

STATE OF NORTH CAROLINA

COUNTY OF VANCE

The Vance County Board of Commissioners met in regular session on Monday, June 2, 2008 at 6:00 p.m. in the Commissioners' Conference Room, Vance County Administration Building, 122 Young Street, Henderson, NC. Those Commissioners present were as follows: Chairman Danny W. Wright, Commissioners Dan Brummitt, Deborah F. Brown, Terry E. Garrison, A. Scott Hughes, J. Timothy Pegram, and Eddie L. Wright.

Absent: None.

Also present were County Attorney Jonathan S. Care, County Manager Jerry L. Ayscue, Finance Director Steven C. Stanton, and Clerk to the Board Kelly H. Grissom.

Chairman Danny W. Wright gave the invocation.

As advertised, at 6:00 p.m., a public hearing was held concerning the CDBG Scattered Site Program. Timmy Baynes, Council of Governments Executive Director, stated that the public hearing is needed to amend the program and budget for the 2007 Scattered Site Program. Requested changes are based on three structures that were originally included in the grant. One structure needs to be moved from rehabilitation to relocation; one structure needs to be removed from the grant because it has been sold; and one structure needs to be moved from CDBG to the NC Housing Finance Agency Grant.

As there was no one present who wished to speak on the matter, Chairman Wright declared the public hearing closed.

Motion was made by Commissioner Deborah F. Brown to approve the amendment for the Scattered Site Program as presented. This motion was seconded by Commissioner Terry E. Garrison and unanimously approved.

Charles Holtzman, Drewry Volunteer Fire Department Chief, was next on the agenda and requested an extension of district lines in Vance County. Mr. Holtzman explained that Drewry VFD has built a substation in northwestern Warren County which will allow the department to cover a small area in the northeastern part of Vance County near the County Line Park area that is not currently covered in a fire insurance district. Mr. Holtzman stated that Board approval is needed in order to extend the district lines to cover this area. After such approval is granted, Mr. Holtzman will present the request to the State for approval.

Motion was made by Commissioner Dan Brummitt to extend the district lines of the Drewry Volunteer Fire Department to include the area near County Line Park. This motion was seconded by Commissioner A. Scott Hughes and unanimously approved.

Motion was made by Commissioner Dan Brummitt, seconded by Commissioner Deborah F. Brown, vote unanimous, that the following consent agenda items be approved as presented: Budget Amendments #40 and #41, May 2008 Refunds, April 2008 Rebates, May 2008 Ambulance Charge-Offs - \$3,946.52, a road petition to add Joshua Lane to the State system, May 2008 Monthly Reports received and filed, and the minutes of the May 5, 2008 regular meeting, the May 8, 2008 re-convened regular meeting, and the May 8, 12, 13, and 15 Board of Equalization and Review meetings.

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**Budget Amendment #40
General Fund / Capital Reserve Schools**

<u>Revenues - General Fund</u>	<u>Code</u>	<u>Debit</u>	<u>Credit</u>
Medicaid Hold Harmless	10-346-434635	38,624.00	
Transfer to Capital Reserve Schools	10-696-500066	_____	<u>38,624.00</u>
Total Increase in Revenues/Expenditures		\$ 38,624.00	\$ 38,624.00

Revenues - Capital Reserve Schools

Transfer from General Fund Medicaid Hold Harmless	60-397-439731	38,624.00	
Special Projects	60-681-500062	_____	<u>38,624.00</u>
Total Increase in Revenues/Expenditures		\$ 38,624.00	\$ 38,624.00

Purpose: To record Medicaid Hold Harmless revenue due to initial phase of take over of Medicaid program by State.

Authorization: Vance County Board of Commissioners
June 2, 2008

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**Budget Amendment #41
General Fund - Capital Reserve Schools**

<u>Expenditures</u>	<u>Code</u>	<u>Debit</u>	<u>Credit</u>
CDBG Preliminary Engineering Report	10-555-500213		1,760.00

Contingency	10-999-500099	<u>1,760.00</u>	_____
Total Increase/Decrease in Expenditures		\$1,760.00	\$ 1,760.00

Purpose: To reclassify expenditure for CDBG preliminary engineering report update.

Authorization: Vance County Board of Commissioners
June 2, 2008

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REFUNDS
May 2008

Name	Year	Amount	Reason
Fred's Towing	2007	5.75	Vehicle Tax
Fred's Towing	2007	9.64	Vehicle Tax
Tommy R. Covington	2007	119.66	Vehicle Tax
Melvin Clayton	2007	10.30	Vehicle Tax
Clementine Robinson	2006	43.44	Vehicle Tax
Leela S. Jones	2007	20.00	Overate Tax
Patricia C. Roberts	2007	72.04	Vehicle Tax
Edwin Langston III	2007	79.57	Vehicle Tax
Vera C. Caulder	2007	8.90	Vehicle Tax
Henderson-Dabney, Inc.	2007	2,651.21	Double Listed
Robert Hermann	2007	4.44	Vehicle Tax
Barbara S. Howell	2007	20.00	Overage Tax
Plum Nutty Auto Express	2007	79.40	Vehicle Tax
Betty Bennett Estate	2007	6.24	Vehicle Tax
Kevin L. Reynolds	2007	12.67	Vehicle Tax
Robert I. Frazier, Jr.	2007	2.40	Vehicle Tax
Tammy A. Johnson	2006	2.40	Vehicle Tax
Tammy A. Johnson	2007	6.51	Vehicle Tax
Kathryn Gill	2007	17.85	Vehicle Tax
Lizzie Hart	2007	46.34	Vehicle Tax
Timothy D. Gilleland	2007	6.32	Vehicle Tax
Vickie O. Ross	2007	38.50	Vehicle Tax
Fred's Towing	2007	.20	Fire Tax
Fred's Towing	2007	.32	Fire Tax
Melvin Clayton	2007	.35	Fire Tax
Patricia C. Roberts	2007	2.32	Fire Tax
Vera C. Caulder	2007	.30	Fire Tax
Robert Hermann	2007	.14	Fire Tax
Plum Nutty Auto Express	2007	2.60	Fire Tax
Kevin L. Reynolds	2007	.41	Fire Tax
Robert I. Frazier, Jr.	2007	.06	Fire Tax
Tammy A. Johnson	2006	.08	Fire Tax
Tammy A. Johnson	2007	.31	Fire Tax
Kathryn Gill	2007	.57	Fire Tax
Timothy D. Gilleland	2007	.20	Fire Tax
Vickie O. Ross	2007	1.30	Fire Tax
Total		\$ 3,272.74	Fiscal y-t-d - \$ 19,633.22

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**REBATES
April 2008**

NAME	YEAR	AMOUNT	REASON
Sandra L. Dudley	2007	123.40	Listing Correction
Francisco J. Garcia	2007	92.00	Listing Correction
Green Tree Servicing	2007	381.03	Value Correction
Kyle & Christian Wade	2007	63.34	Listing Correction
Total		\$ 659.77	Fiscal y-t-d - \$ 41,415.91

As advertised, at 6:15 p.m., a public hearing was held concerning CDBG Programs. Timmy Baynes stated that the Council of Governments is in the process of working with the County Manager in order to apply for an additional CDBG grant. Mr. Baynes stated that two public hearings are required before the application may be submitted to the State. This particular public hearing is generalized in nature. The CDBG Programs include Community Revitalization, Infrastructure, Water Hook-Up, Urgent Needs, and Scattered Site.

