

***WARREN COUNTY
BOARD OF COMMISSIONERS***

August 19, 2009

6:00 PM

Board Work Session

***WARREN COUNTY MEMORIAL LIBRARY
COMMUNITY MEETING ROOM
WARRENTON, NORTH CAROLINA***

August 19, 2009
Work Session Agenda

1-Department Head Reports

**2-RCC Simulcast Communications System
Recommendation Report**

3-Public School Surplus Property

4-ABC Board Issues

5-Solid Waste Management Report

**6-Proposed Revisions to Abandoned
Manufactured Home Ordinance**

7-Noise Ordinance Discussion

**8-Discussion of Fiscal Effects of State Budget
on Counties**

**9-Updates on Peck Property and DOC Prison
Property**

10-Adjourn Work Session

Item # 1

Department Head Reports

- 1- Tax Administration – Eddie Mitchum**
- 2- Board of Elections – Debbie Formyduval**
- 3- Code Enforcement – Baron Williams**
- 4- Public Utilities – Macon Robertson**

Item # 2

Radio Communications Company (RCC)

Simulcast Communications System

Recommendation Report

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Ken Brody

Item # 3

Public School Surplus Property

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Dr. Spain

&

Attorney Al Thompson

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July 13, 2009

RECEIVED

JUL 14 2009

Ms. Linda Worth
County Manager
P.O. Box 619
Warrenton, NC 27589

Re: Warren County Board of Education

WARREN COUNTY MANAGER'S OFFICE

Dear Ms. Worth,

Please see the descriptions below regarding the properties no longer needed by the Warren County Board of Education for school purposes:

1. Person's Ordinary
Historic Tavern - Located behind Littleton High School, Littleton, NC
2. Mayflower School
Located in the Inez area -- Highway 58 and Ernest Turner Road, 1 acre, surrounded by lands of Harris family
3. Oine School
Located on the West side of Rooker Dairy Road, one story frame building
4. North Warren Elementary
Located in the Paschall community, Elementary building, only portion of campus still retained

Please do not hesitate to contact me at the number provided above should you have any questions or need additional information. Thank you.

Sincerely,



Lewis A. Thompson, III

LATIII/jdh

follows.

1. Oine School – Dilapidated school building on land that is privately owned. Will revert to land owner.
2. North Warren Elementary School – The North Warren Training School/North Warren High School Alumni Association has been working diligently to renovate this facility. The Alumni Association is interested in ownership. School Board would like to transfer ownership to the Alumni Association.
3. Mayflower School – Rosenwald School located somewhere on Hwy 58 – The NC Historic Preservation Office is interested in working with a non-profit or other organization to restore this school.
4. Person's Ordinary – Has been restored by Littleton's Women's Club as a museum. They are interested in ownership.

If there are any questions or concerns, please let me know.

Item # 4

ABC Board Issues

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Karl Hehl, Chairman

Warren County ABC Commission

Item # 5

Solid Waste Management Plan

(July 1, 2009 – June 30, 2019)

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Marshall Brother, Director

Public Works

**Solid Waste Management Plan
will be provided via separate
e-mail.**

Item #6

Proposed Amendments to Abandoned Manufactured Home Ordinance

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**Linda Worth, Marshall Brothers
& Ken Krulik**

**Amendments are necessary to make Warren County
eligible to receive State funds to assist with
abatement of abandoned manufactured homes.**

**Revised Abandoned
Manufactured Home Ordinance
will be provided via separate
e-mail.**

Item #7

Discussion of Warren County's Noise Ordinance

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Discussion of the County's Noise Ordinance to determine if it needs to be amended. Citizens' complaints have been received that are not addressed by the current Ordinance as it is written.

