR. AUSTIN: Are the (inaudible) loaded
9 onto to trucks?

10 MR. WILLIFORD: Yes, sir.

11 MR. AUSTIN: Okay. And it travels south to
12 the access road?

13 MR. WILLIFORD: Yes, sir.

14 MR. AUSTIN: And the access is a quarter of
15 a mile from Miller Road?

16 MR. WILLIFORD: Sir?

17 MR. AUSTIN: The access is a quarter or a
18 half of mile?

19 MR. WILLIFORD: Yes, sir.

20 MR. AUSTIN: At a hundred and ten degrees
21 your truck ain't going to keep with it the dust.

22 MR. WILLIFORD: Sir, if that's the case
23 I'll pave that road before I let the dust come off
24 that road.

1 MR. JOHNSON: Next question.

2 MR. JACK TICKLE: I'm Jack Tickle. I'm
3 concerned about the Crum property. Some thirty years
4 ago Jessie Harris owned that property. He asked for
5 a permit to mine that gravel. Some thirty years ago
6 it was denied him. I bought the property myself. I
7 didn't buy it for the purpose of mining. I bought it
8 for the purpose of subdividing it. I ended up
9 selling it to Mr. Crum. I'm not crying about
10 anything but I wanted to build up everywhere. I even
11 tried to buy the Smith's property.

12 But, I'm trying to say, what has happened
13 in the last thirty years that warrants it being a
14 gravel pit today when it wasn't worth being a gravel
15 pit, to the County, thirty years ago?

16 MR. HADDAD: And there weren't any houses
17 right there thirty years ago either.

18 MR. AUSTIN: You've three million dollars
19 worth of houses down there in that subdivision.

20 MR. TICKLE: That's right, probably more
21 than three million.

22 MR. PERRY ETTEHAD: I have more to lose
23 than anybody sitting in this room. I owe 170 acres
24 on the north side of the Smith property. I have two

1 lakes, one of them is fifteen acres, the other one is
2 five acres.

3 I've spent all day -- I'm a Civil Engineer-
4 - surveying the lines. I'm getting eighty-five acres
5 of run-off. There are four pipes that goes under
6 Tracy Road. Every one of them is forty-two inches in
7 diameter and they're going to come to my property.
8 I've been getting that. One of them is close to Mr.
9 Rogers, the next one is -- I'm getting all of that,
10 as I said eighty-five acres of rainfall coming to my
11 property. Once you combine with that, this area,
12 which is right in front of Mr. Rogers, you have
13 seventy-two acres. The only thing you got left over
14 here on the Smith property is a bunch of gullies and
15 ditches and no good land, which that's the reason you
16 don't mine over there.

17 You're going to destroy over here. I've
18 been offered -- let me tell you, you looking for
19 trouble. I been offered two and half million dollars
20 for my property. Once you put this darn thing over
21 there, I won't have that, and I'm upset. I'm losing
22 what I've got. I've worked all my life, that's the
23 only savings I got, and you're coming over here and
24 the sweet talk you're going to be a good neighbor.

1 All right. If you're a good neighbor, get the hell
2 out of here.

3 (Audience applause)

4 MR. WILLIFORD: Can I address property
5 values?

6 MR. JOHNSON: Yes, sir.

7 MR. WILLIFORD: We've operated, like I
8 said, in many locations all through North Mississippi
9 and over in Memphis and Shelby County, and we are
10 currently operating on a place down on Green Pea Road
11 down in North Mississippi, down in Desoto County.

12 The property, we actually purchased it, and
13 we've got a planned unit development that they're
14 trying to sell to a developer now. There have been
15 subdivisions that have been built all around it.
16 It's like the subdivisions that are being built all
17 around Standard Construction in Collierville,
18 Tennessee.

19 We've had studies done with real estate
20 agents on our property down there in Desoto County
21 and also one of our competitors out in Collierville,
22 and there's not been any lost value, property value,
23 due to the gravel operation.

24 MR. ETTEHAD: You're wrong about that,

1 absolutely wrong.

2 MR. AUSTIN: There's a man on Miller Road
3 that lost \$250,000 because you guys showed up.

4 MR. JOHNSON: Mr. Tickle?

5 MR. TICKLE: I asked why it was warranted
6 now and it didn't warrant it in 1976, when you denied
7 Mr. Jessie Harris. I think everybody probably knows
8 him.

9 MR. ETTEHAD: Yes, sir. He dedicated land
10 to Methodist North.

11 MR. TICKLE: Right.

12 MR. WILLIFORD: Mr. Tickle, I was not aware
13 of that or we would have been out there a long time
14 ago, if we'd known --

15 MR. ETTEHAD: (Interposing) That don't
16 impress me. That don't impress me, sir. You're just
17 here to enhance your pocket. I got more news. I
18 have a hundred and seventy acres. I've got two
19 contract offers, two and a half million dollars. Do
20 you think people going to come out here next to a
21 gravel pit anymore? No.

22 MR. WILLIAM HALL: That's my question.
23 What do you think our property value is right now
24 with this on the internet. Do you think someone is

1 even going to -- if I put my house on the market
2 today, I couldn't give it away.

3 MR. HASKINS: Same here. If we had to
4 move, if I got transferred on my job and I had to
5 move next week, or next month, there's no way I could
6 get fair market value. Maybe in ten years, but I may
7 not be there for ten years.

8 MS. WESTERMAN: I'm sorry, that's not true.
9 In the real estate market it's based on square
10 footage.

11 MR. HASKINS: I'm Mike Haskins. I live in
12 Quail Hollow. I'm going to take more than three
13 minutes.

14 UNIDENTIFIED MALE SPEAKER: He can have my
15 three minutes.

16 MR. HASKINS: And the first thing, is when
17 are you-all going to vote on this?

18 MR. JOHNSON: Tonight.

19 MR. HASKINS: Tonight. You're going to
20 vote tonight? That's not fair. That's not fair and
21 I've been through these things before with the
22 business that I work for in Millington, and we were
23 given ample opportunity to review the full set of
24 engineering drawings, to look at the landfill that

1 was going in next to our plant, have our professional
2 engineer look it, review it, comment, and work
3 towards something -- if we can't make this go away --
4 at least work toward something that we know, that we
5 have been told by a professional engineer that's
6 working for us, looking out for our interest, that
7 it's a proper design.

8 Because, guys -- Mr. Bobby, I know you, I
9 don't want to offend either one of your guys -- but
10 you-all don't know anything about a gravel mine
11 operation.

12 MR. ETTEHAD: Exactly.

13 MR. HASKINS: You-all give me my time now.
14 I'm an engineer like Mr. Perry. And most people --
15 you guys don't -- who's setting the regulations and
16 the conditions for their operation, how big the berms
17 have to be, what's the set-back, how high. You know,
18 I've educated myself because I have one of the guys -
19 - we'll get to that in a minute.

20 But there's no way that I can sit down and
21 get everything answered that I have on my mind about
22 how this is going to affect us tonight, in this
23 little span of time. We just found out this on the
24 web site for us to review this weekend. That's it.

1 I've been working ten or twelve hours a day at the
2 plant trying to get some other things straightened
3 out and it's not adequate time. It's, you know, it's
4 very inappropriate that this gets shoved at us this
5 quick with only a chance to look at it.

6 I mean look at Quail Hollow guys, there's
7 not either one of you-all or any rational, logical
8 human being that would walk in here and look at that
9 and say, oh, that's okay. We're going to surround
10 you with a gravel mine. It's mind boggling that we
11 have to sit and discuss this.

12 We've put our hearts and souls and
13 everything we've got to move out here to lovely,
14 beautiful Tipton County, in the country, nice,
15 peaceful, I'm looking at cows and barns and I love
16 it, and now I'm going to be on my deck looking four
17 hundred feet away, while I'm swimming in the pool and
18 cooking out with the kids, at a gravel mine. And all
19 we've heard is we don't think it'll impact you
20 because we've got new back-up alarms. We don't think
21 you'll see anything. We don't think you'll hear
22 anything. We don't think there'll be dust.