Mr. Robert Duke spoke and asked if houses in the Program are owner occupied or rentals and was told that the Scattered Site Program requires the homes to be owner occupied. The other programs have varying degrees of standards. The renter has to be low/moderate income and the landowner has to be low/moderate income.

Commissioner Deborah F. Brown made a suggestion concerning the information distributed to the Board. She stated that since it is for general information purposes, the sentence in the last paragraph under Urgent Repairs “when I began working with CDBG here in North Carolina” be deleted.

Commissioner Danny W. Wright asked, as we go forward with the County Water Project, what would need to be done for low/moderate income persons to qualify for these grant funds. Mr. Baynes replied that once the lines are installed, the hook-up program, which is offered once a year and is usually in the \$75,000 range, would allow approximately 21 homes to be hooked up to the lines.

Commissioner Terry E. Garrison stated that the CDBG funds are a great resource to local units of government and provides Vance County a great opportunity to revitalize our neighborhoods and help improve the overall image of the County. He thanked the Council of Governments for taking advantage of the opportunity to receive these funds. Commissioner Eddie L. Wright echoed these remarks.

As there were no other persons who wished to speak on the matter, Commissioner Danny W. Wright declared the public hearing closed.

As advertised, at 6:30 p.m., a public hearing was held concerning a proposed junkyard ordinance. County Manager Jerry L. Ayscue noted that the 60-day junkyard moratorium, which expires June 10, 2008, was declared in order to provide the County time to develop the proposed junkyard ordinance, which has been endorsed by the Vance County Planning Board and the County Attorney. The ordinance is not intended to ban junkyards, but to place some controls on them in order to protect the environment, address aesthetics, and protect the public from safety hazards.

Mike Flynn, Mike's Auto Salvage, spoke and stated that there is a need for this particular business and asked how the proposed ordinance would affect his business. He was told that he would not be affected by the ordinance because his business is located in the ETJ.

Jonathan S. Care, County Attorney, stated that existing junkyards located outside the city limits and the ETJ will be required to register and will be given a time period to become compliant. If there is something unique to the business, they may apply for a variance.

Richard Brand, Economic Development Partnership, spoke and stated that if zoning was in place, the County would not need to develop these individual ordinances.

Commissioner Dan Brummitt stated that he has some concerns with the ordinance - the grandfather clause, traffic issues that may arise from a junkyard, the definition of a bona fide farm, set-back requirements, screening height requirement not addressed, annual inspections, and non-adequate penalty costs.

As there were no other persons who wished to speak on the matter, Chairman Danny W. Wright declared the public hearing closed.

Commissioner Deborah F. Brown stated that the Board has had the proposed ordinance for at least six weeks. During this time, Board members were given the opportunity to contact the staff and discuss any concerns they may have had with the document. Commissioner Brown stated that she had contacted the County Manager with her concerns prior to the public hearing, which were incorporated into the proposed ordinance. She stated that it is important to go ahead and adopt the proposed ordinance now with the understanding that changes may need to be made in the future.

Motion was made by Commissioner Deborah F. Brown to adopt the proposed junkyard ordinance as presented. This motion was seconded by Commissioner Eddie L. Wright.

Commissioner Dan Brummitt stated that he supports the document and its intent, but wants to make it right before it is adopted.

Vote on the motion to adopt the following junkyard ordinance as presented was unanimous.

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Vance County Junk Yard Ordinance

WHEREAS, North Carolina General Statute Chapters 153A, Section(s) 121, 134 and 140 enables the County to enact an ordinance for the control of salvage/junk yards and to provide for its administration, and enforcement; and

WHEREAS, the Vance County Board of Commissioners deems it necessary for the purpose of promoting the health, safety, and general welfare of Vance County to enact such an ordinance; and

WHEREAS, the Board of Commissioners hereby finds and declares that the establishment, use, and maintenance of junk yards, in the vicinity of the state maintained public roads, in residential areas and in proximity to public facilities within Vance County should be regulated and controlled;

NOW, THEREFORE, BE IT ORDAINED by the Vance County Board of Commissioners.

Section 1: INTENT

The purpose and objectives for which this Ordinance is adopted and enacted are as follows:

- A. To promote the public health, safety, and general welfare.
- B. To preserve the natural scenic beauty of areas in the vicinity of the state maintained public roads, residential areas and in proximity of public facilities.
- C. To protect the public from health nuisances and safety hazards by controlling vectors, concentrations or volatile or poisonous materials, and sources of danger to citizens and children.

Section 2: TITLE

These regulations shall be known and may be cited as the “Junk Yard Ordinance of Vance County, North Carolina”.

Section 3: GEOGRAPHIC COVERAGE

These regulations shall be in effect in all unincorporated portions of Vance County which are not under the jurisdiction of any municipal zoning ordinance (Henderson/Extra territorial Jurisdiction).

SECTION 4: DEFINITIONS

For the purpose of this ordinance, certain words and terms are defined as herein indicated:

Automobile Graveyard - Any tract of land, establishment or place of business and which is maintained, used or operated for storing, keeping, buying or selling wrecked, disabled, junked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts for profit and shall include any tract of land, establishment or place of business upon which more than four (4) such motor vehicles which cannot be operated under their own power, and not being restored to operable condition, and which are kept or stored for a period of 90 days or more.

Enforcement Officer - The Vance County Compliance Officer or any designee assigned with the responsibility of enforcement of this ordinance by the Vance County Board of Commissioners and/or the County Manager.

Establishment - Any place, land, building or structure on which or in which there is operated or maintained a business or going concern.

Farm/Bona Fide Farm - Singularly or jointly owned land parcel or contiguous parcels on which agricultural operations are conducted as the primary use. Agricultural operations include but are not limited to cultivation or crops, the husbandry of livestock, and forestry. Any tract of land larger than 10 acres and otherwise eligible for tax deferral as authorized in NCGS 105-277.2 through .7 shall be considered a bona fide farm. Any tract of land on which agricultural activities are clearly of an incidental nature may also be considered as a bona fide farm upon determination by the Administrator upon consideration of agricultural productivity and improvements, and any other necessary or available information. Bona fide farms do not include intensive livestock operation.