WARREN COUNTY
NOISE CONTROL ORDINANCE

BE IT ORDAINED BY WARREN COUNTY THAT:

SECTION 1: UNLAWFUL NOISE

- A. It shall be unlawful for any person to create or assist in creating any unreasonably loud or disturbing noise between 12:00 A.M and 7:00 A.M.
- B. The following acts, among other acts not enumerated, are declared to be unreasonably loud or disturbing noises which violate this Ordinance:
1. The playing of any radio, phonograph, sound amplifying device, or any musical instrument, or talking, singing or yelling in such a manner or with such volume as to annoy or disturb the quiet, normal comfort or repose of any person in any dwelling, hotel or other type of residence.
 2. Allowing any animal, including dogs, cats and birds, in a person's possession or control to howl, bark, meow, squawk, or make any other sounds as to annoy or disturb the quiet, normal comfort or repose of any person in any dwelling, hotel or other type of residence.
 3. The explosion of any fireworks unless under a written permit obtained from Warren County.
 4. The use of any automobile, truck, motorcycle, motor vehicle, or motor vehicle equipment as to annoy or disturb the quiet, normal comfort or repose of any person in any dwelling, hotel or other type of residence.

5. The sounding of any horn or signaling device on any motor vehicle, except as a danger warning.
6. The sound of any horn or signaling device on any motor vehicle continuously and/or intermittently for a period in excess of 60 seconds, except as a danger warning.
7. Motorized Watercrafts. No motor shall be used on any watercraft unless it is equipped with an efficient muffler, underwater exhaust or other device which at all times adequately muffles or suppresses the sound of the exhaust of the motor so as to prevent excessive or unusual noise, and no motor shall be equipped with any cutout.

It is not the intent of this section to prohibit the use of any type exhaust system or device, including those systems and devices that do not discharge water with the exhaust gases.

SECTION 2: ENFORCEMENT AND PENALTIES

Where there is a violation of any provision of this Ordinance, the County may take one or more of the following enforcement actions. Where there is a continuing violation, each day's continuing violation is a separate and distinct offense.

- A. Violation of any provision of this Ordinance shall constitute a misdemeanor and, upon first violation a warning will be issued. Upon conviction of subsequent violation, a violator may be punishable by a fine of up to \$500.00 or imprisoned for not more than thirty (30) days.
- B. The Warren County Sheriff's Department and Officers of the North Carolina Wildlife Commission shall enforce this ordinance.

- C. The County may apply for an appropriate equitable remedy from the General Court of Justice, including but not limited to mandatory or prohibitory injunctions and orders of abatement as allowed by G.S. 153A-123(d) and (e).

Such civil actions may name as defendants any person or persons creating, allowing the creation of or assisting in the creation of any unlawful noise including the owner of the premises from which it emanates and the person having actual control of the premises from which it emanates.

SECTION 3: EXEMPTIONS

The following are exempt from Section 1 of this Ordinance:

- A. Any bell or chime from any building clock, school, or church.
- B. Any siren, whistle, or bell lawfully used by emergency vehicles or any other alarm systems used in an emergency situation; provided, however, that burglar alarms not terminating within thirty (30) minutes after the responsible person has been notified, shall be unlawful.
- C. Noise created as a result of or relating to an emergency.
- D. Warning devices required by OSHA or any local, County, State or federal safety regulations.
- E. Noise created by any aircraft flight operations which are specifically preempted by the Federal Aviation Administration.
- F. All noises coming from moving motor vehicles properly equipped with the manufacturer's recommendations and safe driving practices.

- G. Agricultural and horticultural operations conducted in a reasonable manner on property classified as bona fide farms for ad valorem tax purposes.
- H. Noise created by public recreational activity or any other activity of temporary duration, for which a permit has been granted pursuant to Section 4 of this Ordinance.

SECTION 4: PERMITS FOR TEMPORARY VARIANCES

- A. Any person desiring relief from any provision of this Ordinance shall apply for a permit to cause or create a noise which would otherwise be in violation of this Ordinance. Applications for permits must be made in writing to the Warren County Manager and shall contain information which demonstrates that bringing a source of sound or activity for which the permit is sought into compliance with this Ordinance would constitute an unreasonable hardship on the applicant, or on the community, or on other persons. Fee for filing a permit shall be \$15.00.
- B. In determining whether to tentatively approve a permit or to grant or deny an application, the Noise Control Permit Board (the Warren County Manager; the Sheriff of Warren County, or his designee; and the Director of the Warren County Health Department, or his designee;) shall balance the hardship to the applicant, the community and other persons of not granting the permit against the adverse impact on the health, safety, welfare, and comfort of persons affected, the adverse impact on property affected, and other adverse impacts of granting the permit. Any decision made on appeal by the Warren County Board of Commissioners shall be made on the same basis.
- C. If the permit is tentatively approved, the applicant shall be responsible for mailing by first class mail or otherwise delivering to each property owner as shown on the tax