23 MR. HALL: If you vote tonight we don't
24 even have time to do research on our side. I mean if

1 I go to the doctor's office and he tells me I've got
2 cancer I, at least, have time to get a second
3 opinion.

4 (Audience applause)

5 MR. JOHNSON: Yes, sir.

6 MR. HASKINS: I've got a letter to present
7 also. We really need assurance that we won't have a
8 negative impact on noise level, the view, what we see
9 from our back door, the lifestyle, the value of our
10 homes. I mean this is everything I've got, this
11 house. And I'm telling you, it's mind-boggling that
12 we have to even think about this. I can't imagine
13 that everybody thinks it's okay to put a gravel mine
14 around Quail Hollow Cove and wrap it on three of the
15 four sides, and pump it right up the butt of Rosemark
16 Estates. It doesn't make sense.

17 MR. HALL: And it doesn't affect our
18 property value.

19 MR. HASKINS: And it doesn't affect our
20 property value, no impact. I went ahead and hired an
21 engineering firm, to start looking at this stuff,
22 that's been involved in designing gravel mines and
23 doing things and I'm sure Mr. Williford knows Mr. Ed
24 Williams. He's been doing it about forty years. And

1 I let Mr. Ed look at one of these drawings and
2 comment. This is what he had to say. He's been
3 working for several of us homeowners. And he is a
4 well known ex-county commissioner from Shelby County,
5 and has been doing environmental engineering for at
6 least thirty-five years. He has designed gravel
7 mining operations.

8 He has said he has concerns with what he's
9 seen about the berms and has given some guidelines
10 like the height of the berms. The height of the berm
11 should be so that you don't see any -- should be
12 higher than the highest house, the highest roof line.
13 And, for instance, this berm around Quail Hollow Lake
14 probably needs to come south and extend all the way
15 down to protect that lake more. These berms should
16 be built, in our opinion, these berms should be built
17 before anything else happens so that we don't see and
18 hear (inaudible). They should be built and properly
19 seeded so that within thirty days there's no run-off.
20 They should be the proper size. We should be able to
21 look at the cross section, the height, the setback,
22 and understand. We should have an independent
23 engineer, that's a licensed professional, and
24 ethical, to help us understand what we're up against.

1 We deserve that chance.

2 MR. ETTEHAD: We deserve that.

3 MR. HALL: We're not asking the City of
4 Atoka to do anything.

5 MR. JOHNSON: Yes, sir.

6 MR. RANDY CLARK: I'm Randy Clark. I live
7 in Rosemark Estates right in the middle of -- Santa
8 Rose. My understanding is that there will be a road
9 going right along the property boundary, a service
10 road. We've got fifteen or twenty feet for a service
11 road and then we've got a berm going up.

12 MR. PARK: We're not going to have a
13 service road along this side. There's going to be a
14 berm.

15 MR. CLARK: Where does the berm start, how
16 many feet off of the property line?

17 MR. PARK: The excavation will be at least
18 a hundred feet from the property line and then it
19 will be between that and -- we don't want to destroy
20 any vegetation that's already there unnecessarily.
21 We're going utilize existing vegetation where we can.
22 There won't be any traffic there. And this may be
23 adjusted once we actually go out there. If we can
24 save a tree, you know.

1 MR. CLARK: If it's a problem with dust or
2 sound will you-all come back and raise the berm?
3 What's it going to be, eight to ten feet?

4 MR. WILLIFORD: Eight to twelve feet will
5 be the berm.

6 MR. PARK: And it's dependent upon
7 topography. It may be higher at some places because
8 we have to fill, you know.

9 MR. CLARK: But if it's not quite high
10 enough would you-all come back at a later date and
11 raise it higher?

12 MR. PARK: Sure. I mean we'll do whatever
13 we have to do to make it effective.

14 MR. HASKINS: All these conditions, if this
15 is going to go forward, all these conditions have to
16 be set out by the City of Atoka so there is some
17 regulation of this operation. I mean right now, if
18 you-all vote this in, they'll be able to run
19 roughshod over us and do whatever they want to do.

20 They may be ethical folks. I don't know.
21 I haven't had a chance to really get into all that,
22 to even consider it. This is happening -- all this
23 information came at us quickly.

24 MR. JOHNSON: Ms. Cotton is next.

1 MS. MARILYN COTTON: My name is Marilyn
2 Cotton. I'm your neighbor on the west where the
3 trees are and I figure this is already -- this is
4 going to happen. (Inaudible) But I'm worried about
5 Miller down here. I use that road to go to Shelby
6 County, and that's not a good road. If you're going
7 to have trucks on it, if I meet one of those trucks
8 I'm going to be dead. Are they going to improve that
9 road? Let me ask my questions. I'd like to know
10 what height of trees you're putting right against my
11 property.

12 MR. WILLIFORD: Ma'am, we have already met
13 with the Shelby County Road Department on two
14 occasions and we've not finalized it because we're
15 still checking into the right-of-way, but we do plan
16 on widening that section of Miller Road going to
17 Mudville because, you're right, it's not wide enough
18 at this time. And we will be responsible for that
19 road, so if the trucks that are coming in and out of
20 the operation tear up the road we will repair it.

21 And the trees that are going -- I haven't
22 discussed it but there will probably be, more than
23 likely, one or two choices which would be some type
24 of pine tree or Leland Cyprus.

1 MR. AUSTIN: Are they going to widen --
2 you're paying to widen that road all the way down to
3 Mudville?

4 MR. WILLIFORD: Yes, sir.

5 MR. KATHY NIX: My name is Kathy Nix. I
6 live on Tracy Road and my question is concerning the
7 environmental issue.

8 I currently work at a chemical plant and
9 I'm very aware of how things happen in the night, all
10 sorts of times of day, and we have taken great pains
11 to make sure that we don't have run-off of any sort.
12 I want to know what your guarantees are of how you're
13 going to monitor those things because when you're
14 dealing with water you don't know until after the
15 fact (inaudible).

16 So, I would like to know what your plans
17 are on that. Do you have sluice gates or how are you
18 going to monitor that and who rings the bell when it
19 does happen?

20 MR. PARKS: All of our water has to be
21 managed through an (inaudible). It's a big acronym,
22 but the State is the regulatory agency that we have
23 to report to. And all the water that impacts our
24 operations, we capture either in our process basins -

1 - because water is a valuable commodity for us.
2 We're going to recycle all that we can. When we have
3 more than we need, we treat it and we meet a standard
4 that's set by the State that insures that the water
5 that we're going to discharge into this creek is not
6 inconsistent with the receiving water, and so it's
7 got to be at least as good and normally it's better
8 than what's in the existing creeks in this area.

9 We'll install temporary storm water
10 structures where we need to. When we go into an area
11 and we have our initial disturbance, we'll construct
12 a temporary basin to capture the water so we can
13 treat it before we discharge it. As we're mining
14 we're creating space to manage it, so we'll divert
15 that water into our areas that we're mining out and
16 that eventually ends up as a reclaimed lake. And so
17 the reclaimed lake is compensating for the material
18 that we're not putting back.

19 We are going to have to remove a certain
20 amount of overburden to get to the gravel. And as
21 we're mining we're going to take that overburden --
22 we don't just start on one side and open up this
23 whole thing. It's laid off in small increments, and
24 as we mine this area out we'll take the overburden

1 from that and start banking it. And as we end up
2 we're going to, you know, we reach that balance where
3 we don't have any more dirt and that's how we
4 compensate.

5 MS. NIX: Well, I mean I know how regulated
6 we are at our facility because it's a chemical plant
7 but I know that at the same time that the volatility
8 of what we have, I mean we still don't have people
9 show up on a regular basis. The only time we have
10 somebody show up is if there's a problem, and that's
11 my concern, you know, you really aren't going to be
12 regulated.

