

*WARREN COUNTY
BOARD OF COMMISSIONERS*

October 21, 2010

6:00 PM

Board Work Session

*WARREN COUNTY COURTHOUSE
COURTROOM # 201, MAIN STREET
WARRENTON, NORTH CAROLINA*

NORTH CAROLINA
WARREN COUNTY

I, Janie Miller
Editor or Office Manager of The Warren
Record, a weekly newspaper publication
in the town of Warrenton, Warren
County, and state of North Carolina, do
so solemnly swear that a legal action
entitled:

Notice of
rescheduled
work session

a true copy of which is made a part of
this affidavit, did appear in the said The
Warren Record in the following
consecutive issues:

10/13 10/13 20 10
Janie Miller
Editor or Office Manager

Sworn to and subscribed before me this

14 day of October, 20 10

Lucille Lee Weldon
Notary Public

My commission expires: 12-6-14

NOTICE
WARREN COUNTY BOARD OF COMMISSIONERS
Work Session Rescheduled
Notice is hereby given that the Warren County Board of Commissioners' October 20, 2010 - regular work session has been rescheduled to **Thursday - October 21, 2010** starting at 6:00 pm in the Warren County Courthouse, courtroom # 201, Main Street, Warrenton, NC.
Barry Richardson, Chairman
Warren County Board of Commissioners



October 21, 2010
Work Session Agenda

- 1-Department Head Reports – Suspended to December Work Session**
- 2-Citizen Concerns Regarding Hunting Dogs on Private Property**
- 3-Golden Leaf Grant Application for Lake Gaston Area Economic Impact Study – Lake Gaston Chamber of Commerce**
- 4-EntreDot Economic Development Proposal - Bill Warner & William Sarine**
- 5-Revised Noise Control Ordinance**
- 6-Update on Fire Radio Tower**
- 7-Adjourn Work Session**

October 21, 2010
Work Session Agenda

Item # 1

**Department Head Reports
suspended to December 15, 2010
Work Session**

October 21, 2010
Work Session Agenda

Item # 2

**Citizen concerns regarding hunting dogs
on private property.**

== =

Information Resources:

Elma Ray-Greene, Warren County Animal Control Director

Lt. John Reams, NC Wildlife Enforcement Section

Sheriff Johnny Williams

October 21, 2010
Work Session Agenda

Item # 3

**Golden Leaf Grant Application
For Lake Gaston Area Economic
Impact Study**

**Almira Papierniak, Executive Director
Lake Gaston Chamber of Commerce**

CHAMBER OF COMMERCE
& VISITOR'S CENTER, INC



October 12, 2010

Warren County Board of Commissioners
Barry Richardson, Chairman
Warrenton, NC

Dear Chairman Richardson and Warren County Commissioners,

The Lake Gaston Chamber of Commerce & Visitor's Center is in the process of undertaking an economic impact study for the Lake Gaston area. We believe that this study will be of great value to the Chamber and to the local governments in the surrounding counties. This study will especially be beneficial to Warren County since it occupies a significant portion of the lake.

Mike Scott, from PRO (Progressive Resources and Opportunities) has performed some initial services and is ready to prepare a Golden LEAF grant application to fund a portion of the study. However, Golden LEAF requires that all grant applicants be either a government agency or a 501 (c) 3 non-profit organization. The Chamber is in the process of establishing an affiliate organization with this status, but we do not yet have our final non-profit determination letter from the IRS. We anticipate that the Virginia portion of the study will be funded by the Virginia Tobacco Commission or other agency, and we are requesting that Warren County serve as the applicant for the Golden LEAF grant for the North Carolina portion.

As the applicant Warren County would administer the grant and complete all necessary paperwork for reporting to Golden LEAF. While some administrative tasks will be required, they should not be difficult or extremely time-consuming and the economic benefits will be worth any effort involved. The last Lake Gaston area study, which was published in 1998, was used for many years by many government agencies, including the Warren County Economic Development Commission. We anticipate that our project will provide the same benefits and be easily updated for long-term use by the local governments.

We believe that this study would be of great value to Warren County, and we hope that you are able to support this very worthwhile project.

Sincerely, Almira Papierniak,, Executive Director

October 21, 2010
Work Session Agenda

Item # 4

**Warren County Economic Development
Proposal**

**Bill Warner & William Sarine
of
EntreDot**

Full document with budget
was provided to Board
members on CD.

Warren County Economic Development
Proposal by EntreDot®

Economic Development Challenge

For the small and rural counties of North Carolina, it is very hard to compete for the business interests of large corporations. These communities are less attractive to large corporations because they have:

- Fewer assets (facilities, transportation, power, communications) for them to conduct business
- Long distances to travel to urban areas in order to find additional business resources and provide for family living and entertainment for their workforces
- A workforce that is limited in business experience and technical skills

Importing outside business from large corporations is unlikely to succeed; an approach that doesn't fit the capabilities of small rural communities.

For these communities, building a sustainable local economy requires a "grass roots" (community-based) approach to economic development to both building new small businesses within the community and to attracting new small business owners from outside the community.

Opportunity

Warren County has a population of nearly 20,000 people with a workforce hovering just below 8,000. Like many communities in North Carolina, it has been devastated by recent economic changes. The loss of jobs in industries like textiles has created a systemic effect on the community. There has been little success in providing new jobs to offset the loss and the economic downturn that we have been experiencing over the last two years has made the situation even harder. The County suffers from an unemployment rate of over 11%, with real unemployment in the high teens.

North Carolina creates nearly 27,000 new companies per year. About 6,500 of them could grow to become high impact employers with between 10 and 100 employees. Warren County's workforce is about 0.17% of the State's workforce. Assuming that the number of high impact businesses within a geographic area is proportional to the size of the workforce, then 11 new high impact companies could be created every year in Warren County. An additional 35 small businesses could be created each year that are sole proprietorships and businesses that hire less than 10 people (low impact businesses).

Every year over 23,000 companies fail in North Carolina due to operational mistakes. This means that good ideas go to waste along with the grants, loans and investor funds that helped get these companies started. As a result, the potential growth of revenue and new jobs is also lost. For the majority of these companies, the missing ingredient

that could have insured their success is basic business know-how. In Warren County, there is potential to save 42 existing companies from failure per year, out of the over 300 businesses that exist in the County. The opportunity is to provide assistance to maximize their chances of success, expand their businesses and create more new jobs and revenue.

