

Monroe A. Miller, Jr.
2200 Camp Branch Road
Waynesville, NC 28786
December 8, 2019
January 12, 2020

To: Kris Boyd, Operations Director.

Subject: Public Records Request, permits for Wrecker Services, Vehicle Storage Areas.

This is a Request for Public Information pertaining to Haywood County Ordinance 114, Junkyards and other Facilities. This ordinance was amended on 5/1/2000. I would like the following records since 5/1/2000:

- Any and all registrations, permit applications, applications for variances, submitted by owners for wrecker services or vehicle storage areas;
- Any and all notices sent to owners denying registrations, permit applications or applications for variances;
- All notices of violations sent to owners of wrecker services or vehicle storage areas;
- A list of all current wrecker services or vehicle storage areas now operating in Haywood County.

Be sure to include Allegiant Towing, owned by **Ted Carr's** grandson.

The customary time to produce this information is 10 days.

Monroe A. Miller, Jr.
Haywood County Taxpayer.

To: Kris Boyd, Operations Director.

Subject: Public Records Request, permits for Wrecker Services, Vehicle Storage Areas, #2.

This is a Request for Public Information pertaining to Haywood County Ordinance 114, Junkyards and other Facilities. This ordinance was amended on 5/1/2000. Since I did not receive what I requested, I am repeating the request.

I had requested the bullet items above. I received something quite different, along with material I never requested.

Your response came in two (2) pdf files, a Part 1 (36 pages) and a Part 2 (51 pages).

Part 1.

Evidently, you or Frank Queen, submitted my original request to the Haywood County Sheriff's Department, responded to on 1/2/2020 by Deputy Carver. I am not interested in who is on rotation at the Sheriff's Department, neither how the Sheriff's Department selects wrecker company's to be put on rotation. The Sheriff's Department is not responsible for:

- Any and all registrations, permit applications, applications for variances, submitted by owners for wrecker services or vehicle storage areas;
- Any and all notices sent to owners denying registrations, permit applications or applications for variances;
- All notices of violations sent to owners of wrecker services or vehicle storage areas;
- A list of all current wrecker services or vehicle storage areas now operating in Haywood County.

Neither did they have any dealings with Allegiant Towing, owned by **Ted Carr's** grandson.

You see, I had already sent that request to Janice Corn at the Sheriff's Department on 7/11/2019. At that time, Major Jason Smiley sent me the Sheriff's rotation list of ten (10) wrecker services, in the file DOC071119-07112019121219.pdf, which is shown below.

Anytime
 Pitts
 ✓ Hatton's
 WNC
 (✓) Doyle's *Not clear. Section Automobile or Doyle Section?*
 McFall's
 ✓ Grasty's
 Rabbitskin
 Domestic
 Caldwell's

*From Smiley,
7/11/19*

There are two / maybe three wrecker services from Captain Smiley's report that compare with the information from Deputy Carver's report. WTF?

Who am I to believe? Smiley or Carver? Do they talk to each other?

Under any circumstances, it does not matter, as I never requested this information in the first place.

You will receive a complete scanned copy of my marked up copies of Part 1 and Part 2.

Part 2.

It appears that I received a snapshot of who owned junkyards and Motor Vehicle Storage Areas at the time the ordinance was enacted. This includes lists of company's and/or individuals. The remainder of Part 2 appears to be dealing only with this particular list of people, which includes:

- Letters sent out by you, Kris Boyd,
- Monthly Reports from Deputies at the Sheriff's Department,
- Notices sent out by Killian, Kersten, Patton and Kirkpatrick,
- An expensive Lawsuit by the county, 03CVS664,
- Minutes from a County Commissioner Quasi-Judicial Hearing, 8/7/2006.

There is nothing after 8/7/2006. You mean to tell me nothing has popped up in this county since 8/7/2006 regarding -

- Any and all registrations, permit applications, applications for variances, submitted by owners for wrecker services or vehicle storage areas;
- Any and all notices sent to owners denying registrations, permit applications or applications for variances;
- All notices of violations sent to owners of wrecker services or vehicle storage areas;
- A list of all current wrecker services or vehicle storage areas now operating in Haywood County.