Garage - Any establishment or place of business which is maintained and operated for the primary purpose of making mechanical and/or body repairs to motor vehicles, and which may store as many as four (4) motor vehicles that are not capable of being driven under their own power and are not being restored to operable condition, regardless of the length of time that individual motor vehicles are stored or kept at such property. If the garage is listed as a business in the Tax Assessor's Office by January 31 of each year and consists of two acres, six (6) additional motor vehicles as described herein may be allowed.

Health or Safety Nuisance - A motor vehicle, used machinery, or other used materials may be declared a health nuisance or safety hazard when it is found to be:

1. A breeding ground or harbor for mosquitoes or other insects, snakes, rats, or
2. A point of collection for pools or ponds of water; or
3. An unsafe concentration of gasoline, oil or other flammable or explosive materials; or
4. So located that there is a danger of the vehicle falling or turning over without assistance;
5. A source of danger for children through entrapment in areas of confinement that cannot be opened from the inside; the over turning of heavy items; or
6. An unsafe concentration of car radiators, batteries, or other materials that pose either a hazard of immediate or long-term environmental degradation.

Historical Building/Historical Area: Buildings and/or areas recognized by The North Carolina building code(s) as Historical Buildings or Historical areas and to include any and all buildings designated by the NC State Historical Preservation Office and listed on the National Register of Historic Places in North Carolina.

Junk - Old or scrap metal, copper, brass, rope, rags, batteries, paper, trash, rubber, refrigerators, stoves, household appliances, salvaged building materials, salvaged machinery parts, dismantled or wrecked automobiles, or parts thereof, iron and steel and other scrap ferrous or non-ferrous material.

Junked Motor Vehicle - A vehicle that does not display a current license plate and that:

1. Is partially dismantled, disabled, wrecked, scrapped, or ruined; or
2. Cannot be self-propelled or moved in the manner in which it originally was intended to move; or
3. Is more than five (5) years old and appears to be worth less than \$500.00.

Junk Yard - Any establishment, place of business or place which is maintained, operated, or used for storing, keeping, buying or selling junk, or for maintenance or operation of an automobile graveyard. An establishment or place of business which stores or keeps, for a period of 90 days or more, materials within the meaning of "junk" as defined in this section which had been derived or created as a result of industrial or commercial activity shall be deemed to be a junk yard within the

meaning of this Ordinance. A junk yard shall be presumed to have been created when an area of 600 square feet or more of “junk materials’ are kept or stored at any given place whether for profit or not. Materials enclosed in closed buildings, solid waste containers or rolling stock (I.e. rail cars, trailer, or other containerized body not intended or designed to be self propelled) are excluded.

Junk Yard Control Act - N.C. General Statutes 136 - 141 through 155 (Article 12) which delegate to the N.C. Department of Transportation the responsibility to regulate “junk yards” and automobile graveyards” located on interstate and federal-aid primary system highways.

Motor Vehicle - Any vehicle or machine designed or intended to travel over land by self-propulsion.

New Junk Yard - Junk yards established after the effective date of this Ordinance or existing junk yards which do not register within the specified time limit in order to meet the designation of pre-existing.

Opaque - A substance that cannot be seen through when viewed perpendicularly at the same elevation.

Ordinance Administrator - The County Manager or his designee.

Pre-Existing - Junk yards in existence at the time of effective date of this Ordinance which register within the specified time as set forth pursuant to Section 6.

Public Road - Any road or highway which is now or hereafter designated and maintained by the N.C. Department of Transportation as part of the State Highway System.

Recycling Center - A temporary or permanent site at which glass, aluminum cans, paper, plastic, clothes or similar materials commonly collected for recycling are collected and moved off site or kept on site in buildings, storage bins, solid waste containers, truck trailers and other rolling stock.

Registered Design Professional means an individual who is registered or licensed to practice their respective design profession as defined by the statutory requirements of the professional registration laws of the state or jurisdiction in which the project is to be constructed. Design by a Registered Design Professional is not required where exempt under the registration of licensure laws.

Residence/Residential Area - A house, an apartment, a group of homes, or a single room occupied or intended for occupancy as separate living quarters for one (1) or more humans. Buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottage, etc. and their associated outbuildings such as garages, storage buildings, gazebos, etc. and customary home occupations.

School - any public or private institution for the teaching of children under 18 years of age which is recognized and approved by the N.C. Board of Education or other appropriate licensing boards.

Service Station - Any establishment which is maintained and operated for the purpose of making routine sales of fuels, lubricants, air, water and other items for the operation and routine maintenance of motor vehicles, and/or for making mechanical repairs, servicing and/or washing of motor vehicles and which is used to store not more than four (4) motor vehicles that are not capable of being driven under their own power and are not being restored to operable conditions regardless of the length of time that individual motor vehicles are stored, or kept at such property. If the service station is listed as a business in the Tax Assessor’s Office by January 31 of each year and consists of two acres, six (6) additional motor vehicles as described herein may be allowed.

Vegetation - All season or evergreen vegetation shall mean evergreen trees with leaves or foliage at all seasons of the year and shall include, but not be limited to, white pine, southern pine, hemlock and spruce trees.

Vectors - An organism that carries disease-causing micro-organisms from one host to another (e.g. rats, mosquitoes, etc.)

Visible - Capable of being seen without visual aid by a person of normal visual acuity.

Watershed. The entire land area contributing drainage to a specific point (e.g. the water supply intake).

Section 5: EXEMPTIONS OF ORDINANCE

The following uses and activities are exempted;

- A. Bona fide service stations or garages as defined by and operated in accordance with this Ordinance are exempt.
- B. All bona fide farms and farm related uses.
- C. Recycling centers using enclosed structures or solid waste containers, bins, truck trailers and rolling stock to store materials and equipment.
- D. Salvage material or junk cars in enclosed buildings.

SECTION 6: PROCEDURES: REGISTRATION AND PERMITTING

6.1 Registration Time Period

All junk yards shall be required to register the junk yard prior to the development and construction of the junk yard. Junk yards existing at the effective date of this Ordinance shall register with Vance County within a period of 30 days from the effective date of this Ordinance. All existing junk yards that have not registered within 30 days from the effective date of this Ordinance shall be deemed and treated as new junk yards in determining compliance with this Ordinance.

6.2 Registration Application

Registration shall be accomplished by completing a registration application and paying a fee as established by the Board of County Commissioners. The Ordinance administrator shall provide the necessary forms for registration application. The registration application shall include but not be limited to the following information:

- Property owner's and salvage/junk yard operators name, address and phone numbers for the business, home, and emergency contacts
- State and/or local business registration number or licenses numbers
- Copy of the state issued storm water permit (NPEDS)
- The location of the property by township, state road number (nearest) and parcel identification number
- The total acreage of the property and the approximate acreage involved in the salvage yard operation

6.3 Time Period for Permit of Registered Junk Yards

All junk yards at the effective date of this Ordinance, registered in accordance with 6.2 and as required by 6.1 shall be granted a period of 90 days from the effective date of registration to receive a permit. Thereafter any registered junk yard shall be required to meet all applicable provisions of this Ordinance as set forth in paragraph 6.7 herein.