13 MR. PARK: The Tennessee Department of
14 Conservation, they show up at our operations a lot
15 more.

16 MS. NIX: They do?

17 MR. PARK: Yes. We have a very good
18 working relationship with the regulators and they
19 have an office in Jackson, their field office is in
20 Jackson. There's also a local office in Memphis and
21 we've already made contact with the agency and we
22 have to first identify all of the steams. They do
23 routine inspections and they also do unannounced
24 inspections, and then they do inspections where

1 there's a reported problem. They have to inspect --
2 anytime that there's a complaint, that triggers an
3 inspection.

4 And it's in our interest to control the
5 run-off. We're not going to be -- when we discharge
6 it it's under a permit situation. Otherwise, we're
7 not allowed to discharge it.

8 MR. AUSTIN: You say you treated the water
9 before it leaves. What are you treating out of it?

10 MR. PARKS: The clay that we're washing out
11 of the sand and gravel.

12 MR. AUSTIN: Which is going to end up in
13 Quail Hollow Lake.

14 MR. PARKS: No, it's going to end up in
15 these basins. We're purposely taking that sediment
16 out of the sand and gravel, about seven or eight
17 percent. Those are materials that we're not going to
18 be able to use and so we return that back into these
19 basins.

20 MR. AUSTIN: Where do you get the water
21 from? It's not all rainwater. Are you drilling?

22 MR. PARKS: We have to first install a
23 ground water well.

24 MR. AUSTIN: How deep are you going?

1 MR. PARKS: Typically it's down three or
2 four hundred. It's in the large alluvial aquifer.

3 MR. AUSTIN: There are people here tonight
4 that are concerned, Randy has got a well. There are
5 several people in the area right around Quail Hollow
6 that have wells.

7 MR. PARKS: Well, we have to, as far as our
8 State permit process, we have to identify all public
9 water wells whether they be used for drinking water
10 or irrigation water, we have to identify those.

11 MR. AUSTIN: Private wells.

12 MR. PARKS: Private wells, and that's
13 something the State reviews. I mean they're going to
14 look at the water wells and make a decision on how
15 our operation is going to affect it.

16 Now, historically speaking, we've never
17 encountered any problems with groundwater wells that
18 are near our operations, and we've been in business
19 since -- we've been doing this for a long, long time.
20 In Shelby County -- well, we've been in business
21 since 1910. I mean we've mined a lot of area in the
22 north Shelby County area and there's a local agency
23 there, the Shelby County Health Department, they've
24 monitored the groundwater. And, based on our

1 historical evidence, we've not had any impact as a
2 result of our mining operations.

3 MR. KEITH NORMAN: I'm Keith Norman. I
4 live in Quail Hollow also.

5 I agree with Mike. I don't think this is
6 going to happen. I think our friends are going to
7 watch out for us and not let them destroy everything
8 we've worked for.

9 I'm glad to the noise is going to so
10 minimal that we're not even going to know you're
11 there. That's pretty amazing.

12 But the two ladies with the children with
13 the health problems, the asthma problems, you-all
14 never answered that. I believe you said that you had
15 seven locations where this is not an issue. What
16 they asked you is if this affects their children's
17 health are you going to be responsible, are you going
18 to step up and say we're the cause of their health
19 problems deteriorating. Are you going to be
20 responsible if it's proven that this affects their
21 health?

22 MR. WILLIFORD: Well, sir, I mean there's
23 always the issue, I guess, if we did anything to
24 cause anybody any type of adverse reaction, there's

1 always the court system.

2 Now, I can sit up here and tell you all day
3 long that I'm not going to affect their asthma
4 problem. I'm not a doctor. All I can tell you is
5 we've never had this issue and we've been in Memphis
6 since 1910, and we're operating four facilities in
7 Desoto County and you guys know how fast Desoto
8 County is growing. With the flight out of Memphis,
9 we've got homes being built all around us just like
10 yours. They've built right up next to our mined
11 areas and this has not been an issue, and that's all
12 I can tell you.

13 UNIDENTIFIED FEMALE SPEAKER: Do they know
14 that those mines are there?

15 MR. WILLIFORD: Yes, ma'am.

16 MR. SHEPHERD: My name is David Shepherd.
17 I live in the house right around the corner, 3637
18 Tracy Road. I have a lot right there around where
19 it's going to be mined.

20 I can see all of the areas that are going
21 to be mined from my house. A ten foot berm is not
22 going to cover it where I can see it.

23 MR. HASKINS: It should be higher than your
24 roof line.

1 MR. SHEPHERD: All the areas down in the
2 bottoms, down both bottoms and up on top, I can see
3 all that from my house. Ten foot is not going to
4 cover it up.

5 MR. WILLIFORD: This matter will be mined
6 with an excavation. Like Mr. Park said, we've got to
7 take off twenty to twenty-five feet of dirt, I mean I
8 call it dirt and he calls it overburden. But we will
9 use this to build the berms, and we have to actually
10 keep the topsoil separate from the rest of the
11 material so we vegetate everything back.

12 Now, a lot of that topsoil will be used to
13 build these berms that are eight to twelve foot high.
14 Now, once we're down twenty-five feet then we'll
15 start to mine the gravel, but that's when the
16 excavator is in there. So not only will you have an
17 eight to twelve foot berm but you're down twenty-five
18 feet. So we've got an excavator down there and we've
19 got a front end loader and it will be put onto to
20 hopper and a conveyor up to the main facility.

21 MR. SHEPHERD: Where that conveyor is
22 running over there, I mean I can see that all. I
23 mean I'll have to see that every day.

24 MR. WILLIFORD: We'll do whatever we can to

1 minimize visibility and, you know, the impact. I
2 mean if there is -- we can plant trees and everything
3 like that.

4 MR. PARKS: Everything from your house, I
5 mean you're up high and it kind of slopes back.
6 Ideally, where we build these berms, it's going to be
7 up on a higher area.

8 MR. SHEPHERD: (Inaudible) it's a right
9 straight ridge that goes right through there all the
10 way back to the Van Cleve Farm.

11 MR. JOHNSON: Yes?

12 MR. PHIL SMITH: My name is Phil Smith. I
13 own this property south of this on Miller Road in
14 Shelby County, and my property backs up to Van
15 Cleve's place. You-all talking about you're going to
16 widen the road, I've got some real nice trees. I've
17 got a little lake out front and a fountain. What
18 about that? Are you going to knock all my trees
19 down, put an interstate down through there and run
20 gravel trucks up and down through there? I can't
21 give it away. And we don't have any city water out
22 there. It ends a quarter of a mile down the street.
23 Can you-all run me water to ensure me that I won't be
24 drinking mud? I've got a little creek out back, a

1 little branch creek. It's going to be right there
2 where all that runs off into it. All those trees you
3 see south, ain't but twenty of it mine but, you know,
4 what about that?

5 MR. HASKINS: Are you the man that owns the
6 pond?

7 MR. SMITH: Yeah.

8 UNIDENTIFIED MALE SPEAKER: He lost a
9 quarter of a million dollars because he had a buyer
10 for his property and they found you were coming in
11 and they backed out.

12 UNIDENTIFIED MALE SPEAKER: I can't give it
13 away. They back out.

14 MR. ALEX JOHNSON: My name is Alex Johnson
15 and there's two things. First of all, in my opinion,
16 I think this is trying to get ramrodded through.

17 MR. HASKINS: Yes.

18 MR. JOHNSON: Second of all, we should have
19 a six month delay because we've got an engineering
20 firm that's going to look at this. And thirdly,
21 Mark, everybody here doesn't want it. You work for
22 us. We're going to be miserable. This man lost a
23 quarter of a million dollars. I don't know how you
24 can vote for it. We came here -- I mean this is we

1 just showed up and, boom, it looks like ramrod day.