Be sure to include Allegiant Towing, owned by Ted Carr's grandson.

Bull [expletive deleted].

This is akin to my asking David Francis / Bryant Morehead / Kevin Ensley for all county expenses for Francis Farm Landfill since 2008, and getting four (4) pages of worthless garbage.

Unfortunately for you, Mr. Boyd, this is heading for court, and one of the problems is Selective Enforcement. That means you treating everyone else who has started a wrecker service or a Motor Vehicle Storage Areas the same as you treated Doyle Sutton.

The thing that makes this situation different from my asking David Francis / Bryant Morehead / Kevin Ensley is that I can bring this to the attention of Doyle Sutton's lawyers, and they can start issuing Subpoena's.

Looking forward to your taking another look at what I requested, and put it in Part 3.

Thank you,

Monroe A. Miller, Jr.

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JAN 11 2020

Part 1 Sheriff Rotation

✓	19	Hutton		
	22	<u>Illegible</u>	Nations (again)?	X Not Requested
✓	25	Grady's		
	29	Alert		
	33	B&H Towing	- off Rotation	8/16/17
	34	Sutton Automater	off Rotation	3/15/19
	35	Ram Dog	off Rotation	8/15/17
	36	Greene's	Request for Rotation	3/21/19

Part 2 Page

Monroe A. Miller, Jr.
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From Smiley,
7/11/19

Anytime

Pitts

✓ Hatton's

WNC

(✓) Doyle's *Not Clear: Sittons Automotive or Doyle Suttou?*

McFall's

✓ Grasty's

Rabbit skin

Domestic

Caldwell's

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PART 1

January 02, 2020

JAN 10 2020

Subject: Request for records in reference to the Haywood County Sheriff Wrecker Services. ← Not Requested

: Any and all registrations, permit applications, applications for variances, submitted by owners for wrecker services or vehicle storages areas. See attached files.

: Any and all notices sent to owners denying registrations, permit applications or applications for variances. No files.

: All Notices of violations sent to owners of wreckers services or vehicle storages area.

No violations recorded.

: A list of all current wrecker services or vehicle storages areas now operating in Haywood County.

Rabbit Skin and Recovery 4842 Jonathan Creek Road, Waynesville NC 28785 828-421-0424

: Request for information for Allegiant Towing. Haywood County Sheriff's Office has no business with Allegiant Towing.

Any questions feel free to contact me at 828-452-6600 ext. 2892


Sgt. B-W Carver

Haywood County Sheriff's Office
1620 Brown Ave. Waynesville NC

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Monroe A. Miller, Jr.
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December 8, 2019

To: **Kris Boyd**, Operations Director.

Subject: Public Records Request, permits for Wrecker Services, Vehicle Storage Areas. ~

This is a Request for Public Information pertaining to Haywood County Ordinance 114, Junkyards and other Facilities. This ordinance was amended on 5/1/2000. I would like the following records since 5/1/2000:

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- Any and all notices sent to owners denying registrations, permit applications or applications for variances;
- All notices of violations sent to owners of wrecker services or vehicle storage areas;
- A list of all current wrecker services or vehicle storage areas now operating in Haywood County.

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X

Not Requested

HAYWOOD COUNTY SHERIFF'S OFFICE ROTATION WRECKER RULES

Purpose:

The purpose of a wrecker rotation system is to establish a fair, dependable, professional, and impartial wrecker service for motorists that need the services of a wrecker and do not have a preference and to provide those who qualify a fair and equitable chance to serve the motoring public in a prompt and professional manner. The following rules and requirements are mandatory for those wishing to be placed on the Haywood County Sheriff Office Rotation System. The list will be utilized by the HCSO and other agencies within the county, that the Haywood County Sheriff's Office dispatches for.