Five Year Objectives and Goals

Out of this opportunity, the objective Warren County should establish is to create over 200 new jobs and \$14 million additional business revenue in five years. A large, but unknown percentage of these new businesses will come from outside the County, thus increasing the number of entrepreneurs and small business owners to complement the ones that come from within the County. This would reduce the unemployment rate by 25%, to the mid-2008 level, well on the way to all-time lows. All of this should be accomplished at less than \$5,000 per job.

	2011	2012	2013	2014	2015	Total
Annual Businesses Identified						
- High Impact Businesses	11	11	11	11	11	55
- Low Impact Businesses	35	35	35	35	35	175
- Existing Businesses	42	42	42	42	42	210
Total Annual Businesses Identified	88	88	88	88	88	440
Annual Businesses Survived						
- High Impact Businesses	3	3	3	3	3	15
- Low Impact Businesses	6	6	6	6	6	30
- Existing Businesses Saved	7	7	7	7	7	35
Total Annual Business Survived	16	16	16	16	16	80
Cumulative Businesses Survived						
- High Impact Businesses	3	6	9	12	15	15
- Low Impact Businesses	6	12	18	24	30	30
- Existing Businesses Saved	7	14	21	28	35	35
Total Cumulative Businesses Survived	16	32	48	64	80	80
Cumulative New Jobs						
- High Impact Businesses		30	60	90	120	120
- Low Impact Businesses		12	24	36	48	48
- Existing Businesses Saved		14	28	42	56	56
Total Cumulative New Jobs		56	112	168	224	224
Cumulative Incremental Business Revenue						
- High Impact Businesses		\$2,250,000	\$4,500,000	\$6,750,000	\$9,000,000	\$9,000,000
- Low Impact Businesses		\$600,000	\$1,200,000	\$1,800,000	\$2,400,000	\$2,400,000
- Existing Businesses Saved		\$700,000	\$1,400,000	\$2,100,000	\$2,800,000	\$2,800,000
Total Cumulative Business Revenue		\$3,550,000	\$7,100,000	\$10,650,000	\$14,200,000	\$14,200,000

Business growth will come from three different sources. The chart above outlines the number of businesses that would have to become part of the economic development assistance programs each year, an estimate of the number of businesses that would actually survive each year, the number of jobs that the surviving business could produce after each year of operations, and an estimate of the amount of revenue these businesses could produce over the five year period. The three sources are:

1. **New High Impact Businesses** – Warren County should identify 11 new businesses per year with the highest potential of falling within the definition of high impact businesses and assist them through their early stages and mentor them until they are sustainable. Assuming that only 33% succeed, by the second year, we have the potential of creating 30 new jobs and over \$2 million in business revenue per year. In five years, 120 new jobs will have been created resulting in \$9 million in business revenue as the businesses mature.
2. **New Low Impact Businesses** – The County also has the potential for another 35 new low impact businesses per year. By assisting these 35 businesses with small business resources, business and skills training, and mentoring, and assuming only 67% fail instead of 85%, Warren County could create an incremental 6 businesses per year which could produce an additional 10-15 jobs and \$0.5 to \$0.75 million in business revenue per year.
3. **Existing Businesses** – By identifying 42 existing businesses in the County, and assisting them with their business challenges and providing them with additional business and skills training, we could save an additional 7 business per year. This would create an additional 10-20 new jobs and \$0.7 to \$1.0 million in business revenue per year

This totals 224 new jobs and over \$14 million additional business revenue in five years, which would substantially breathe new life into the economy of Warren County.

In addition, all of the companies will receive business mentoring from seasoned business professionals. These professionals typically charge over \$200 per hour for their services. These mentors will be committing over 5 hours per month per business owner. The result of this is that the Warren County business owners will receive over \$9 million worth of business consulting over the five year period; all at no charge.

EDC Board and County Commission Action Requested

The EDC Board and County Commissioners are being asked to:

- Adopt the approach for economic development outlined in this proposal.
- Accept EntreDot's offer to perform the EDC function for a three year period, acting as the EDC Director, subject to all the necessary approvals from the EDC Board and County Commission.
- Accept their budget proposal for the first year of operation; expecting that a new budget will be proposed in June as a normal part of the County's annual budgeting cycle.
- Give EntreDot the responsibility, authority and accountability to direct the EDC spending within budget limits and to execute the Operating Plan.
- Accept that EntreDot will be operating as a non-profit organization, not County employees, and that their expenses will be paid through a grant to their organization from the County. The County would be able to terminate this relationship with 60 days notice.

Background

Warren County has had the benefit of economic development studies that have analyzed the assets of the County and recommended many improvements that had the possibility of improving the local economy. One of the most noteworthy studies was the Warren County 21st Century Communities Project report published by the North Carolina Department of Commerce in April 2002. They made the following nine recommendations:

1. Unify promotional efforts in Warren County and its towns – which called for the creation of a single County-wide Chamber of Commerce under the auspices of the Warren County Economic Development Commission (EDC).
2. Recruit and retain highly qualified teachers – suggesting the establishment of a recruiting and retention team to attract and retain highly-qualified teachers, with the purpose of improving the academic results of the school system.
3. Investigate and target specific industry sectors – which cited several potential market sectors that might be viable for Warren County; suggesting certain approaches to exploiting the identified industry opportunities.
4. Focus workforce training on targeted sectors – which suggested that the local community college and high schools deploy specific workforce training programs that are targeted at the identified industries.
5. Market the County's I-85 interchanges – recommending a team to evaluate the opportunities to market these economic development opportunities.
6. Increase the supply of housing – which recommended the further exploitation of the CDC's to develop local affordable housing.
7. Recruit and incubate additional retail, service and recreation-based businesses – which suggested ways to provide financing and expertise to assist small businesses.
8. Recruit residents from all areas of the county, including Lake-area residents, to serve on county committees and attend County functions – calling for county unity and the reduction of “us” versus “them” mentality.
9. Undertake strategic planning and implementation – which called for a committee to be put in place to drive the strategic planning process and implement the recommendations made by the 21st Century committee.