2 MR. ETTEHAD: Mr. Johnson, I don't
3 represent the City of Atoka, but this is the mayor,
4 this is the city alderman. You're destroying the
5 most desirable piece of property. There are about
6 eight hundred acres of land. That is the closest
7 place to Shelby County. I've been offered -- some of
8 the biggest developers banging my door and coming to
9 me because it's desirable. People want to get out of
10 Memphis. Where do they want to go? They want to be
11 also close to their job, and that puts them close to
12 their job, and it's all together about a thousand
13 acres. And you're going to turn that into the least
14 desirable area which should be the best of your
15 property.

16 If you guys are looking for growth, that is
17 where the growth will be. Once people have to drive
18 eighty miles, ninety miles both ways they don't come,
19 they don't commute. This is about twenty-eight
20 minutes, and you're just -- you're not gaining,
21 you're losing. A gravel pit is associated with darn
22 no good area. We have a nice town. One of the best
23 little towns across Shelby County, and this is the
24 closest place to Shelby County.

1 If they want a gravel pit, let them go
2 fifty, sixty, forty miles away from here. Don't
3 destroy residential for just the sake of -- what do
4 you-all gain? Nothing. What do you lose, a thousand
5 houses.

6 UNIDENTIFIED MALE SPEAKER: Tax dollars.

7 MR. HADDAD: Harry Haddad again. Alan, who
8 determines the set-backs, your company?

9 MR. PARKS: No. That's typically either
10 the local agency or the State.

11 MR. HADDAD: Well, what about the set-
12 backs? Did you just put those in there?

13 MR. PARKS: That was based on historically
14 what is allowed.

15 MR. HADDAD: Okay.

16 MR. PARKS: And so we start with what is
17 customary at our other operations.

18 MR. HADDAD: Okay. And I see in Phase II,
19 or is that Phase III?

20 MR. PARKS: This is --

21 MR. HADDAD: (Interposing) Forgive me.
22 The right corner. Just leave that up. Let me
23 address this. This Phase, the set-back is the
24 closest. Quail Hollow is surrounded. That's

1 terrible, and this is set back -- this is literally
2 my back yard.

3 MR. ETTEHAD: And he's got a million dollar
4 house, a million dollar house.

5 MR. HADDAD: It's not just me. It's just
6 moving up right to the fence. Who establishes that,
7 the State, the Commission here?

8 MR. PARKS: In some cases it's the local
9 agency, the State typically requires, at a minimum,
10 three hundred feet.

11 MR. HADDAD: I don't know how many houses
12 are there, including Tommy's around the corner and
13 then across the street. I mean it's just terribly
14 close. I know what you've said, there's been no
15 study, there's been a lot of numbers thrown out.

16 MR. PARKS: It's three hundred feet from a
17 residential, an occupied residential dwelling, or a
18 hundred feet from the property boundary.

19 MR. AUSTIN: If I move into my shed will
20 you move another three hundred feet over?

21 MS. CARTER: I'm sorry, I'm not trying to
22 beat a dead horse but we keep talking about health,
23 and I'm not a confrontational person, but we're
24 talking about my son's life here. And I'm hearing

1 you saying it's never happened, it's never happened,
2 it's never happened. My doctor says it will happen
3 if you do this, so how are you going to address that?
4 You can have my house. Do you want to buy my house?
5 Buy my house now, but I'm not going to live there and
6 you put a gravel pit in and harm my twelve year old
7 child. I'm not going to do it.

8 MR. GARY SMITH: I'm Gary Smith on Bethel
9 Road and I just can't believe that something of this
10 magnitude and you-all going to settle it with one
11 meeting. All of the business you-all carry on up
12 here, you hardly ever do anything and settle it one
13 meeting, and you're going to have something of this
14 magnitude and you're going to settle it with one
15 meeting? It's just unheard of.

16 MR. ETTEHAD: That's a shame.

17 MR. SMITH: It's a ramrod job if you do
18 that.

19 (Audience applause)

20 UNIDENTIFIED FEMALE SPEAKER: I'm curious
21 about the drilling and we all know earth shifts,
22 earth moves. After a period of time, the drilling
23 and everything that's going on, will it not damage
24 foundations, put cracks in our slabs, make our homes

1 shift?

2 MR. PARKS: Everything that we've mined in
3 Shelby County, with the exception of where we're
4 mining right now, which is on Millington-Arlington
5 Road, has been developed on. North of Highway 64
6 right where the Wolfchase area is, all that was mined
7 out years ago, back in the '60's. South of the
8 airport, between the airport and Stateline Road, all
9 that was mined back in the '50's or '60's. We've
10 mined areas around Sanga Road and Walnut Grove.

11 My point is, these areas are being
12 redeveloped as time goes on.

13 UNIDENTIFIED MALE SPEAKER: And most of it
14 is warehouse.

15 UNIDENTIFIED MALE SPEAKER: Redeveloped.
16 There was nothing developed there then.

17 MR. PARKS: Well, not warehouses. Like in
18 the case of Collierville, there's a lot of
19 residential areas that were built on formerly mined
20 property.

21 MR. WILLIFORD: And I think she was
22 concerned of the foundation of their houses now and,
23 you know, some of the issues that you've read about
24 in the paper was the limestone quarry where they're

1 blasting. We never blast. We never blast.

2 UNIDENTIFIED FEMALE SPEAKER: I haven't
3 read anything in the paper. I just know that you-all
4 are going to be drilling.

5 MR. WILLIFORD: And the drilling that we've
6 done, I mean the only drilling that we do is we put
7 an eight inch auger down in the ground, basically
8 like putting a well in, to find the gravel and that's
9 already been done on the properties. The other
10 digging is using a backhoe that's out there and
11 that's just removing the material a bucket at a time.
12 It's not vibrations and that's not an issue.

13 MS. ESTHER SAUERS: My name is Esther
14 Sauers and I live in Quail Hollow. My concern is
15 that all of the examples that you-all keep giving,
16 areas, of what happens with the area after it's
17 mined. These are all existing houses and existing
18 areas. That's what I think everybody here is
19 concerned about, is the --

20 (Interrupted by audience applause)

21 MR. WILLIFORD: The examples I gave down in
22 Desoto County and in Shelby County are current mines.
23 Houses are being built around them, houses have been
24 there for a number of years. So, no, ma'am, it is

1 not -- it is the same comparison.

2 MR. AUSTIN: The houses that are being
3 built while you're mining are being sold after you're
4 gone.

5 MR. WILLIFORD: No, sir, they're being sold
6 while --

7 MR. AUSTIN: (Interposing) While you're
8 working?

9 MR. WILLIFORD: Because we've been there
10 for twenty plus years.

11 MR. HADDAD: But they have a choice.

12 MR. WILLIFORD: There were other properties
13 that were there before, and during and after.

14 MR. BRUCE GURLEY: My name is Bruce Gurley
15 and I live in Quail Hollow. And, as we've pointed
16 out, we're encircled. What kind of boundaries,
17 fences, barriers, are going to keep our kids from
18 being curious and going exploring and getting caught
19 up in your conveyors and getting drowned in your
20 basis. I grew up in Indiana. All my swimming holes
21 were old gravel pits. The lure is there for boys.

22 MR. HALL: And our kids play all back in
23 there.

24 MR. GURLEY: No matter what you tell them,

1 they're going to go do what they want to and explore.

2 MR. HALL: There are trails all through
3 those woods.

4 MR. GURLEY: What's to keep them from
5 going? How are you going to keep them out so that a
6 tragedy doesn't happen?

7 MR. HALL: Are you going to fence off your
8 property?

9 MR. GURLEY: Is there going to be a fence
10 or are you just going to have trees?

11 MR. WILLIFORD: There is currently fencing
12 up because there's been cows and stuff like that. As
13 far as the ponds, I mean there's a large pond in you-
14 all's subdivision.