I. Owner Requirements:

- A. All wrecker companies will be located in Haywood County, as will their storage lot.
- B. All wrecker companies shall have any applicable town or county business license. A copy will be provided to the designated agency representative before being placed on the rotation list.
- C. Provide for safe storage of vehicles and secure contents to prevent damage by weather, vandals or other elements.
- D. Fees charged should be reasonable and in line with other wreckers on the rotation list. Failure to comply with this section will result in removal from the rotation list immediately until the owner complies with this section.
- E. The towing service shall and does in all events hold harmless the County and all agencies who utilize the rotation list and indemnify them for any and all liabilities, obligations, debts, charges and judgments arising from injuries or damage of any nature whatsoever attributable to the towing services' activities while engaged in the performance of its duties under this rotation agreement. The owner/operator also agrees to defend the utilizing agencies in any action against the agencies arising out of the towing service performed under this agreement.
- F. Provide certificates of insurance for liability insurance in the amount of at least \$100,000.00/\$50,000.00. This policy also requires garage keeper's

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X
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policy, covering fire, theft, explosion and vandalism in the amount of not less than twenty thousand dollars (\$20,000.00) together with collision liability coverage of not less than \$20,000.00 subject to a maximum deductible of \$100.00. Owners shall abide by all applicable North Carolina Division of Motor Vehicles insurance regulations.

- G. Owner agrees to be liable for towed vehicles and contents once they hook up to the vehicle. They shall have adequate insurance or assets to cover these vehicles and their contents in the event of damage or theft.
- H. Sharing of storage facilities nor sharing of equipment will be allowed by wrecker firms. One wrecker firm may not answer a call for another wrecker firm.
- I. Provide dependable 24 hour service, seven days a week. This means that someone may pick up their vehicle during normal business hours. i.e. 8am-5pm, seven days a week, once the wrecker owner/operator has been compensated in full for services rendered.
- J. Cooperate fully with the County and all utilizing agencies by allowing inspections of their facilities and equipment at the discretion of the agencies.
- K. All drivers must have a good driving record with no more than three points against their driver's license and no convictions for Driving While Impaired, Driving While License Revoked, Speed Competition violations or Reckless Driving within the past three years. Owners must not have any felony convictions within the past five years.
- L. Comply with North Carolina General Statute 20-77, which states: "An operator of a place of business for garaging, repairing, parking or storing vehicles for the public in which a vehicle remains unclaimed for more than 30 days, or the landowners upon whose property a motor vehicle has been abandoned for more than sixty (60) days, shall, within five days after the expiration of that period, report the vehicle as unclaimed to the division. Failure to make such a report shall constitute a misdemeanor punishable by a fine not to exceed \$50.00 or imprisonment not to exceed 30 days, or both, in the discretion of the court."
- M. Notify the Sheriff's Office immediately upon any change of address for the business and allow inspection the new location within ten (10) days.
- N. A wrecker will not be allowed to proceed to the scene of any accident/incident without being requested by dispatch. "Running wrecks" or the solicitation of business at the scene of accidents/incidents is strictly

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prohibited. Violation of this rule will result in removal from the rotation list for a period of one (1) year.

- O. No more than one wrecker firm will be allowed to work a single vehicle accident unless approved by the shift Sergeant.
- P. Owners must agree to comply with and ensure their drivers comply with requirements set forth in this directive.
- Q. Failure by the owner to comply with any of the requirements contained in this directive will be justification for removal of a wrecker firm from the rotation list.