These recommendations are quite thoughtful and do represent much of what needs to be done in the County. The shortcoming is the lack of a defined process for actually implementing the recommendations. The recommendations are not tied together by a cohesive and linked organization with the leadership and management responsibility and authority to carry them out. This proposal addresses recommendations 1, 3, 4, 7, 8, 9. Triangle North addresses 5; we assume the County has others handling 5 and 6.

However, the general idea that tourism, warehousing, distribution, call centers, recreation, logging and forestry seem worth looking into. We should perhaps also be looking at agriculture since it is a State-wide initiative, as well as gaming within the tourism idea. This list has to get narrowed down in the first phase of the Team's work.

The Concept

We need to validate and refine the findings of the 21st Century Communities report. It was on the right track, but has not been institutionalized into the community.

A “grass roots” or community-based approach to economic development requires a community-wide initiative coupled with a disciplined process focused on the economic strengths of the community; all driven by local business leaders with government support.

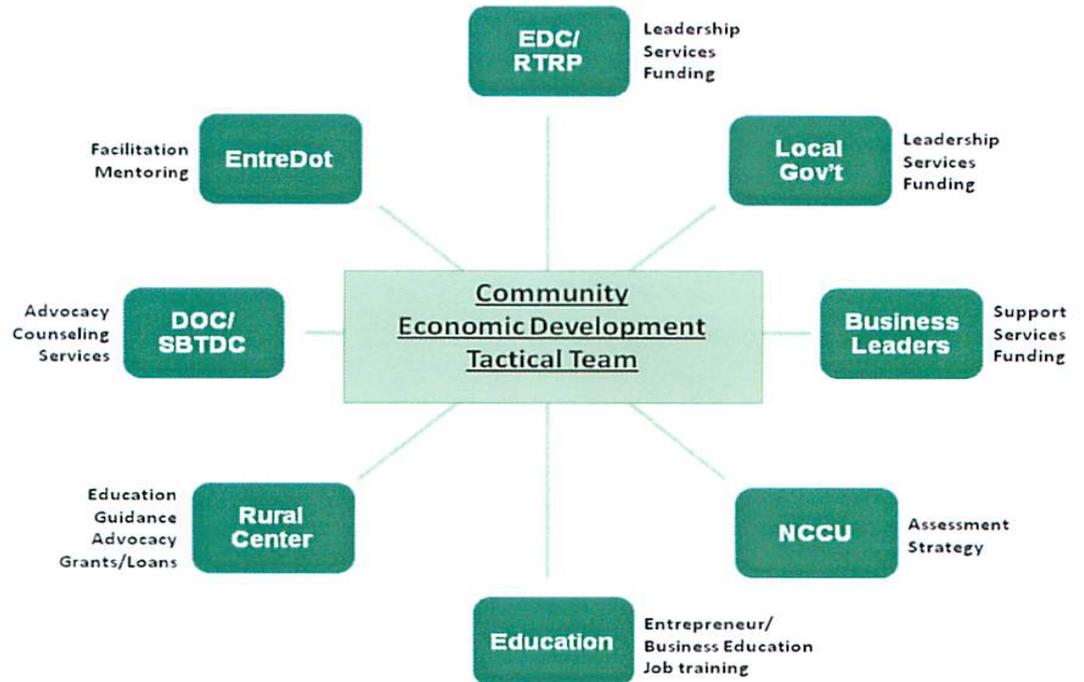
By pairing local economic development resources with external business development organizations to foster business development from “within” a community, a new small business economy can be built. The basic elements are:

- Locally led community-wide teams that establish a “market-driven” process to identify, create and recruit new small businesses,
- Involving government, economic and business development organizations, educational institutions and business leaders,
- Deploying experienced business leadership to mentor and guide new and existing businesses and
- Communicating to the entire community, instilling pride and participation in creating a vibrant economy that all have a share in.

What makes the difference is that we are establishing community ownership of its own economic destiny by involving all aspects of the community in the process of economic development as a top priority to create their own success, while applying dedicated, disciplined and consistent leadership to make it happen. The result will be increasing the number of jobs and revenue, while building an economic development model for other communities to follow.

The Team

The Community Economic Development Tactical Team (Team) is made up of community leaders and other support organizations and is the body that sets the direction for and supports the economic development activities of Warren County. The following sections define the roles and responsibilities of each Team member.



Economic Development Commission (EDC)

The Warren County EDC has the responsibility, authority and accountability to implement this proposal, and provides overall leadership and decision making for the Team.

- Leadership – EntreDot will perform the function of the office of the Warren County Economic Development Director, and facilitate the Team’s strategy and operating plan, especially the orchestration of the Team’s activities and the identification of new business opportunities as well as guiding the business formation. The Research Triangle Regional Partnership (RTRP) provides for advocacy at the state level and ongoing advice and counsel to the Team. The EDC provides advocacy across the entire community to make them aware and get them involved in this economic development work.

- **Services** – The EDC provides for the administrative needs of the entire Team, including meeting management, office management, conference rooms, correspondence, and internet usage. The EDC will select the Team and provide leadership and management of its activities.
- **Funding** – An enhanced EDC budget will be used to substantially finance the Team's activities. Even though much of the work will be on a volunteer basis, funding will be needed for the EDC staff and any other long term support that will be needed. If outside funding is needed, EntreDot will help identify and coordinate the creation of an application for additional grant funding.
- **Communications** – The EDC provides for Team-wide communications and for all external communications to the community and other stake holders. This will be accomplished through the EDC website and other digital media facilities. This activity will make sure that the entire Warren County community is aware of what economic development work is going on. This will be a primary tool for building community pride and a winning spirit about building a strong economy that will be sustainable.

Local Government

The EDC Board and Warren County Commissioners provide for the approval and funding of the EDC strategy and operating plan and it monitors the EDC results on a regular basis. The EDC's contact to the County Commissioners is through the County Manager and the EDC Board. The municipal governments and Chambers of Commerce will also review the strategy and operating plan, as well as the regular progress reports, and their position will be presented to the County Commissioners.