15 MR. AUSTIN: I'm not worried about the
16 water as much as the conveyors.

17 MS. CARTER: We're worried about the ones
18 who don't know they're there, the new homes that are
19 coming, equipment, conveyors.

20 MR. JIMMY WHITEHEAD: I understand about a
21 month ago, without our knowledge or anything, we just
22 found out Atoka went ahead and annexed us into the
23 city. They said this was for the purpose so they
24 could have some control over this here. If they want

1 to have some control over it, they need to listen to
2 the people tonight.

3 MS. CARTER: Exactly. The people that live
4 in the town.

5 MR. WHITEHEAD: Bethel Road already is
6 dangerous to a certain extent. Bethel Road, where
7 Bethel Road ends at the Tipton County and Shelby
8 County line, Miller Road takes up. It's going to
9 make that road even that much more dangerous.

10 MR. AUSTIN: In fact, it was stated in the
11 Covington Leader by our mayor that the trucks were
12 going to go down and enter on Mudville Road and go to
13 Highway 14.

14 MR. FOSTER: I'm Steve Foster. I also live
15 on Bethel Road and I was at the meeting when we heard
16 the promises that we would have more police on that
17 road to slow down the traffic and the road would be
18 taken care of and we found out the annexation turns
19 around and doesn't even annex the road. So, really,
20 we were kind of took on the last one, too.

21 MR. AUSTIN: Well, we've got a lot of cops
22 coming down our dead end street telling kids they
23 can't play basketball in the street.

24 MS. BETTY PERKINS: My name is Betty

1 Perkins and I live on Bethel Road. You said you had
2 an operation on Millington-Arlington Road. How long
3 has it been there, first of all? Shouldn't there be
4 somebody here at this meeting who lives around that
5 area that can tell us what's been going on?

6 MR. ACCIDENT: There are no activities,
7 though. Everything has stopped out there.

8 MS. NIX: I drive by it everyday. There's
9 nothing there.

10 MR. AUSTIN: There's a lawsuit in Byhalia.

11 MS. COTTON: What are going to be the hours
12 of operation and do you know what the property,
13 what's supposed to be done with it after you're done,
14 what it's going to be developed to?

15 MR. WILLIFORD: We operate just one shift
16 and we're typically Monday through Saturday. We
17 operate daylight hours. We will not be running at
18 night. There will not be three shifts around the
19 clock.

20 What's going to happen with the property
21 afterwards, like I said, the property that we own,
22 we've never developed our properties that we've mined
23 on before. We've got one now that the family owns
24 our company has a planned community development on it

1 with commercial and residential housing. It's in
2 Desoto County and they are probably going to sell it
3 a developer. Now, that's just our tract.

4 The Smith and the Crum property, the Crum
5 property, I don't want to speak for them but they're
6 planning on building a house right here. In fact,
7 there's gravel right there and they wanted it left
8 out because they wanted to have a house that oversees
9 that twenty acre lake.

10 The Smith property, the Smiths are here.
11 They don't know what they're going to do with the
12 property. They said the kids will have it and
13 they'll probably, you know, decide what to do with it
14 a number of years later.

15 You know, once we get through mining the
16 property it's usually about seven years before they
17 can build on it. You know, I mean we put it back
18 into pasture land and stuff like that. It is useful.
19 They can, you know, put cows or whatever back on it.

20 MR. AUSTIN: So those existing ponds will
21 stay there, the ponds, at the end of the excavation?

22 MR. WILLIFORD: Yes, sir. Those ponds will
23 be there at the end of the excavation.

24 MR. ETTEHAD: What about the berms? Are

1 those berms going to stay over there or are you going
2 to knock them down?

3 MR. WILLIFORD: No, sir. We would take
4 those back down.

5 MR. TICKLE: All of this is ideal, prime
6 residential property, and if it goes into a mining
7 situation it'll be several years before it can be
8 used for residential or anything else. So you're
9 depriving people of living in a fine area. I know
10 it's perfect. I know all about it. I'm in the real
11 estate development business. I developed Rosemark
12 Estates. I would have already developed that
13 property.

14 MR. ETTEHAD: I just can't see why you-all
15 are doing this.

16 MR. TICKLE: Residential property should
17 not be put into a mining situation and deprive people
18 of it until they get through mining. You're talking
19 about ten years from now.

20 UNIDENTIFIED MALE SPEAKER: Twenty-seven
21 years.

22 MR. ETTEHAD: I just can't believe what
23 you-all are doing. It don't make economic business
24 sense. You're destroying the most desirable piece of

1 property that you've got. They need to get out of
2 Memphis but they want to be close to their job.
3 That's where they're going to.

4 MS. COX: If I understand right, you still
5 have some negotiations here as far as things that
6 you --

7 MR. AUSTIN: (Interposing) They can tell
8 them no. They can tell them no and we're done.

9 MR. HASKINS: We don't want it.
10 (Whereupon numerous individuals spoke simultaneously)

11 MS. COX: I was recognized. If that's the
12 case, since you have your sister company Lehman
13 Roberts, who does paving, could you negotiate
14 something for that hill?

15 (Whereupon numerous individuals spoke simultaneously)

16 MS. COX: Good manners, I would appreciate
17 that. Could you possibly negotiate something with
18 them because there's going to be increased traffic,
19 probably from your own employees, because it's going
20 to be easy access for them to go over to Atoka for
21 their meals and that kind of thing? At least that
22 would reduce some of the danger, maybe give something
23 back to the community.

24 MS. CARTER: I just want to say one thing

1 and then I'm going to stop. To me this sounds like
2 an issue of making a buck and ruining a lot of
3 people's lives and just please take that into
4 consideration when you vote.

5 MR. NICHOLS: How long has the City of
6 Atoka known this? I'm Jeff Nichols from Quail
7 Hollow. They seemed to have already bought a piece
8 of land and no one had a clue. I bought a house in
9 November in Quail Hollow and no one told me that that
10 stuff was going to happen. I didn't find out until
11 probably three weeks ago when Mr. Perry over here
12 came to my house. So how long have you known this?

13 MR. HASKINS: Since these guys came to them
14 and said will you work with us if we buy this land
15 and try to do this. It's like Mr. Walker said in the
16 paper, they wouldn't spend a million dollars unless
17 they had plans.

18 MR. ETTEHAD: This man owns a million
19 dollar house, and you touch eleven houses with three
20 hundred, twenty-two houses within six hundred. The
21 project is only two hundred feet from Blades. If you
22 take a thousand foot radius you're going to occupy
23 another fifty, sixty houses in Blades, just to call
24 Atoka gravel so-and-so. It just don't add up.

1 MR. JOHNSON: About two months.

2 MR. NICHOLS: How long have you owned that,
3 sir? How long have you owned it?

4 MR. WILLIFORD: I'm trying to remember when
5 we bought it.

6 MR. AUSTIN: And it's like it's already
7 planned.

8 MR. WILLIFORD: I think we bought the
9 property back last fall. And the reason we bought
10 the property is because we through the distance away
11 from the homeowners -- we paid a lot of money for
12 this property --

13 MR. AUSTIN: (Interposing) I paid a lot of
14 money for mine.

15 MR. WILLIFORD: (Continuing) -- to be away
16 from the homeowners, and this where we thought the
17 best access was. I mean we don't want to travel
18 Tracy Road.

19 MR. NICHOLS: Well, that's very
20 considerate, but if you bought that land then you
21 already had a plan and pardon me for maybe speaking
22 disrespectful but if you guys bought that then you
23 guys had already been talking. I'm sorry, I had to
24 be known.

1 MR. WILLIFORD: The property was for sale
2 and we had drilled the Crum property, and when we
3 found the gravel resource there they had an option to
4 purchase the Van Cleave property. And we took that
5 option and we bought the property. The City of Atoka
6 had no idea.

7 MR. NICHOLS: It just seems to me like it
8 was planned and we just found out about it as a
9 group, you know. We had no clue about it but you
10 guys had already bought it. I didn't see a darn
11 thing in the paper.