6.4 Permit Required for Junk Yards

No person, firm or business entity shall establish, operate, or maintain a junk yard without *first* obtaining a permit. Any expansion of a junk yard, whether pre-existing or newly permitted, shall also require a new or additional permit, and shall meet all requirements herein of a new junk yard. The permit shall only be issued upon the person, firm or business entity seeking the permit submitting a statement that the existing or proposed junk yard does not violate any of the provisions of this Ordinance and a completed and approved Permit Application. The permit, once issued, shall be valid unless revoked for non-conformance with this Ordinance.

6.5 Permit Application

Application for the permit shall be made to the administrator of the Ordinance, on such forms as the administrator of the Ordinance shall prescribe along with a non-refundable permit fee as established by the Board of County Commissioners. The permit application shall include but not be limited to the information required for the registration application and a junk yard plan developed as hereinafter defined.

The plan shall include a description of the materials to be used in the construction of the junk yard; a survey or plat of the real property proposed to be used for the junk yard, and shall include and indicate the required setbacks, location of public right-of-ways, all proposed structures, all improvements or structures within **1000** feet of junk yard, driveways, entrances, fencing, screening, types of fencing, types of screening, dimensions of junk yard, gross acreage, preparer of plans name(s) and address(es) and phone numbers, current owners of record of the real estate and the identification of the permit applicant. ***Plats shall include all local, state and federal erosion and/or containment measures required.***

- ***Plats shall be drawn by a design professional and must be to scale, dated and sealed.***
- Three (3) ***signed and dated*** copies shall be submitted for review.
- Upon the approval of the Plat, the same shall be required to be filed and recorded in the Vance County Register of Deeds Office. A copy showing the recording information will need to be submitted prior to the issuance of a permit.

6.6 Permitting Procedure

The completed permit application and junk yard plan shall be submitted to the Ordinance Administrator. The administrator shall present the application and plats to the Vance County Planning Board for Review and to the Vance County Board of Commissioners for Approval.

6.7 Permitting Compliance for Registered Pre-existing Junk yards.

Registered, pre-existing junk yards shall conform to the approved permit and standards of this Ordinance in accordance with the graduated compliance schedule listed as follows. The times listed are from the date of plan approval.

- A. Meet Section 7.2 F within 1 month
- B. Meet Section 7.2 G within 2 months
- C. Meet Section 7.2 E, K, L & M within 3 months
- D. Meet Section 7.2 D,H, I & J within 36 months

Junk yards discovered after the registration time period of Section 6.1 but determined to be in existence prior to this Ordinance shall immediately register and shall conform to applicable portions of this Ordinance. The time period of compliance shall run from the date of discovery. Section 6.7 Items A - C shall have the time period listed but Section 6.7 items D, E, and F shall have a time period of twelve (12) months. Failure to register and comply with this Ordinance shall be considered a violation of the Ordinance and will subject the property owner, their agents, tenants and operators of the junk yard to penalties and remedies as provided in Section 9 herein.

New junk yards shall conform to the approved permit and standards of this Ordinance prior to the establishment of the use as a junk yard within Vance County. Failure to meet the requirements of the approved permit and standards of this Ordinance shall be considered a violation of the compliance provisions of this Ordinance, will result in the revocation of the Junk Yard Permit issued, and shall subject the property owner, their agents, tenants and operators of the junk yard to penalties and remedies as provided in Section 9 herein.

SECTION 7: GENERAL STANDARDS

All junk yards located within Vance County after the effective date of this Ordinance shall conform to the requirements of this Ordinance.

7.1 Pre-existing Junk Yards

Pre-existing junk yards (as herein above defined and further established pursuant to Section 6) shall be exempt from the requirements specified in Section 7.2 (A), (B), (C). Any expansions, additions, alterations or changes to pre-existing junk yards shall meet all requirements for new junk yards.

7.2 New Junk Yards

The following criteria shall be applicable to all junk yards.

All junk yards after the effective date of this Ordinance, shall meet the following standards unless otherwise exempted pursuant to Section 6 herein above:

A. Not be located closer than **1000** feet to a pre-existing church, school, day care center, nursing home, skilled health care facility, hospital, public buildings, public recreation facilities, historical buildings, lakes, watershed areas, floodplain areas, subdivision, residences, or residential areas, excluding residence of the owner or his agent); and

B. Be situated on a parcel of at least four (4) acres excluding rights-of-way that is undivided by public road right-of-way or public dedication; and

C. The driveway or entrance roadway may not be located closer than **Sixty (60)** feet from any side property line; and

D. Have a minimum setback to any required fence and/or vegetative screening from the front, side and rear property lines excluding road right-of-way of at least **Five (5) feet** and at least **Thirty (30)** feet from the main traveled portion of a public state maintained street or highway; unless greater screening is provided by the fence or vegetation being closer to the travel way and the Department of Transportation allows or recommends the location of the screening; and

E. All buildings, (excluding existing buildings,) equipment, operations, (except roads) and junk shall not be situated within **one-hundred (100)** feet of an intermittent or continuously flowing stream as designated on the most recent U.S. Geological Survey Maps or the North Carolina Flood Plain Maps. Same shall not be closer than **one-hundred fifty (150)** feet to the bank of a river or an intermittent or continuously flowing stream; and

F. All buildings, (except existing buildings) equipment, operations (except roads) and junk shall not be situated within **twenty (20)** feet of the front property lines excluding road right-of-ways and at least **Fifty (50)** feet from the main traveled portion of the public State maintained road or highway; and

G. All buildings, (except existing building) equipment, operations (except roads) and junk shall not be situated within **twenty (20)** feet of the front, side and rear property lines; and

H. Provide a fence a minimum of **ten (10)** feet in height by either a woven or welded wire (14 gauge minimum) fence or chain link fence if within **one thousand (1000)** feet of a structure for human habitation or occupation. The fence shall continue along the entire boundary of the junk yard. Screening is not required when natural vegetation is a depth of **two-hundred (200)** feet and a minimum of **eight (8)** feet in height between the junk yard and the subject structure. Fencing requirements shall not apply if a residence or occupied structure is constructed on land purchased after the junk yard is registered or permitted, if not otherwise required. All plans, designs and methods of screening must be reviewed and approved prior to the issuance of the permit.

I. Property that is visible from the public state maintained road shall provide an approved opaque fence along the road side of the property or shall install vegetation that provides a continuous all season opaque screen at least **eight (8)** feet in height and **200 feet in depth** within four (4) years of planting or setting said vegetation. Vegetation not less than **three (3)** feet in height at the time of planting shall be planted. Additional screening may not be

required along the road when natural vegetation exists that provides an all season opaque screening when approved by the Planning Board.