- **Team representations** – The following are members of the Team:
 - One designated County Commissioner
 - One designated EDC Board member
 - County Manager
 - One designated representative of Warrenton, Norelina and Macon municipal governments
- **Leadership** – Each representative will need to provide direction and advocacy for the Team, both with Team members and the community in general. EntreDot and the Rural Center can provide ongoing guidance and advice to the local government agencies in their work to direct the Team. As needed, provide for representation to the state level agencies, from whom the Team needs support.
- **Services** – As needed, local government should make available any services that can enable the creation of small businesses; for example, business incubation and new business owner incentives.
- **Funding** – The Warren County government will have to identify and approve the budget for the Team on an annual basis. In addition, the County should allocate funds to help entrepreneurs start businesses.

Business Leaders

Local business leaders will provide substantial support for emerging small business owners. They will be responsible for setting the tone for Warren County being a great place to do business and that there is a business community that is supportive.

- Team representations – The following are members of the Team
 - The head of the Warren County Chamber of Commerce
 - The head of the Lake Gaston Chamber of Commerce
 - Selected local business executives (to be determined)
- Leadership – Warren County business leaders need to create a Warren County Business Council, the members of which are business owners, professional services businesses and members of economic development organizations. These should be well established and successful business owners as well as the owners of professional services businesses like banks, law firms, accounting firms, marketing firms, staffing agencies and others that support local businesses. The Council and its members can play an important role in identifying entrepreneurs and new business opportunities for the community. The head of the Council will be a member of the Team. The Chambers of Commerce will be asked to recommend how the County gets to a single representative business organization.
- Services and support – This group should be local advocates for the Team, and support the Team with needed services, facilities and other resources to the extent they can afford. They should be business leaders who recognize and agree that growing small businesses in their community is good for them all. The kind of programs that the Council can provide are:
 - Industry and entrepreneurship symposiums
 - Coaching on business disciplines
 - Business counseling programs
 - Business development seminars
 - Business mentorship
- Funding – The business leaders can also play an important role in supporting fund raising activities of the Team, especially for grant applications. They can also supply funds as a group to the extent they can afford. The idea being that growing business and revenue within the community is going to be good for their businesses in the long run.

North Carolina Central University

North Carolina Central University (NCCU) will play a very important role in helping to establish the business development strategy and game plan for the community. NCCU will have one representative on the Team. NCCU, with a faculty led team of MBA and undergraduate students in business or community development curricula will accomplish the first step in the Team's economic development process by doing the following:

- Perform a complete assessment of the resources and assets of the community, such as infrastructure, workforce (skills, industries, and disciplines), education, business expertise, land, facilities. This sets a basis for the selection of business areas that would be most appropriate for the community, including rural outsourcing opportunities. It is like treating the community as a market area that needs research to determine market opportunity. Our use of the term “market-driven” approach comes from this observation.
- Establish an economic development strategy that identifies industries and business opportunities within them that would have the greatest chances of success in Warren County. In essence, this is a strategy for the development of new businesses that are most appropriate for the capabilities of the community.
- Working with EntreDot, local business leaders, the SBC and Community College, identify entrepreneurial businesses that match these opportunity areas so that a plan for their development can be established.

Education

The Small Business Center (SBC) and Vance/Granville Community College (CC) play a very important role in developing entrepreneurs’ business knowledge and business planning know-how.

- The Small Business Center (SBC) will participate in, and be continually aware of, the small business development strategy for the Warren County. Its role is to identify entrepreneurs who have interest in businesses that are most appropriate for the community. The head of the SBC is also a member of the Team.
- The SBC should provide assistance in the development of business plans by local entrepreneurs, especially those that have the potential for high impact businesses that hire many people.
- The CC will provide entrepreneurship education, business courses about starting and running businesses, management and leadership courses, and community development education in partnership with the Rural Center. The CC is also a member of the Team.
- To the extent possible, the SBC and CC can provide business incubation services for high potential entrepreneurs who are starting businesses in the community’s high priority markets.

The Warren County school system should put student education programs in place for entrepreneurship and business, as well as specific job training programs for graduates who are entering the County’s workforce. The Superintendent of schools is a Team member.

The Rural Center

The Rural Center has extensive resources and educational capabilities in community economic development which can be brought to the assistance of the Team.

	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6	Month 7	Month 8	Month 9	Month 10	Month 11	Month 12	Total
Budget Items													
- EDC Operations	\$16,454	\$16,456	\$16,458	\$30,035	\$26,537	\$26,539	\$26,541	\$26,543	\$26,545	\$26,547	\$26,549	\$26,551	\$291,754
- County Seed Grant Fund				\$90,000									\$90,000
Total EDC Budget	\$16,454	\$16,456	\$16,458	\$120,035	\$26,537	\$26,539	\$26,541	\$26,543	\$26,545	\$26,547	\$26,549	\$26,551	\$381,754
Expenses													
- Website Implementation	\$500	\$500	\$500	\$4,000	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$9,500
- Internet Service	\$110	\$110	\$110	\$110	\$110	\$110	\$110	\$110	\$110	\$110	\$110	\$110	\$1,320
- Email Services	\$0	\$0	\$0	\$75	\$75	\$75	\$75	\$75	\$75	\$75	\$75	\$75	\$675
- Website Maint	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$6,000
- Web Content/Media Mgt	\$0	\$0	\$0	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$9,000
- Marketing Material	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$12,000
- Marketing Promotion	\$0	\$0	\$0	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$45,000
- Marketing Programs	\$0	\$0	\$0	\$4,000	\$4,000	\$4,000	\$4,000	\$4,000	\$4,000	\$4,000	\$4,000	\$4,000	\$36,000
- Seed Grant Fund	\$0	\$0	\$0	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$90,000
- EntreDot Grant	\$7,500	\$7,500	\$7,500	\$7,500	\$7,500	\$7,500	\$7,500	\$7,500	\$7,500	\$7,500	\$7,500	\$7,500	\$90,000
- Salaries & Benefits													
- Administrator	\$2,750	\$2,750	\$2,750	\$2,750	\$2,750	\$2,750	\$2,750	\$2,750	\$2,750	\$2,750	\$2,750	\$2,750	\$33,000
- FICA	\$172	\$173	\$174	\$175	\$176	\$177	\$178	\$179	\$180	\$181	\$182	\$183	\$2,130
- Retirement	\$178	\$178	\$178	\$178	\$178	\$178	\$178	\$178	\$178	\$178	\$178	\$178	\$2,135
- Hospitalization	\$494	\$495	\$496	\$497	\$498	\$499	\$500	\$501	\$502	\$503	\$504	\$505	\$5,994
- Non-Capital Equipment	\$150	\$150	\$150	\$150	\$150	\$150	\$150	\$150	\$150	\$150	\$150	\$150	\$1,800
- Board Member Expense	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$1,200
- Gas & Vehicle Operation	\$1,200	\$1,200	\$1,200	\$1,200	\$1,200	\$1,200	\$1,200	\$1,200	\$1,200	\$1,200	\$1,200	\$1,200	\$14,400
- Other Travel Expense	\$375	\$375	\$375	\$375	\$375	\$375	\$375	\$375	\$375	\$375	\$375	\$375	\$4,500
- Telephone	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$1,200
- Cell Phone	\$400	\$400	\$400	\$400	\$400	\$400	\$400	\$400	\$400	\$400	\$400	\$400	\$4,800
- Postage	\$50	\$50	\$50	\$50	\$50	\$50	\$50	\$50	\$50	\$50	\$50	\$50	\$600
- Utilities	\$167	\$167	\$167	\$167	\$167	\$167	\$167	\$167	\$167	\$167	\$167	\$167	\$2,000
- Maintenance	\$83	\$83	\$83	\$83	\$83	\$83	\$83	\$83	\$83	\$83	\$83	\$83	\$1,000
- Copy Charges	\$75	\$75	\$75	\$75	\$75	\$75	\$75	\$75	\$75	\$75	\$75	\$75	\$900
- Dues & Subscriptions	\$200	\$200	\$200	\$200	\$200	\$200	\$200	\$200	\$200	\$200	\$200	\$200	\$2,400
- Office Supplies	\$150	\$150	\$150	\$150	\$150	\$150	\$150	\$150	\$150	\$150	\$150	\$150	\$1,800
- Team Meeting Expenses	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$1,200
- Misc	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$1,200
Total Expenses	\$16,454	\$16,456	\$16,458	\$40,035	\$36,537	\$36,539	\$36,541	\$36,543	\$36,545	\$36,547	\$36,549	\$36,551	\$381,754
Checksum	\$0	\$0	\$0	\$80,000	\$70,000	\$60,000	\$50,000	\$40,000	\$30,000	\$20,000	\$10,000	\$0	\$0