12 MR. AUSTIN: They didn't want us to so they
13 could make money.

14 MR. NICHOLS: And one other question, on
15 that -- your first map up there, can you turn that
16 first map over? That one, what is that buffer zone
17 right there? That thousand feet, what is that?

18 MS. CARTER: On the other side of Tracy.

19 (Whereupon Mr. Shepherd provided a map)

20 MR. PARKS: This is a one thousand foot
21 area that is away from our leased area, and that was
22 required in the Atoka zoning ordinance.

23 MR. NICHOLS: What does it do?

24 MR. PARKS: It's just a notification of the

1 affected community within that thousand feet. We
2 provided them with all of the names of the residents.

3 MR. HALL: Okay. That's the people that
4 got the "Howdy Neighbor" cards.

5 MR. PARKS: Just as part of the permit, or
6 part of the application process, we were provided
7 this.

8 MR. NICHOLS: Why did they provide the
9 people in Quail Hollow. We never got anything.
10 (Whereupon numerous individuals spoke simultaneously)

11 MR. NICHOLS: I guess if everything was on
12 the up-and-up we would have gotten something saying
13 we're thinking about doing this, not that we're
14 planning on doing it but we're thinking about it.

15 (Whereupon numerous individuals spoke simultaneously)

16 MR. JOHNSON: So there were so many people
17 talking we didn't understand your question.

18 MR. NICHOLS: Like I said, why were we no
19 notified when all this first came to light? Instead
20 of saying, hey, this is where we're going to put a
21 gravel pit, instead say, hey, we're thinking about
22 putting one, what do you-all think and get us here a
23 month or two ahead of time.

24 MR. JOHNSON: We did have public notice. I

1 believe we had an article in the Covington Leader.

2 MR. NICHOLS: How big was the article? I
3 heard it was like two by two or something.

4 MR. TOMMY ROGERS: I'm Tommy Rogers. I
5 live on Tracy Road.

6 (Whereupon, Chairman sounded gavel in an
7 attempt to regain order)

8 MR. ROGERS: I think in the best interest
9 it would be, in my opinion, to put this off a night
10 until people have a little bit more information, not
11 that I'm involved in it. I live in Tracy Road right
12 across -- I am a Board member and I didn't find out
13 about it until about three months ago. I don't think
14 anybody on the Board knew it at that time.

15 MR. AUSTIN: When did they do the
16 annexation?

17 MR. ROGERS: When we found out they were
18 going to take it in, about three months, the first of
19 the year or whenever, we decided to take it into the
20 city so we could have some control over it if it
21 becomes a gravel pit, so we could protect, you know,
22 as much rights as we could. But we are, of course,
23 limited, too.

24 MR. WHITEHEAD: Which is what I'm saying,

1 because we just got annexed.

2 MR. TICKLE: It's not going to be a gravel
3 pit if you-all don't want it to be gravel pit. I
4 want you to understand, it won't be a gravel pit
5 unless you say you want to be a pit.

6 MR. ETTEHAD: There are five Board members,
7 if three of them don't want it -- you live only fifty
8 feet from it. You've got a half a million dollar
9 house. I been walking through the Smith property all
10 day today to evaluate the situation. It just doesn't
11 make sense.

12 MR. HASKINS: I want to clarify something.
13 You-all have full control over it because they cannot
14 do anything on this property unless this Board votes
15 to give them a variance to operate a mine on this
16 property that's zoned FAR and that is the law. They
17 have the full authority to meet with a proper
18 environmental consultant that's working for the Town
19 of Atoka, or working for us, and get the other side
20 of the story before moving forward and that's what I
21 request, and I know that Mr. Shinosky and Mr. Austin
22 and Mr. Haskins and Mr. Haddad, we will pay the bill
23 for you to sit down with a licensed professional
24 engineer, Mr. Ed Williams, who is highly respected,

1 who has designed and consulted for Memphis Stone and
2 Gravel, to let him look at the full engineering plans
3 if this is up-and-up.

4 I don't know if Mr. Kelley works for these
5 guys, or an engineering firm that's contracted but if
6 this is on the up-and-up we would be provided the
7 opportunity to have our engineer looking at all the
8 drawings and comment so that something -- if this
9 does have to go forward, at least we've got input.

10 That's only fair. We don't want it, you
11 know, it's like the letter says, we can compromise
12 all you want and we're going to fight it.

13 MR. WILLIFORD: Can I kind of answer his
14 question? We will have to go before a State permit
15 and you guys can request a hearing at that to address
16 your concerns about the environmental issues, and
17 this is a separate permit from what we're trying to
18 achieve tonight. You can be heard at that time and I
19 think all of your questions will be answered.

20 MR. HASKINS: No, sir, because these guys
21 are the ones that can set the conditions. I have a
22 multi-sector permit out and all they do is regulate
23 what runs off your property and your storm water and
24 all that. They don't regulate how you operate, what

1 you do, when you can operate, how tall your berm has
2 got to be, none of that. They just look at your
3 water quality and your run-off.

4 These guys -- don't try to pull that crap
5 on us. These guys are the ones that can set the
6 conditions and say we will give you the variance and
7 here's how the Town of Atoka says you have to
8 operate. We demand that.

9 UNIDENTIFIED MALE SPEAKER: I came here
10 five years ago with Bowater, the Bowater plant in
11 Covington and I moved down here to get away from --
12 and to be in the woods, and I own the last house
13 right there. If you look where they're cutting them
14 trees out, they're going to clear the whole back side
15 of that lake and there's wildlife, deer and
16 everything, that goes through there every morning
17 when I'm going to work. There's no way that's not
18 going to affect, along with the drainage --
19 everybody down that road is sitting right here,
20 everybody on that lake, sitting right in this room,
21 because it will affect that lake.

22 MR. SHINOSKY: If you're going to take that
23 overburden to build berms and you're saying you're
24 not going to have a dust problem, you're mistaken.

1 If you start moving that overburden and building
2 twelve foot high berms you're going to have a dust
3 problem.

4 MR. HASKINS: You know, Mark, we're pretty
5 serious. This engineering firm is coming out of
6 concerned people's pocket. We can stop this. Just
7 say no, we're done, have a nice day, everybody packs
8 it up and we start smiling tomorrow. We don't have
9 to have any more meetings.

10 UNIDENTIFIED MALE SPEAKER: There's plenty
11 of developers that would --

12 (Whereupon numerous individuals spoke simultaneously)

13 MR. JOHNSON: Do you want to comment?

14 MR. WILLIFORD: I was going to comment on
15 the berm issue and I made the point earlier in my
16 presentation that the only time that I think you guys
17 might have a dust problem is during the construction
18 of the berms. At that time we will have a water
19 truck out there with the trucks that will be building
20 the berms to minimize the dust as much as possible.
21 As soon as we build the berms we seed them and get a
22 stand of grass on those.

23 MR. TICKLE: Do you deny that this is prime
24 residential?

1 MS. WESTERMAN: Is OSHA involved in this at
2 all or EPA?

3 (Whereupon numerous individuals spoke simultaneously)

4 MR. NICHOLS: She asked if OSHA or EPA was
5 involved in this.

6 (Whereupon the Chairman sounded gavel in
7 at attempt to regain order)

8 MR. PARKS: The primary regulatory agency
9 for environmental matters is the State of Tennessee.
10 The EPA is a Federal agency and it can get involved
11 at any point in time. They basically make sure the
12 state is making sure that we're following the rules.

13 With regard to the permitting, this is
14 going to more than a multi-sector permit. It's not
15 going to be on a general permit. It's going to be
16 under an individual (inaudible) project. Through the
17 mining sector, they have a separate branch that
18 regulates mining activity, because it's a little more
19 than your typical, you know, residential construction
20 which requires a general permit.