If natural vegetation is reduced below the depth or effectiveness required herein, the property shall be required to be screened according to the Ordinance. This does not exempt the property from being fenced as specified in Section 7.2 H. Screening requirements shall not apply if the residence or occupied structure is constructed on land purchased after the junk yard is registered and permitted, if not otherwise required. Where due to distance, topography or other site considerations the enforcement officer determines from field investigation that the height screening required would not screen the junk yard, said screening may not be required along the applicable property lines.

Vegetation that serves as screening shall be planted at intervals evenly spaced and in close proximity to each other so that a continuous, unbroken hedgerow (without gaps or open spaces) will exist to a height of at least ***eight (8)*** feet along the length of the fence surrounding the junk yard. The vegetation shall be maintained as a continuous, unbroken hedgerow for the period the property is used as a junk yard.

Each owner, operator, or maintainer of a junk yard shall utilize good forestry practices, such as pruning, mulching, and proper fertilization, so that the vegetation will have maximum density and foliage. Dead or diseased vegetation shall be replaced at the next appropriate planting time. When drought conditions exist, irrigation must be provided to prevent vegetation from dying.

J. All junk and/or junked motor vehicles shall be kept within the confines of said fence and vegetative screening at all times unless in motion by transport to or from the site.

K. On-site traffic areas shall be provided and arranged in a manner to provide adequate areas to prevent backward movement onto the state maintained road.

L. All junk vehicles shall be stored on either a gravel base ***six inches (6")*** or an impervious pad to prevent oil and other toxic fluids from getting into the water supply.

M. All fluids must be drained from all junked motor vehicles and other motor vehicles stored on the premises. All toxic fluids shall be removed from all items stored on the junk yard premises and stored in EPA or NCDENR sanctioned storage containers. ***All such storage containers shall be located within a containment barrier and covered by an approved, roofed structure.***

SECTION 8: MAINTENANCE

All junk yards shall be maintained to protect the public from health nuisances and safety hazards.

The Vance Granville Health Department or NC DENR ***shall*** inspect each junk yard, ***annually***, to determine that no vectors are present. Should vectors be identified, the owner, operator, or maintainer shall immediately take steps to eliminate such vectors and shall submit satisfactory evidence to the Health Department and Planning Department that such vectors have been eliminated.

Annual fire and safety inspections shall be made by the Vance County fire inspector or his designee and a certificate of compliance issued. Failure to comply with this Section may result in revocation of the junk yard permit as well as other penalties and remedies for violation as provided for in Section 9.

SECTION 9: ENFORCEMENT PROVISIONS

The County Manager or his designee will be responsible for enforcing this Ordinance. The County Manager will place the actual enforcement responsible with the appropriate department's enforcement officer. Other State and Federal Agencies may be called upon to assist in enforcement of this Ordinance.

In addition, whenever the County Manager or his designee or enforcement officer receives a complaint alleging a violation of this Ordinance, he shall investigate the complaint, take whatever action is warranted, and inform the complainant what actions have been or will be taken.

The owner, tenant, or occupant of any building or land or any part thereof and agent or other person who participate in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this Ordinance may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

The following procedure shall apply upon discovery of a violation.

A. If the enforcement administrator finds that any provisions of this Ordinance are being violated, that person shall send a written notice to the holder of the junk yard permit or if it is an unregistered and un-permitted junk yard, then to the land owner and other persons responsible for such violation, indicating the nature of the violation, ordering the action necessary to correct the violation, and advising the violator of the number of days or months within which the violation shall be corrected. If applicable, the violator shall be informed of his right to appeal to the Department Head assigned the enforcement responsibility, then to the County Manager and the final administrative appeal is to the Vance County Board of Commissioners.

B. Notwithstanding the foregoing, in cases when delay would seriously threaten the effective enforcement of this Ordinance or pose a danger to the public health, safety, or welfare of the citizens of Vance County, the enforcement officer may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in this Section.

Penalties and remedies for violations shall be as follows:

A. Any violation of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor, punishable by a fine or imprisonment, not to exceed 30 days, as provided in N.C. General Statute 14-4.

B. Any violation of the provisions of this Ordinance or a failure to comply with any of its requirements shall subject the offender to a civil penalty of **one-hundred dollars (\$100)** per day for the first violation. If the same violation occurs on the same property within **three (3)** years after the initial violation is remedied, a civil penalty in the amount of **two-hundred fifty dollars (\$250)** per day shall automatically apply. If the same violation occurs on the same property within **three (3)** years after the second occurrence of the violation is remedied, a civil penalty in the amount of **five-hundred dollars (\$500)** per day shall automatically apply. If the same violation occurs on the same property within **three (3)** years. After the third or any subsequent occurrence of the violation is remedied; a civil penalty in the amount of **fifteen-hundred dollars (\$1,500)** per day shall automatically apply. For the purposes of assessing civil penalties each day such violation continues shall be considered a separate and distinct offense. If the offender fails to pay this penalty within 10 days after being cited for a violation, the penalty may be recovered by the County in a civil action in the nature of debt.

C. This Ordinance may also be enforced by any appropriate equitable action. Such remedy may include injunctive relief and a court order of abatement as part of a judgment in the cause.

The injunctive relief or abatement order may include removal of junk from illegal junk yards and other actions required to make the property comply with the provisions of this Ordinance at the owner's expense.

D. Each day that any violation continues after notification by the administrator that such violation exists may be considered a separate offense for purposes of the penalties and remedies specified in this Section.

E. A combination of the foregoing penalties and remedies may be used to enforce this Ordinance. In addition to the foregoing enforcement provisions, this Ordinance may be enforced by any remedy provided in N.C. General Statute 153A-123, including, but not

limited to, all appropriate equitable remedies provided in N.C. General Statute 153A-123(d) and particularly the remedy of injunction and order of abatement as allowed in N.C. General Statute 153A-123(e).

F. Any building permit(s) associated with the property that has the junk yard permit may be revoked by the permit issuing authority (in accordance with the provisions of this Section) if the permit recipient fails to develop or maintain the property in accordance with the plans submitted, the requirements of this Ordinance, or any additional requirements lawfully imposed by the Vance County Board of Commissioners.

1. Before such permit(s) may be revoked, the permit recipient shall be given 10 days written notice of intent to revoke any relevant permit. The notice shall inform the recipient of the alleged reasons for the revocation and of the property owner's right to obtain an informal hearing on the allegations before the issuing Department Head, if not satisfied then before County Manager. If any relevant permit is revoked, the Ordinance administrator shall provide to the permittee a written statement of the decision and the reasons.

9.1 Relief

Unless otherwise listed, appeals from the specific provisions of this Ordinance and appeals from any ruling of the Ordinance administrator shall be submitted to the Vance County Board of Commissioners within 10 days of receipt of adverse action or ruling.