	Total
Budget Items	
- EDC Operations	\$291,754
- County Seed Loan Fund	\$90,000
Total EDC Budget	\$381,754
Expenses	
- Website Implementation	\$9,500
- Internet Service	\$1,320
- Email Services	\$675
- Website Maint	\$6,000
- Web Content/Media Mgt	\$9,000
- Marketing Material	\$12,000
- Marketing Promotion	\$45,000
- Marketing Programs	\$36,000
- Business Loan Fund	\$90,000
- EntreDot Grant	\$90,000
- Salaries & Benefits	
- Administrator	\$33,000
- FICA	\$2,130
- Retirement	\$2,135
- Hospitalization	\$5,994
- Non-Capital Equipment	\$1,800
- Board Member Expense	\$1,200
- Gas & Vehicle Operation	\$14,400
- Other Travel Expense	\$4,500
- Telephone	\$1,200
- Cell Phone	\$4,800
- Postage	\$600
- Utilities	\$2,000
- Maintenance	\$1,000
- Copy Charges	\$900
- Dues & Subscriptions	\$2,400
- Office Supplies	\$1,800
- Team Meeting Expenses	\$1,200
- Misc	\$1,200
Total Expenses	\$381,754

October 21, 2010
Work Session Agenda

Item # 5

Revised Noise Control Ordinance

Linda T. Worth, County Manager
&
Noise Ordinance Review Committee

DRAFT
WARREN COUNTY ORDINANCE
FOR THE REGULATION OF
SOUND CROSSING REAL PROPERTY BOUNDARIES
INCLUDING HIGH IMPACT LAND USES & POLLUTING INDUSTRIES

SECTION 1: TITLE.

This Ordinance shall be known and may be cited as the “Warren County Noise Pollution Ordinance.”

SECTION 2: PURPOSE.

It is recognized that loud sounds crossing outdoor private property boundaries can endanger the physical and emotional health and welfare of the people, interfere with legitimate communication in business and recreation, interfere with sleep, increase construction costs, depress property values, offend the senses, create public nuisances, and in many respects reduce the quality of life.

It is further recognized that a substantial body of science and technology exists by which this sound may be measured and, in many cases, abated. Because the regulation of excessive and/or unnecessary noise that may jeopardize human health or welfare or substantially degrade the quality of life is well within the purview of this governing body’s police powers, it is declared to be the purpose of this Ordinance to prevent, prohibit and provide for the regulation and abatement of such sound which may jeopardize the health or welfare or degrade the quality of life of Warren County citizens.

SECTION 3: DEFINITIONS.

In addition to the common meaning of words, the following definitions shall be used in interpreting this Ordinance:

- 1) “A” Weighting Scale. The sound pressure level, in decibels, as measured with the sound level meter using the “A” weighted network (scale). The standard unit notation is dB(A).
- 2) Ambient Base Noise Level. The average sound pressure level in db(A) during a reasonable period of time, as determined by employing a sound level meter as described in Section 4 and excluding impulsive sounds or; the sound normally present at a location when a sound source under investigation is not in operation.
- 3) ANSI. American National Standards Institute or its successor bodies.
- 4) Construction. On-site erection, fabrication, installation, alteration, demolition or removal of any structure, facility or addition thereto, including all related activities, including, but not restricted to, clearing the land, earth moving, blasting and landscaping.
- 5) Daytime Hours.* 7:00 a.m. until 11:00 p.m. from Sunday through Thursday. For the days of Friday and Saturday, daytime hours are defined as 7:00 a.m. until 12:00 a.m. (*“Daytime Hours do *not* apply to high impact land use facilities defined and regulated hereunder.)
- 6) dB(A). Sound level in decibels determined by the “A” weighting scale of a standard sound level meter having characteristics defined by the American National Standards Institute, Publication ANSI, S1.4-1971, for a Type 2 instrument.
- 7) Decibel (dB). A unit of measure, on a logarithmic scale, of the ratio of the magnitude of a particular sound

DRAFT

pressure to a standard reference pressure.