21 So, it will be scrutinized a little more
22 than your typical subdivision or other land
23 disturbance.

24 With regard to safety, that falls under --

1 mining has a separate agency, just like OSHA, they
2 have MSHA which all they look at is mining. They
3 look at things like safety with regard to equipment
4 being exposed, noise and -- I mean we don't want our
5 employees to be subjected to any more adverse
6 conditions than are necessary, because they have to
7 work right there with that.

8 MR. HASKINS: I still propose that MSHA is
9 only concerned with the environment, health and
10 safety of their employees. MSHA is only concerned
11 about the health and safety of the employees of MSG
12 and the Tennessee Department of Environmental
13 Conservation is only concerned about the run-off.
14 Nobody is going to be regulating this for the noise,
15 the things that we have to deal with, what we see,
16 what happens to us. We'll have a little bit of
17 recourse with storm water, if there's mud and stuff
18 that affects our property, but why should we have to?

19 MR. SHINOSKY: I don't know how this is
20 supposed to be done but would somebody just make a
21 motion that we just delay this for a hundred and
22 eighty days so we can just start over and get this
23 whole process -- or table this for a hundred and
24 eighty days and just revisit it, you know, six months

1 from now?

2 UNIDENTIFIED MALE SPEAKER: It looks like a
3 ramrod job.

4 MR. ETTEHAD: Only one member of the
5 Planning Commission is here.

6 MR. JOHNSON: Okay. Tom is going to talk
7 to you about our Ordinance. In FAR mining is allowed
8 on appeal if there are conditions met. Those eight
9 conditions that have to be met and he's going to talk
10 to you about that.

11 MR. TEAGUE: Okay. My name is Tom Teague.
12 I work for the State of Tennessee with the local
13 Planning Assistance Officer, which the Town of Atoka
14 has a contract with our agency to provide planning
15 assistance for the town, primarily to advise the
16 Planning Commission and, upon visitation, advice
17 regarding current local zoning ordinances that affect
18 this area.

19 The area is zoned FAR. Prior to
20 annexation, the area was zoned FAR but this meeting
21 would have been held before a Tipton County Board of
22 General Appeal. The applicant is asking for a use
23 which is permitted, but it has to be permitted on
24 appeal, therefore, they have to come to this body.

1 If it was a permitted use by (inaudible) then that
2 would not be an issue. They would be granted to use
3 the land as they see fit under the zoning ordinance.

4 The Board of Zoning Appeals has to consider
5 foremost the general health, safety, and welfare of
6 the community, and they are charged with the
7 responsibility of making sure that those conditions
8 are met and that any encumbrance upon those
9 conditions are mitigated through action by the Board
10 of Zoning Appeals, put forth as a condition of that
11 use.

12 A lot of issues have been raised here. All
13 the issues are valid. Tennessee Code Annotates which
14 governs the public hearing notice on this, it sound
15 likes, from this audience's perspective, is a little
16 bit inadequate but the law says that you have to post
17 notice fifteen days in a newspaper of general
18 population and that requirement, I assume, has been
19 met.

20 MR. SHEPHERD: Which paper was it in?

21 MR. AUSTIN: The Covington Leader.

22 UNIDENTIFIED MALE SPEAKER: Last week? Was
23 that last week's paper?

24 MR. TEAGUE: It would have had to have been

1 fifteen days prior to this.

2 UNIDENTIFIED MALE SPEAKER: It's been more
3 than fifteen days. I don't remember the exact date.

4 MR. TEAGUE: But I'm in agreement, I mean,
5 you know, when I'm affected by things if I don't
6 subscribe to that newspaper then I'm not notified of
7 it. Probably the notice could be a little bit better
8 but, unfortunately, that's what we have to work with
9 right now.

10 To review the applicant, again, most of the
11 issues address health and safety issues. A lot of
12 those issues have been raised here tonight and it
13 sounds to me like, you know, some of the issues have
14 been adequately addressed and maybe some of them
15 haven't been adequately addressed, depending on your
16 perspective. I guess that could be the case with
17 anything.

18 The suggestion was made earlier about a
19 motion from the floor. That's not in order. All
20 motions have to come from the Board of Zoning Appeals
21 but it can certainly be taken under advisement. The
22 decision doesn't have to be made tonight. The Board
23 can request additional information. This is what is
24 termed a quasi-judicial review. Any action taken by

1 this Board can be challenged by you, the public, or
2 by the applicant in a Court of Law.

3 UNIDENTIFIED MALE SPEAKER: Well, how about
4 the people that just don't want it. Is there any
5 recourse to that? I mean the people that are really
6 impacted are the people that live around it.

7 MR. TEAGUE: If the Board of Zoning Appeals
8 decides in a matter unacceptable to anybody here,
9 legal recourse is an option.

10 MR. SHEPHERD: In what court?

11 MR. TEAGUE: Chancery Court would be the
12 first court of hearing, but they also have the same
13 right.

14 MR. AUSTIN: The State -- or Tipton County
15 procedure for authorizing special exemptions, Article
16 8.060, says review is requested by the Building
17 Inspector's Office to determine whether a proposed
18 use is potentially (inaudible), toxic, dangerous or
19 offensive, or determined to be a public nuisance,
20 which it is.

21 At B-7 it says the proposed use shall not
22 generate noise or produce smoke, which we're not
23 concerned with.

24 MR. TEAGUE: Excuse me. You're quoting

1 from the Tipton County general resolutions?

2 MR. AUSTIN: They don't have jurisdiction
3 over this property anymore. It's been annexed by
4 Atoka.

5 (Whereupon numerous individuals spoke simultaneously)

6 MR. TEAGUE: I'm just saying that zoning
7 regulation doesn't apply to this location anymore.

8 MR. AUSTIN: Do we have one?

9 MR. TEAGUE: Yes.

10 (Whereupon numerous individuals spoke simultaneously)

11 MR. TEAGUE: We are charged with, fire and
12 foremost, protection of health, safety and general
13 welfare.

14 MR. HALL: And that includes our property
15 value, right?

16 MR. TEAGUE: It's an open-ended statement
17 meant to provide some flexibility. Economic
18 considerations have and have not been allowed in a
19 Court of Law.

20 MR. TICKLE: The mayor and aldermen have
21 the final say-so.

22 MR. TEAGUE: The mayor and aldermen, no,
23 sir. The Board.

24 MR. TICKLE: They have to recommend it, or

1 not recommend it.

2 (Whereupon, numerous individuals spoke
3 simultaneously)

4 MR. JOHNSON: Shu, shu, shu.

5 MR. TICKLE: You're saying the mayor and
6 aldermen have to do whatever they say? Is that what
7 you're saying?

8 MR. TEAGUE: They don't have any say about
9 it. They don't chime-in on it.

10 MR. TICKLE: It's supposed to be
11 recommended.

12 MR. TEAGUE: In some states that may be the
13 case but in Tennessee the BEA has the final say and
14 then it goes to a Court of Law.

15 MR. HASKINS: In Tennessee who has

16 MR. TEAGUE: In the State of Tennessee the
17 Board of Zoning Appeals, as defined by the enabling
18 legislation, Tennessee Code Annotated, which this
19 body has the final say and any decision that they
20 make would then be -- perhaps be litigated in a Court
21 of Law.

22 MR. TICKLE: Then the right people are
23 sitting right up there.

24 UNIDENTIFIED MALE SPEAKER: If they say no,

1 it's over.

2 MR. TICKLE: You're talking to the right
3 people. There's only two people on the board.
4 That's the right people sitting right up there. He
5 just told you.

6 MR. JOHNSON: We've asked questions over
7 the period of a couple of months since we've known
8 about it and it's my understanding that as long as
9 the conditions are met in our zoning ordinance,
10 there's not a whole lot we can do.

11 MR. AUSTIN: Yes, you can turn it down.

12 UNIDENTIFIED FEMALE SPEAKER: Are you
13 getting a raise out of this?

14 MR. JOHNSON: They've went above and beyond
15 what the Zoning Ordinance says and they've agreed to
16 pave Quail Hollow, to work with the Smith family to
17 straighten Rogers Corner, which is a safety issue,
18 bring it up to current standards.