9.2 Variance

The Board of Commissioners has the authority to approve a variance from the terms of this Ordinance, when a literal enforcement of the provisions of this Ordinance will, in an individual case, result in practical difficulty or extreme hardship; and,

- The hardship results from an application of this Ordinance; and,
- The hardship must be related to the specific property involved; and,
- The practical difficulty or extreme hardship is not self-induced or self-created; and,
- The hardship is peculiar or unique to the specific property involved.

Such land use approval, which shall be different from the terms of this Ordinance, will not be contrary to the public interest.

To insure that the spirit of the Ordinance be observed, public safety and welfare secured, and substantial justice done, such variances may be granted in individual cases of practical difficulty or extreme hardship after a showing of the items listed above, and upon the finding of the following:

A. There are extraordinary and exceptional conditions pertaining to the particular place or property in question because of its size, shape or topography that are not applicable to other automobile graveyards and junk yards governed by this ordinance.

B. Granting the variance requested will not confer upon the applicant any special privileges that are denied to other operators of other automobile graveyards and junk yards governed by this Ordinance.

C. A literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other operators of junk yards governed by this Ordinance.

D. The requested variance will be in harmony with the purpose and intent of this Ordinance and will not be injurious to the neighborhood or to the general welfare.

E. The special circumstances are not the result of the action of the applicant.

F. The variance requested is the minimum variance that will make possible the legal use of the land in question.

In granting a variance the Board of Commissioners shall make findings that the requirements of this Section have been met. The Board of Commissioners shall make a finding, and written notice of the decision shall be prepared and furnished to the applicant. In granting any

variance, the Board of Commissioners may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.

9.3 Decision

Decision of the Board of Commissioners may be appealed. The petition for the Writ of Certiorari must be filed with the Vance County Clerk of Superior Court within 30 days after the later of the following occurrences:

A. A written copy of the Board of Commissioners decision has been filed in the office of the Vance County Planning and Development Department; and

B. A written copy of the Board of Commissioners decision has been delivered, by personal service or certified mail, return receipt requested, to the applicant or appellant and every other aggrieved party who has filed a written request for such copy at the hearing of the case.

A copy of the petition writ of certiorari shall be served upon Vance County through the Office of the County Manager.

Section 10: EFFECTIVE DATE

This Ordinance shall be come effective upon its adoption, this 2nd day of June, 2008.

VANCE COUNTY BOARD OF COMMISSIONERS

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As advertised, at 7:00 p.m. a Budget Hearing was held to gain citizen input into the Proposed FY 2008-2009 Budget Estimate.

Mr. Ayscue stated that the proposed budget was presented to the Board last Thursday evening on the basis of an approximate 2¢ tax increase. The Solid Waste Household Fee is proposed to increase by \$15 per household per year to \$110.

The following persons were heard:

Marion Perry asked the Board to continue to support the library and provide funding for increased staff and needed materials.

Carlesha Rena asked the Board to consider the conditions of Clark Street Elementary school during upcoming budget deliberations.

Bennett Perry spoke on behalf of the library and stated that the library's proposed budget was presented based on a full 60-hour week and asked the Board to consider increasing funding to bring the library back to a full schedule.

Robert Duke stated that there are several elements in the County that are pulling funds away from matters that truly need funding.

Richard Brand spoke in support of the GIS system and asked the Board to look into ways of increasing economic development marketing.

Shelby McLendon stated that recent property revaluations should decrease the tax rate, not increase the tax rate.

Susette McLendon stated that she received a report from the tax office which showed outstanding collections over the last 10 years. She asked what the number looks like now and the County Manager replied that he would get back with her on this.

County Manager Jerry L. Ayscue made a brief remark and stated that over 90% of the County's budget is mandated or required by federal or state law.

As there were no other persons who wished to speak on the matter, Chairman Danny W. Wright declared the public hearing closed.

The next item on the agenda was the Community Hero Award recognition. The recipient of this month's award was from Commissioner Eddie Wright's Commission District 5. Chairman Wright and Commissioner Eddie Wright recognized Reverend William C. Brodie and asked him to come forward. Chairman Wright and Commissioner Eddie Wright presented Reverend Brodie with a certificate and a \$25.00 check.

Reverend Brodie, son of the late Mr. Mingo Brodie, Jr. and the late Mrs. Estelle Brodie, is a native of Henderson. He received his elementary and secondary education in the Vance County Public Schools, furthered his education at Vance Technical Institute, King James Bible Institute in Chesapeake, Virginia, and Vance-Granville Community College, where he received the Associate of Applied Science Degree in Education and completed the New Testament Survey.

Reverend Brodie served 17 years in the United States Navy as a Counselor, Chaplain's Assistant, and Security Officer. He was a recipient of four Honorable Discharges and is now medically retired.

Reverend Brodie was licensed to Preach the Gospel by Shiloh Baptist Church of Henderson in 1974 and ordained in 1992. He is a member of Shiloh Baptist Church where he is a son of the church, Sunday School and Baptist Training Union Teacher and Youth Ministry Presenter. Reverend Brodie has been a Bible Study and Vacation Bible School Instructor at Shiloh as well as in other area churches. Other ministerial activities include being active in Jail/Prison Ministries and Hospital/Institutional Visitations.

He is active in various community programs and activities to include American Red Cross Disaster Volunteer, Ministers Community Partnership, and Chaplain for the American Legion Post 176 in Henderson.

Reverend Brodie has constantly taken fellow veterans to the VA Hospital in Durham, sometimes making two trips a day. He volunteers to preach eulogies to various citizens who do not have a church home. You will also find Reverend Brodie busy every day helping someone by mowing their lawn or counseling their son or daughter.

Reverend Brodie is married to the former Miss Ernestine Bullock and they are the parents of seven children and six grandchildren.

Margaret Ellis, Vance County School Board Vice-Chair, was next on the agenda to discuss school construction and facility needs. She presented a proposal to the Board which included new school construction and improvements to existing buildings totaling \$46,849,110.

Nikki Hargrove, a Clark Street Elementary parent, stated that the school is in dire need of renovations and upgrades.

Carlesha Rena spoke and asked Board members to take the opportunity to tour the Clark Street Elementary school so that they may see the deplorable condition of the school.

Larry Webb, Eaton Johnson Middle School Principal, stated that both middle schools are challenged for space because they were designed for significantly lower attendance than what is currently at the schools. He asked the Board to please find a way to fund these important matters.

Claiborne Woods, Schools Maintenance Director, asked the Board to remember needs for Northern Vance High School, specifically heating and cooling piping.

Ms. Ellis distributed pictures to the Board which showed the conditions at Clark Street Elementary School and Chairman Wright stated that the Board will schedule a tour of the school in the next few days.