- 8) **Emergency Work.** Work made necessary to restore property to a safe condition, work required to protect, provide or prevent persons or property from danger or potential danger; or work by private or public utilities when restoring utility service.
- 9) **High Impact Land Use (“HILU”).** Land use that may, by its very nature, produce objectionable (and even unsafe) levels of noise, odors, vibrations, fumes, light, smoke, and/or other impacts upon the lands adjacent to them. Such HILU shall include, but not be limited to the following:
 - a) **Construction and Demolition Landfill.** A disposal site for solid waste resulting from construction, remodeling, repair, or demolition operations on pavement, buildings, other structures, or other structures, including but not limited to such as may be contributed by the County of Warren, the North Carolina Department of Environment and Natural Resources, and/or the North Carolina Department of Transportation.
 - b) **Dragstrip and/or Race track.** A facility purposed for the conducting of races of human-operated machines (e.g. automobiles, go-carts, lawnmowers, motorcycles, etc.)
 - c) **Sanitary Landfill.** A disposal facility or part of a facility where waste is placed in or on land and that is not a land treatment facility, surface impoundment, an injection well, a hazardous waste long-term storage facility or a surface storage facility; a sanitary landfill facility is for solid waste disposal in a sanitary manner in accordance with the rules concerning sanitary landfills adopted pursuant to N.C.G.S. § 130A, Article 9.
 - d) **Swine Farm.** A tract of land devoted to raising 200 or more animals of the porcine species.
 - e) **Waste Processing Facilities.** Includes incinerator, composting facility, household hazardous waste facility, waste-to-energy facility, transfer stations, reclamation facility or any other locations where solid wastes are consolidated, temporarily stored, salvaged or otherwise processed prior to being transported to a final disposal site.
- 10) **HILU Daytime Hours.** 8:00 a.m. until 10:00 p.m. from Monday through Thursday. For the days of Friday HILU daytime hours are defined as 8:00 a.m. until 11:00 p.m. For the days of Saturday, daytime hours are defined as 9:00 a.m. until 11:00 p.m. For the days of Sundays, HILU daytime hours are defined as 10:00 a.m. until 9:00 p.m.
- 11) **HILU Nighttime Hours.** 10:01 p.m. beginning Monday and ending 7:59 a.m. Friday. For Friday nights, nighttime is defined as 11:01 p.m. until 8:59 a.m. Saturday. For Saturday nights, nighttime is defined as 11:01 p.m. until 9:59 a.m. Sunday.
- 12) **Nighttime Hours.*** 11:01 p.m. until 6:59 a.m. from Sunday through Thursday. For the nights of Friday and Saturday, nighttime is defined as 12:01 a.m. until 6:59 a.m. (**Nighttime Hours do *not* apply to high impact land use facilities defined and regulated hereunder.)
- 13) **Nuisance Noise.** Any excessive or unusually loud sound or any sound which disturbs the peace and quiet of any neighborhood or which does annoy, disturb, injure, or endanger the comfort, repose, health, peace or safety of any person or causes damage to property or business.
- 14) **Sound Level.** In decibels, a weighted sound pressure level determined by the use of a sound level meter whose

DRAFT

characteristics and frequency weightings are specified in ANSI standards.

- 15) Sound Level Meter. Any instrument certified to meet or exceed ANSI standards which includes an omnidirectional microphone, an amplifier, an output meter and frequency weighting network(s) for the measurement of sound level.
- 16) Sound-magnifying Device. Any device or machine for the magnification of a human voice, music or any other sound. "Sound-magnifying device" shall not include emergency warning devices on police, fire, ambulance or other emergency vehicles.
- 17) Sound Pressure Level. In decibels, twenty (20) times the logarithm to the base 10 of the ratio of the magnitude of a particular sound pressure to the standard reference pressure. The standard reference pressure is 0.0002 microbars.

SECTION 4: MEASUREMENT TECHNIQUES FOR DECIBEL READINGS.

- A. Noise measurements shall be made at the property line of the property where the noise to be measured is being generated. If measurement on private property is not possible or practical, noise measurements may be made at the boundary of the public right-of-way which adjoins the complaining property. Such noise measurements shall be made at a height of at least four (4) feet above the ground and at a point approximately ten (10) feet away from walls, barriers, obstructions (trees, bushes, etc.) on a sound level meter operated on the "A" weighting network (scale).

In the case of noises within multifamily or multi-tenanted structures, noise measurements shall be made in the complaining unit at a height of at least four (4) feet above the floor and at a point approximately equi-distant from all walls on a sound level meter operated on the "A" weighting network (scale).

- B. No individual other than the operators shall be within ten (10) feet of the sound level meter during the sample period.
- C. Sound measurements shall be conducted at that time of day or night when the suspect noise source is emitting sound.
- D. The sound level measurement shall be determined as follows:
 1. Calibrate the sound level meter within one (1) hour before use.
 2. Set the sound level meter on the "A" weighting network (scale) at slow response.
 3. Set the omnidirectional microphone in an approximate seventy-degree position in a location which complies with subsections (A) and (B) above. The operator of the sound level meter shall face the noise source and record the meter's instantaneous response (reading) observed at consecutive ten-second intervals until one hundred (100) readings are obtained.
 4. Re-calibrate the sound level meter after use.
- E. It shall be unlawful for any person to interfere, through the use of sound or otherwise, with the taking of sound level measurements.
- F. HILU facilities shall not be subject to Decibel Reading measurements during HILU Daytime Hours.

DRAFT

However, any such reading taken and showing impermissible levels before or after HILU Daytime Hours, shall be evidence *per se* of such facility's violation of this Ordinance and the burden shall immediately shift to the HILU facility to show it is not in violation of this Ordinance.

SECTION 5: SOUND EMISSION STANDARDS AND LIMITATIONS.

- A. Unless otherwise specifically indicated, it shall be unlawful for anyone to cause or allow the emission of sound from any source or sources which when measured pursuant to Section 4 exceeds the maximum decibel limits specified in Table 1. Ten (10) readings above the allowed decibel limits attributed to the sound source or sources shall constitute prima facie evidence of a violation of this Ordinance. The sound meter operator may cease taking readings as soon as the readings already taken show a violation of this Ordinance. It shall not be necessary to complete all one hundred (100) readings if a fewer number have already indicated a violation of the Ordinance.