19 MR. WHITEHORN: In other words, this was
20 set when we walked in the door. This was already
21 made, what you-all were going to do, you just didn't
22 let us know.

23 UNIDENTIFIED FEMALE SPEAKER: This was a
24 formality.

1 MR. TICKLE: No question at all.

2 MR. JOHNSON: These are the additional
3 restrictions we asked of them if it was to be
4 approved and they have been met.

5 MR. TICKLE: You-all have the authority to
6 extend it if you want to. You-all have the authority
7 to give them a hundred and eighty days if you want
8 to, and it's in you-all's hands.

9 MR. HASKINS: And it's fair. It's fair, a
10 hundred and eighty days.

11 MR. JOHNSON: Does anyone else want to make
12 a comment?

13 MR. HADDAD: Can you add conditions?

14 MR. JOHNSON: Yes, that's the additional
15 conditions that we wanted.

16 MR. HADDAD: Can you add conditions?
17 You've asked for the conditions. Can you add
18 additional conditions?

19 MR. HASKINS: What was this meeting for?

20 MR. JOHNSON: To make sure that these eight
21 issues have been addressed in the zoning.

22 MR. TEAGUE: In answer to the gentleman's
23 questions, yes, additional conditions can be
24 stipulated.

1 MR. AUSTIN: It sounds to me like this was
2 rubber-stamped before this meeting ever started.

3 MR. TEAGUE: The additional conditions can
4 be established. The applicant may or may not agree
5 with them. The purpose of a public hearing, again,
6 is to bring forth proponents and opponents of an
7 application. This is kind of like a trial, you know,
8 you've got the defense, the prosecution.

9 UNIDENTIFIED MALE SPEAKER: Who's the jury?

10 UNIDENTIFIED FEMALE SPEAKER: Two men.

11 UNIDENTIFIED MALE SPEAKER: Two men on a
12 jury.

13 UNIDENTIFIED MALE SPEAKER: And the judge.

14 MR. HASKINS: What's going to happen when
15 this property -- they developed property, most of it,
16 like out from Arlington, in the '60's. How many
17 houses were around it? Why wait until one of the
18 biggest --

19 MR. ETTEHAD: (Interposing) You stop the
20 progress. You break off the whole thing. If you
21 take aerial photos of that area, where you are,
22 nobody want to live, nobody. All they got is trailer
23 and country shack.

24 This is the best part of this county. This

1 man don't want to say that but that's the most
2 desirable. That's where I live. That's where I
3 live.

4 MR. AUSTIN: Why I moved there.

5 MR. HASKINS: Why we all moved out there.

6 MR. ETTEHAD: There's a half a million
7 dollar, million dollar house. As I said ten times,
8 I've been approached by the biggest -- Chamberlain
9 and McCrary, Faxon Gillis, they came to me and
10 offered me ten to twelve thousand dollars per acre.
11 I have a written contract for two and a half million
12 dollars. I have a hundred and seventy acres of land
13 including fifteen acre lake and you're going to come
14 by and put your dumb gravel pit over there and call
15 it Atoka Gravel Company.

16 MR. HASKINS: Atoka Gravel Pit.

17 MR. ETTEHAD: You ought to be ashamed of
18 yourself. We are people, people left Memphis over
19 here for peace, just to get away from it, and you
20 come out here and destroy the best part of this town.
21 There's a thousand acres. He didn't sell it because
22 he didn't want to sell, this man didn't sell because
23 it was in his family and you -- I only have a hundred
24 and seventy acres land. Have you ever talked to me,

1 no. The guy was poking around to see what's going on
2 and when I said what are you doing he starting
3 cussing me and put a gun on me, one of your men
4 working for you.

5 MR. PARKS: That's incorrect, sir.

6 MR. ETTEHAD: That's very correct.

7 MR. JOHNSON: Yes, sir.

8 MR. NICHOLS: I guess my question is, if
9 you've got so many people here and I have not heard
10 one person, other than these two gentlemen, say that
11 they want it, these people do not, and as far as I'm
12 concerned when you annexed us, you started working
13 for us. And by you working for us, if we say we
14 don't want it out there, then you should take that
15 and at least give us a hundred and eighty days like
16 this gentleman said, so that we can at least study it
17 and they can make improvements to, say, to impress
18 us.

19 MR. SHINOSKY: And they could have another
20 unbiased, you know, look at it.

21 MR. NICHOLS: I mean I think that's only
22 fair. And if you're going to sit there and say,
23 well, we're making the decision tonight and, yes,
24 we're going to go with it, then you're looking at no

1 more berms here.

2 MR. ETTEHAD: You've got more to lose than
3 gain. Anybody can tell you.

4 MR. JOHNSON: Can I have a motion?

5 MR. AUSTIN: I make a motion we wait a
6 hundred and eighty days.

7 (Whereupon numerous individuals seconded the motion)

8 MR. ETTEHAD: This is America, democracy,
9 people.

10 (Off the record Board discussion)

11 MR. JOHNSON: I make a motion to postpone
12 for this thirty days.

13 MR. AUSTIN: Thirty days?

14 MR. HASKINS: Thirty?

15 (Whereupon numerous individuals responded
16 accordingly)

17 MR. AUSTIN: How about sixty?

18 MR. HASKINS: We've got to do the first
19 motion first.

20 MR. AUSTIN: They're the only two guys that
21 can make motions. What's the rush on this? Why
22 can't we have a hundred and eighty days? Why is
23 there a rush?

24 (Off the record Board discussion)

1 Mr. JOHNSON: We're going to delay this,
2 we're going to reset this meeting for approximately
3 thirty days.

4 MR. SHINOSKY: You didn't answer my
5 question. Why can't we delay it? Why the rush for
6 thirty days? Why can't we do sixty?

7 MR. ETTEHAD: They got twenty years.

8 MR. HASKINS: So what's the difference if
9 we go a little further so we can get all of our ducks
10 in a row.

11 UNIDENTIFIED MALE SPEAKER: It takes more
12 than thirty days. I've seen people build a house and
13 they can't get the loan application in thirty days.

14 MR. TICKLE: That's right.

15 UNIDENTIFIED MALE SPEAKER: You still
16 didn't answer our question. Why can't we do it later
17 than thirty days.

18 (Whereupon, numerous individuals spoke
19 simultaneously)

20 MR. WILLIFORD: Mark, we do have an
21 obligation to these property owners and we have to
22 start our State permit.

23 MR. ETTEHAD: Can we hear what that was?

24 MR. AUSTIN: I say if the company has an

1 interest in us they would go a hundred and eighty
2 days and wouldn't have no problem with that.

3 MR. WILLIFORD: We have an issue insofar as
4 we have to apply for the State permit and we have to
5 have a permit before we apply for the State permit,
6 and we also have an obligation to the people we've
7 leased from, we can do it within a certain time
8 frame. So, yes, sir, it is a time issue, although
9 the construction, you're right, will be eighteen
10 months.

11 MR. JOHNSON: Okay. We're going to set the
12 meeting for June 29th, the last Thursday in June at
13 6:00 o'clock.

14 (Adjournment)

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CERTIFICATE OF COURT REPORTER

STATE OF TENNESSEE
COUNTY OF SHELBY

I, Carolyn D. Lepard, Court Reporter and
Notary Public, do hereby certify that the foregoing
proceedings were recorded by me in shorthand, and
taped, and subsequently reduced to typewriting under
my supervision, and contains all the proceedings
propounded which occurred this 18th day of May, 2006.

I further certify that I am not related to
nor employed by any of the parties and have no
interest in the outcome of same.

COURT REPORTER & NOTARY PUBLIC AT LARGE
MY COMMISSION EXPIRES
October 29, 2008