Commissioner Deborah F. Brown asked if the Board of Education has ever requested a bond referendum so that these matters may be placed before the voters. Ms. Ellis stated that one was requested in 2004, but no action was taken by the Board of Commissioners.

Commissioner Terry E. Garrison stated that he supports the construction of a new elementary school and stated that the Education Committees need to get together and discuss these matters further.

Commissioner Danny W. Wright stated that the Board of Commissioners will need to determine whether or not a bond referendum needs to be placed on the ballot. Lottery funds alone will not be able to fund these requests.

Motion was made by Commissioner Terry E. Garrison to refer these matters to the Joint Education Committee, consisting of members of the Board of Commissioners and the Board of Education, so that they may begin discussions as soon as possible. This motion was seconded by Commissioner A. Scott Hughes and unanimously approved.

Public comments were heard next. Brad Evans, Ward and Smith, and Brian Perry, North State Medical Transport, spoke regarding an ambulance franchise that was granted to North State by the Board of Commissioners in April for BLS and ALS. Mr. Evans stated that the Office of Emergency Medical Services is having difficulty getting an updated system plan from the County's medical director. Mr. Evans asked the Board to do whatever it can to expedite these issues so that North State can proceed with medical transports.

The Board referred this matter to the County Manager, the Public Safety Committee, and the Fire Chief to meet with the County's Medical Director and review this matter further.

Committee Reports and Recommendations

Human Resources Committee - Position Vacancies. Argretta Johen, HR Director, requested the Board to allow filling the following position vacancies which have been endorsed by the Human Resources Committee:

Fire Department
Firefighter/Paramedic
Firefighter/EMT

Jail
Detention Officer (two positions)
Detention Supervisor

Department of Social Services
Economic Services Caseworker II
Economic Services Caseworker II (transfer from Work First)
Social Worker IAT

Motion was made by Commissioner Deborah F. Brown, seconded by Commissioner Dan Brummitt, vote unanimous, to approve the position requests as presented.

Public Safety Committee - Deer Hunting with Dogs. Mr. Ayscue explained that all ten citizen advisory committee members have signed the informal agreement (with one exception who has sent her agreement in writing). The Public Safety Committee recommends that the arrangement

be given an opportunity to work. There will be an evaluation after the next deer season to determine the effectiveness of the agreement.

Commissioner Deborah F. Brown expressed her concerns with potential violators that are not members of a hunting club. The agreement does not address this matter nor does it address how to handle violators.

Public Safety Committee - EMS Advisory Committee. During the committee meeting it was decided that the most pressing component of the Fire and EMS Study is EMS. The committee recommends that an EMS advisory committee be formed to work with the Public Safety Committee in reviewing the study and formulating recommendations to the Board of Commissioners. The following members are recommended:

- Three Captains at County Fire Department
- Two citizens at large
- EMS Medical Director
- One Maria Parham Medical Center representative
- Fire & Ambulance Chief
- President, Vance County Firefighters Association

The Public Safety Committee will proceed to develop guidelines for the EMS Advisory Committee to follow and present them for consideration to the Board of Commissioners.

Commissioner A. Scott Hughes stated that it may be helpful to include a representative from the Vance Granville Community College training center.

Commissioner Dan Brummitt and Commissioner Deborah F. Brown suggested that, in addition to the Firefighters Association President, a volunteer fire department representative also be included. Commissioner Brown also suggested that women be included on the advisory committee.

Motion was made by Commissioner Dan Brummitt to approve the advisory committee formation as presented and include a representative from the VGCC training center and a representative from a volunteer fire department as well. This motion was seconded by Commissioner A. Scott Hughes and unanimously approved.

Properties Committee - Social Services. Mr. Ayscue noted that the committee met on Wednesday, May 28 to view the County Office Building as a potential site for the Children Services Unit of Social Services. Kay Fields, Social Services Director, and architect Surapon Sujjavanich have been working on an office assignment plan for the ground floor of the building. It is necessary for Cooperative Extension and the Children Services Unit to jointly use some of the space on the ground floor. Further, there is a state office that is renting one small office which will have to be

accommodated. The current lease agreement at the Harvin Building expires on September 30, 2008; therefore, it is necessary to authorize the architect to develop the plans/specifications. Although an aggressive timetable, it is anticipated that the project can be completed by the end of September.

The recommendation from the committee is to authorize the architect to develop the plans and specifications for the Children Services Unit to locate to the ground floor of the County Office Building, while coordinating with Cooperative Extension to ensure needs of both agencies are met to the greatest extent possible.

Motion was made by Commissioner Terry E. Garrison, seconded by Commissioner Deborah F. Brown, vote unanimous, to approve the recommendation as presented.

Properties Committee - Former School Central Office. Mr. Ayscue reported that the Properties Committee has looked at possible uses for the building that is between the Courthouse and the First Methodist Church. One of the possible strategies would be to demolish the building and construct a parking lot, which would be of considerable value to the County and the Church. However, that approach does not appear to be cost-effective for either party. The Committee believes that the County should sell the building and recommends that the Board declare the property at 128 Church Street as surplus and place it with a local real estate agent for sale.

The Board directed the County Manager to solicit market evaluations from realtors and present those evaluations to the Board during its July meeting.

Motion was made by Commissioner Dan Brummitt to declare the property at 128 Church Street as surplus pending an acceptable realtor market analysis. This motion was seconded by Commissioner A. Scott Hughes and unanimously approved.

Pending Business

County Water Project. Mr. Ayscue stated that the County will meet with its engineers during June to establish a time line for the project. A meeting was held on May 20th with representatives of the Kittrell Water Association to coordinate and jointly plan for service to the Kittrell area. Formal applications were submitted last week to USDA - Rural Development for funding of four different phases of the project, which is anticipated to maximize grant funding.

Filling of Key Position. The County continues to advertise and interview for the Environmental Manager position.

CDBG Application. The first of two public hearings was conducted by the County Commissioners earlier during this meeting for the completion of the Julia Avenue target area.

Funding for updating the preliminary engineering report was obtained in May from the County and the engineers are now working on the update. The County Manager and COG Executive Director met with State officials on May 12th, which is one of the CDBG application requirements, to discuss the project in concept. A formal site visit by the State will be made prior to the application submission. The application is due to the Division of Community Assistance by August 29, 2008.

Budget Preparation Schedule. Commissioner Dan Brummitt presented a budget calendar for FY 2009-10 which would allow the proposed budget to be presented to the Board by May 11, 2009, which is approximately two weeks earlier than usual. He asked the Board to review the calendar so that it may be addressed during the July meeting. Commissioner Brummitt stated that this calendar is consistent with what the Institute of Government recommends.

Commissioner Terry E. Garrison stated that the calendar is a good guide for the County Manager to go by, but he expressed his concerns that this may be micro-managing the staff.