Zoning Districts	Table 1. Maximum Noise Limitations dB(A)	
	Daytime Hrs	Nighttime Hrs
Agricultural Residential	50	40
Group Camping & Tent		
Trailer Camping	55	45
Residential	55	45
Neighborhood Business &		
Lakeside Business	60	55
Light Industrial	70	65

- B. When a noise source can be identified and its sound is measured in more than one district, the average of the noise limitation of the two (2) districts shall apply.
- C. Notwithstanding the location of hospitals, rest homes, family care homes, group care facilities, public or private or parochial schools or day care facilities, it shall be unlawful for any person to cause or allow the emission of sound onto the structures of such uses which exceeds the maximum noise limitations for residential zoning districts.
- D. For activities which are necessary for railroad operations it shall be unlawful for any person to cause or allow the emission of sound from the boundaries of railroad rights-of-way which exceeds eighty (80) dB(A) for daytime and seventy-five (75) dB(A) for nighttime, without regard for the zoning district of the abutting property.

SECTION 6: UNLAWFUL NOISE.

No person or entity shall cause or allow the emission of sound beyond the boundaries of his property or onto the property of another exceeding the permissible sound level outlined herein during the impermissible hours of day and/or night, which may seriously interfere with neighboring residents' reasonable use of their properties.

SECTION 7: NUISANCE NOISES & NOISE POLLUTION.

DRAFT

A. (1) It shall be unlawful for any person to cause or allow the emission of any unreasonable loud, disturbing and unnecessary noise in the county. Specifically, it shall be unlawful to create or emit noise of the character, intensity or duration as to be detrimental to the health of any individual or that is above the sound emission decibel limits set forth herein.

(2) It shall be unlawful to play any radio, music player, television, audio system or musical instrument in the manner or at the volume as to annoy or disturb the quiet, comfort or repose of neighboring inhabitants or at a volume which is plainly audible to persons other than those who are in the premises in which the device or instrument is played and who are voluntary listeners thereto.

(3) Except for organized events which have received any type of permit required in conjunction with the event, it shall be unlawful to play any radio, music player, television or audio system upon a public right-of-way or upon other public property in the manner or at the volume as to disturb the quiet, comfort or response of other persons.

B. No person shall play any radio, music player or audio system in a motor vehicle at the volume as to disturb the quiet, comfort or repose of other persons or at a volume which is plainly audible to persons other than the occupants of the vehicle.

C. (1) No sound magnifying device mounted on a vehicle shall be operated between the hours of 8:00 p.m. and 10:00 a.m. or at any time within 500 feet of any school, church or hospital in the manner or at a volume which is plainly audible to persons other than the occupants of the vehicle.

(2) No sound magnifying device mounted on a vehicle shall be operated on a Sunday; provided that, any such device may be operated in substitution for a band as part of a parade held after 1:00 p.m. on Sunday under the auspices of any organization authorized to hold the parade, if the permit issued for the parade so indicates.

(3) The provisions of this section do not apply to sound magnifying devices and controlled by any governmental entity or to private ambulances which are engaged in responding to emergency calls.

D. In addition to any other violation of this Ordinance, the acts enumerated below are specifically declared to be nuisance noises or unreasonably loud, disturbing and annoying or unnecessary noise, the creation or emission of which shall be unlawful. Such enumeration shall not be deemed to be exclusive:

- 1) Yelling, shouting, whistling or singing.
- 2) Noisy parties.
- 3) Loading operations, i.e. loading, unloading, opening or otherwise handling boxes, crates, containers, garbage cans, or other similar objects.
- 4) Repair of motor vehicles, i.e. the repair, rebuilding, or testing of any motor vehicle.
- 5) Sound amplification equipment, television, stereos, boom boxes, or other musical instrument(s).
- 6) Horns and signaling devices (except as a warning of a safety hazard, danger or emergency).

DRAFT

7) Vehicles not operating with original manufacturer-provided muffler, or equivalent, in good working order.

8) 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.

9) Exterior and mobile loud speakers.

10) Power equipment including but not limited to power tools, generators, and garden equipment.

11) Explosives: The use or firing of explosives, firearms or similar devices which create impulsive sound.

12) Security alarms: The sounding of a security alarm for more than twenty (20) minutes after the owner or responsible party has been notified by law enforcement personnel.

13) It shall be unlawful to operate a vehicle sound system on public or private property, or a boom box on public or private property in such a manner that the sound emanating from such equipment is detectable at a distance of thirty (30) feet from the source.

14) The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in session, or within one hundred fifty (150) feet of any hospital which unreasonably interferes with the working of such institution or which disturbs or duly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the same is a school, church, court or hospital street.

15) The keeping of any bird, livestock, dogs or other animal which by causing frequent or long continued noise disturbs the comfort or repose of individuals in the vicinity.

16) HILU Facilities outlined in Section 3.9 herein are determined to be nuisance noises or unreasonably loud, disturbing and annoying or unnecessary noise, the creation or emission of which shall be unlawful if determined to have occurred outside of the permissible HILU Daytime Hours set out herein.

E. Exemptions.

The following are exempt from the provisions of this section:

- 1) Sound emanating from regularly scheduled outdoor athletic events or recreational activities on the grounds of local schools or parks.
- 2) Construction operations from 7:00 a.m. to 9:00 p.m. on weekdays and 8:00 a.m. to 9:00 p.m. on weekends for which proper and valid building permits have been issued, and/or; construction operations not requiring permits due to ownership of the project by an agency of government. Such exemption presumes that: all equipment is operated in accordance with the manufacturer's (or equivalent) specifications, and ; that all standard equipment has manufacturer's (or equivalent) mufflers and noise-reducing equipment in use, and; that all equipment utilized is in properly operating condition.
- 3) Legally used noises of safety signals, warning devices, emergency pressure relief valves, and all church bells.
- 4) Sound resulting from any authorized emergency vehicle when responding to any emergency call or acting in time of emergency.
- 5) All noise coming from the normal operations of properly equipped aircraft (not including scale