records of Warren County owning property within a 1,000 foot radius of the facility for which the permit has been tentatively approved a notice on a form provided by the County Manager showing the time and date of the event for which the permit is being sought and any condition included as part of the tentative approval. The notice shall indicate that if any persons wish to contest the granting of the permit, they can do so by filing a statement in writing with the County Manager on or before the fifth (5th) day following the date of delivery of the notice. Permits shall not be actually granted until (a) the applicant submits an affidavit to the County Manager showing the dates such notices have actually been mailed or otherwise delivered, and (b) the time period for receiving comments has elapsed. If the Noise Control Permit Board finds that a sufficient controversy exists regarding the application, the Noise Control Permit Board shall deny the permit. In granting or denying a permit, the Noise Control Permit Board shall place on public file a copy of the decision and the reasons for granting or denying the permit.

- D. Any applicant for a permit whose application is denied is entitled to appeal to the Warren County Board of Commissioners. Any five (5) persons alleging to be affected by a granted permit are entitled to appeal the granting of a permit. An appeal voids the permit the granting of which is appealed, but such permit may be reissued if the opponents do not give notice of public hearing as required by this section. Appeals must be made in writing to the County Manager within seventy-two (72) hours of the granting or denial of the special permit. A public hearing shall be held within fifteen (15) days of the date of the appeal. If the applicant appeals, he shall be required to mail or otherwise deliver to each property owner as shown on the tax records of Warren County owning property within a 1000 foot radius of the facility for which the permit is sought a notice of the

hearing prepared by the County Manager. Such notices must be mailed by first-class mail or delivered at least seven (7) days prior to the hearing. If other persons appeal the granting of a permit, they must mail or deliver notices to all property owners within the 1000 foot radius as specified above and to the applicant. Within five (5) days following the public hearing, the Warren County Board of Commissioners shall grant or deny the permit and place on public file a copy of the decision and the reasons for granting or denying the permit.

- E. Any permit granted pursuant to this section shall contain thereon all conditions upon which said permit has been granted, including, but not limited to the effective date, time of day, location, sound level limits and equipment limitations. Provided, however, that no permit shall be issued for a period in excess of fifteen (15) consecutive days. Any permit granted hereunder may be renewed upon re-application. Non-compliance with any condition of the permit shall terminate it and subject the permit holder to Section 1 of this Ordinance.

SECTION 5: JURISDICTION

This Ordinance shall be applicable and enforceable within all unincorporated areas of Warren County. In addition, the governing board of any city or town within the County may by resolution permit this Ordinance (except Section 4) to become applicable and enforceable within said city or town. Any city or town wishing to do so should give the County written notice of the passage of the resolution permitting the enforcement within the city or town at least twenty (20) days prior to the proposed date for this Ordinance to become effective within said city or town. Such city or town may in addition adapt a supplemental ordinance to provide its own procedure

for considering temporary variance permits if desired. The city or town may at any time thereafter by resolution withdraw its permission to this Ordinance. Thirty (30) days after the County receives written notice of the passage of a resolution withdrawing permission for the Ordinance to be effective within the city or town, this Ordinance shall cease to be effective within said city or town.

SECTION 6: SEVERABILITY

If any provision or clause of this Ordinance shall be declared invalid such declaration shall not invalidate any other provision or clause of this Ordinance.

SECTION 7: EFFECTIVE DATE

This Ordinance shall be effective upon adoption.

Adopted the 3rd day of August, 1992.

WARREN COUNTY BOARD OF COMMISSIONERS

Patsy T. Hargrove
Patsy T. Hargrove, Chairperson

ATTEST:

Linda T. Jones
Linda T. Jones, Clerk to the Board

Item # 8

Discussion of Fiscal Effects of State Budget on Counties

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Linda Worth & Barry Mayo

The General Assembly adopted its spending plan on August 5, 2009 for the 2009-11 Biennium. The budget contains a number of cuts and special provisions that are both important and of concern to counties.

Item #9

**Updates on Peck Property and
DOC Prison Property**

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**Linda Worth, Eddie Mitchum,
Charles Ayscue**

Adjourn

Work Session