Mr. Ayscue stated that he would present the budget to the Board on whatever date it suggests, but informed the Board that the earlier projections are made, the less accurate they are. Secondly, he is required to gather data as of the end of February.

The Board decided to address this matter during the July meeting.

County Manager's Report

Land Transfer. Mr. Ayscue reported that in order to provide an additional buffer on one side of the Schools' Administrative Office, an arrangement has been made with the adjoining landowner to obtain .7 acre on the east side of the Schools property in return for .6 acre in the rear of the property. No money is involved in the transaction. Mr. Ayscue recommended that the Board approve the transfer of .6 acre of land in return for .7 acre.

Motion was made by Commissioner A. Scott Hughes to approve the recommendation to transfer .6 acre of land in return for .7 acre. This motion was seconded by Commissioner Dan Brummitt and unanimously approved.

Mental Health Resolution. Mr. Ayscue noted that the Five County Mental Health Authority is working to improve and save lives by working to reduce alcohol related automobile crashes and fatalities in Vance County. The Mental Health Board has asked that the Board of Commissioners adopt a resolution in support of its efforts in Vance County.

Motion was made by Commissioner Dan Brummitt, seconded by Commissioner Deborah F. Brown, vote unanimous, to adopt the following resolution in support of the Vance County Strategic

Prevention Framework - State Incentive Grant Committee to Reduce Alcohol Related Crashes and Fatalities:

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RESOLUTION
by the
Vance County Board of Commissioners
Vance County Strategic Prevention Framework - State Incentive Grant Committee to Reduce Alcohol Related Crashes and Fatalities

WHEREAS, it has been determined that Vance County has a high rate of alcohol related crashes and fatalities; and

WHEREAS, Vance County residents, working with local and state planners, have determined that the major contributors to this high rate are:

- Low DWI conviction rates
- High DWI case continuance
- High DWI case dismissal rates
- Lack of adequate law enforcement resources to interdict drunk drivers
- Lack of adequate law enforcement resources to monitor retail alcohol establishments
- Community norms that do not adequately suppress underage drinking and drinking while driving
- Widespread low perceived risk amongst youth and young adults about driving under the influence of alcohol; and

WHEREAS, the Vance County Board of Commissioners understands that the success of the Vance County Strategic Prevention Framework - State Incentive Grant Committee to Reduce Alcohol Related Crashes and Fatalities will be affected by the participation of key individuals in:

- Vance County law enforcement
- The Vance County court system
- Vance County defense law
- The Vance County District Attorney's office
- Five County Mental Health Authority
- Vance County Health Department
- Careers that are related to alcohol related issues.

NOW THEREFORE BE IT RESOLVED, that the Vance County Board of Commissioners endorses and actively supports the efforts of the Vance County Strategic Prevention Framework - State Incentive Grant Committee to Reduce Alcohol Related Crashes and Fatalities and the participation of key individuals in actively making this effort successful.

This, the second day of June, 2008.

Danny W. Wright (signed)
Danny W. Wright, Chairman

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Insurance - Annual Participation Agreements. In order to participate in the NCACC Insurance Pools each year, counties must adopt participation agreements. The rate quotes for FY 2008-09 for medical insurance and property and liability coverage are quite reasonable. Mr. Ayscue

recommended that the Board approve the NCACC Insurance Pool Annual Participation Agreement for Medical Insurance for FY 2008-09 and approve the Annual Participation Agreement for Property and Liability Insurance for FY 2008-09.

Motion was made by Commissioner Eddie L. Wright, seconded by Commissioner Terry E. Garrison, vote unanimous, to approve the participation agreements as presented.

Fireworks Permit - Tourism. Mr. Ayscue informed the Board that Vance County Tourism Director Nancy Wilson has requested a permit for the annual Independence Day fireworks display at Kerr Lake for Saturday, July 5 with a rain date of Sunday, July 6. Mrs. Wilson has confirmed that the pyrotechnics firm engaged for the project is properly insured.

Motion was made by Commissioner Deborah F. Brown to approve the request for a fireworks permit for professional pyrotechnics to discharge fireworks on Saturday, July 5 or Sunday, July 6, 2008. This motion was seconded by Commissioner Dan Brummitt and unanimously approved.

Schools Request for QZAB Funding. Mr. Ayscue reported that the Schools have been approved for over \$1.7 million of Qualified Zone Academy Funding. Recent federal legislation has reduced the tax credit benefits to potential investors, thus the financial institutions which traditionally worked with these instruments are no longer participating. The most attractive feature of this financing mechanism was that of no interest expense (0% interest). Two North Carolina counties have worked with an out-of-state financial institution and thus developed a low-interest transaction. The County is currently researching this type of arrangement to determine its viability. Further, a determination has yet to be made as to the impact of this financial transaction on the plan to fund the construction of additional schools.

After discussion, motion was made by Commissioner Dan Brummitt to refer this matter to the Education Committee for review. This motion was seconded by Commissioner Deborah F. Brown and unanimously approved.

At this time, the following appointments were presented to the Board for consideration:

Henderson-Vance Recreation Commission - four-year term

Re-appoint Randy Oxendine

Three applications received from Randy Oxendine, Gilbert D. Sanford, Jr. and Irvin Robinson

Social Services Board - three-year term

Re-appoint Terry Garrison

No other applications received.

Vance County Planning Board

Appoint Thomas Wille to fill an unexpired term.

Nursing Home Advisory Committee - three-year term
Appoint Thomas Wille to fill vacant position.

Commissioner A. Scott Hughes stated that Randy Oxendine has served on the Henderson-Vance Recreation Commission since 1988 and according to the Board's appointment policy, he should not be re-appointed since two other applications were received.

Commissioner Dan Brummitt stated that he would like to see the Board follow its policy in order to give other citizens an opportunity to serve on boards and commissions.

Chairman Wright stated that the policy gives the Board an option to re-appoint the current member or appoint a new member.

Motion was made by Commissioner J. Timothy Pegram to re-appoint Randy Oxendine to the Henderson-Vance Recreation Commission for a four-year term. This motion was seconded by Commissioner Terry E. Garrison and vote was ayes - five (5); noes - two (2), with the dissenting votes being cast by Commissioners Hughes and Brummitt.

Motion was made by Commissioner A. Scott Hughes, seconded by Commissioner Deborah F. Brown, vote unanimous, to re-appoint Terry Garrison to the Social Services Board for a three-year term.

Motion was made by Commissioner Deborah F. Brown to appoint Thomas Wille to the Vance County Planning Board to fill an unexpired term and to the Nursing Home Advisory Committee for a three year term. This motion was seconded by Commissioner A. Scott Hughes and unanimously approved.

As there was no further business, at 9:05 p.m. motion was made by Commissioner A. Scott Hughes, seconded by Commissioner Deborah F. Brown, vote unanimous, that the meeting be adjourned.

Approved and signed July 7, 2008.

Chairman