DRAFT

- model aircraft) which are specifically preempted by the Federal Aviation Administration.
- 6) Noises of vehicles travelling on public rights-of-way properly equipped with the manufacturer's standard (or equivalent) mufflers and noise-reducing equipment, *unless* such vehicle is stopped and producing sound by use of a bell, loudspeaker, or other device for the purpose of attracting attention (for other than an emergency warning) or for the entertainment of the occupant/s or owner of the vehicle and/or a user of the vehicle whether the user is located within or outside of the vehicle.
 - 7) Noise from lawful fireworks and noisemakers on holidays, at religious ceremonies, and/or as part of or during a municipal celebration or parade.
 - 8) Musical accompaniment or firearm discharge related to military ceremonies.
 - 9) Noise resulting from a citizen's careful, lawful, and proper use of firearms on his/her own property (and/or on the property of another who has given the user *express* authorization for such entry) for the purpose of target practice and/or lawful hunting during the hours of 7:00 a.m. to 9:00 p.m. on weekdays and 8:00 a.m. to 9:00 p.m. (This exemption does *not in any way* extend or change the legal hunting times and season/s but must be read congruent with such.)
 - 10) Emergency work necessary to maintain public safety, or to restore property to a safe condition following an accident or natural disaster, or to restore public utilities and infrastructure following an accident or natural disaster, or to protect persons or property from an imminent danger.
 - 11) Noises resulting from the provision of government services necessary to maintain the public infrastructure.
 - 12) Noises resulting from work performed by non-governmental agencies, provided that such work is necessary to maintain the public infrastructure and that a permit for the work has been issued by the County.
 - 13) Agricultural and horticultural operations conducted in a reasonable manner on property classified as bona fide farms for ad valorem tax purposes.
 - 14) Noises resulting from lawn care equipment used between 7:00 a.m. to 9:00 p.m. on weekdays and 8:00 a.m. to 9:00 p.m., provided fuel engines of any type are equipped with a functioning muffler.
 - 15) Music produced by school bands while practicing or performing on school property and/or as part of a municipal celebration.
 - 16) Non-amplified crowd noises resulting from activities such as those planned by student, governmental, or community groups, as well as those noises resulting from a bona fide business event that lasts not longer than four (4) hours in a twenty-four (24) hour period.
 - 17) Noises resulting from any activities of temporary duration for which a permit allowing exemption from this Section has been granted by the County pursuant to Section 12 of this Ordinance. Regulation of noises emanating from operations under such permit shall be according to the conditions and limits stated on the permit.
 - 18) HILU Facilities outlined in Section 3.9 herein are hereby made exempt during HILU Daytime Hours *only*.

SECTION 8: ENFORCEMENT.

The Warren County Sheriff's Department and Officers of the North Carolina Wildlife Commission shall enforce this ordinance, pursuant to N.C.G.S § 153A-123, and may include, but not be limited to, the equitable remedies contained therein. The means of enforcement shall be in the sole discretion of the enforcer, whether to utilize Section 4 or Section 9 of this Ordinance as the measuring method—based on which method is more practical for assessing the noise pollution at hand in each individual situation.

DRAFT

SECTION 9: COMPLAINT OF VIOLATIONS CREATE PRESUMPTION IN PROSECUTION FOR NOISE VIOLATIONS.

- A. A person or group of persons will not be deemed to have violated Section 6 of this Ordinance unless the noise being created, caused, or allowed to continue by said person(s) is reported on at least two (2) occasions, at least twenty (20) minutes apart, by different complainants at two (2) different locations when combined with the complaint of a duly authorized investigating person, shall be prima facie evidence that such sound is unreasonably loud, disturbing and annoying or a nuisance noise, or unless the noise is of such a nature that a reasonable person should have known that the noise was a nuisance as defined in Section 7 of this Ordinance. Sound emission decibel measurements shall not be required for establishment of a prima facie case.
- B. Sounds created by existing sources and/or equipment in place and operational prior to the effective date of this article, and maintained in good working order, are not violations of this article if the sound levels created do not exceed the limits allowed by this Ordinance prior to the effective date.
- C. HILU Facilities outlined in Section 3.9 herein shall *only* be subject to this presumption when and if the noise complained of is shown to have occurred outside of HILU Daytime Hours.

SECTION 10: BURDEN ON RESPONDENT TO PROVE EXCEPTION TO RESTRICTION MET

In any proceeding pursuant to this section, if an exception may be applicable to limit an obligation to comply with the regulations herein, the person cited (“Respondent”) who would benefit from the application of the exception shall have the burden of persuasion that the exception applies and that the terms of the exception have been met.

SECTION 11: PENALTIES FOR VIOLATION OF NOISE RESTRICTIONS.

- A. When it is reasonable and practical to do so, a person believed to be violating any portion of this Ordinance may be given an oral order to cease or abate the noise immediately, or as soon as is reasonable or practical, prior to being charged with a violation.
- B. If the order to cease or abate the noise is not complied with, the person or persons responsible for the violation may be charged with a violation of this Ordinance.
- C. When there is a violation of any provision of this Ordinance, the County may take one or more of the following enforcement actions:
 - 1) Where there is a continuing violation, each day’s continuing violation is a separate and distinct offense.
 - 2) 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.
 - 3) 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 12: PERMITS FOR TEMPORARY VARIANCES.

- A. Any person desiring relief from any provision of this Ordinance shall apply for a permit to cause or create noise which would otherwise be in violation of this Ordinance.
Applications for permits must be made in writing to the Warren County Manager's Office 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. The fee for filing a permit shall be \$25.00.
- 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's Office 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 person(s) wish to contest the granting of the permit, they can do so by filing a statement in writing with the County Manager's office 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's Office 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 1,000 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 1,000 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,

DRAFT

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 6 of this Ordinance.

SECTION 13: 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 12) 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 thirty (30) 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 14: 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 15: EFFECTIVE DATE

This Ordinance shall be effective upon adoption.

Adopted the ____ day of _____ 2010.

WARREN COUNTY BOARD OF COMMISSIONERS

Barry Richardson, Chairman

ATTEST: _____
Angelena Kearney-Dunlap, Clerk to the Board

October 21, 2010
Work Session Agenda

Item # 6

Update on Fire Radio Tower

Linda T. Worth, County Manager

Dennis Paschall, Interim Emergency Services Director

Paula Pulley, Executive Assistant to the Manager

October 21, 2010
Work Session Agenda

Item # 7

Adjourn Work Session