II. Driver Requirements:

- A. Possess a valid Class "C" North Carolina Drivers License for regular rotation wreckers and a valid Class "A" North Carolina Commercial Drivers License for the large rotation system.
- B. Be available 24 hours a day, seven days a week.
- C. Have a good driving record with no more than three points against their drivers license and no convictions for Driving While Impaired, Driving While License Revoked, Speed Competition violations or Reckless Driving within the past three years. Drivers must not have any felony convictions within the past five years.
- D. Drivers will not respond to a call while impaired or with an odor of alcoholic beverage on his breath. If a driver is convicted of Driving While Impaired, resulting from the operation of a wrecker, the driver will relinquish their privilege to answer a call on the rotation for a period of one year.
- E. Arrival to the dispatched location must occur within thirty (30) minutes after the initial notification. If the wrecker has not arrived within thirty minutes, the officer requesting the wrecker will request the next rotation. The first wrecker called will be sent back when it arrives. The wrecker that failed to respond within thirty minutes will lose its turn on the rotation.
- F. All traffic laws will be obeyed while responding to wrecker calls.
- G. Drivers will be responsible for clearing debris from the roadway at the scene of accidents, excluding hazardous materials.

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X
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- H. Drivers must fully cooperate with the law enforcement personnel at the scene.
- I. Drivers must be experienced and knowledgeable in the proper operation of the wrecker and towing of vehicles whereby professional and dependable service can be obtained with no additional damage caused to the vehicle being towed.

III. Wrecker Requirements

- A. All wreckers must be a minimum of a one-ton chassis with dual rear wheels and must be capable of moving and towing vehicles under normal circumstances with the exception of large trucks.
- B. Wreckers must be properly registered with the North Carolina Division of Motor Vehicles as wreckers.
- C. Wreckers must have a valid North Carolina Inspection sticker certificate or Federal Inspection certificate and all items covered in North Carolina General Statute 20-183.3 must be in proper working condition at all times.
- D. Rollback wreckers will display a "FOR HIRE" registration number plate (with a minimum of 15,000 pounds tag) and display a North Carolina Exempt (NCE) number on the rollback.
- E. Equipment must be kept in good working order at all times and is subject to inspection at any time, by any utilizing agency designee.
- F. Wreckers and rollbacks must be equipped with amber lights in compliance with North Carolina General Statute 20-130.2
- G. The following items must be carried on all wreckers: axe, broom capable of cleaning debris from the roadway, ABC fire extinguisher, shovel, two (2) four-ton snatch blocks, two (2) scotch blocks or a brake lock system that is functional, a wrecking bar, recovery or spot lights on rear of the wrecker, and two (2) manufactured and patented J hooks.
- H. All wreckers must have a manufactured and patented boom assembly and a winch that has a rating of at least 8,000 pounds as rated by the manufacturer and at least 100 feet of 3/8" cable on two winches.
- I. Pursuant to G.S. 20-101(d), the name and address of the registered owner

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of the vehicle, and the name of the business or person being hired if different, must be printed on the side of the vehicle in letters not less than 3" in height

IV. Large Wrecker Requirements:

- A. Firms must comply with the requirements set forth for regular rotation wreckers.
- B. Large wreckers must be capable of towing large tractor trailer trucks from accident scenes.
- C. Large wreckers must be a minimum of a 750 Holmes Tandem Axle Wrecker, or it's equivalent.
- D. Must be equipped to supply air to the brakes on large trucks.
- E. The wrecker must have a large wrecker registration number plate assigned to that wrecker complete with a current North Carolina Fuel Permit attached to the wrecker.
- F. Must have the accident scene clear in a reasonable amount of time in order to relieve officers at the scene.
- G. Must be capable of removing large cargo objects from accident scenes in a reasonable amount of time.

V. Storage Requirements:

- A. The towed vehicle will be taken to an approved storage facility, unless otherwise requested by the driver/owner of the towed vehicle or the requesting Officer.
- B. All storage lots must be secure and fenced. All storage lots located in the county outside the town limits and ETJ must comply with the fencing, screening, and registration requirements set forth in County ordinance chapter 114, which governs junkyards and other facilities. All storage lots located within town limits or ETJ must comply with all applicable ordinances in that jurisdiction.
- C. The storage facility should be able to accommodate a minimum of 6 to 8 vehicles.

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VI. Other Requirements:

- A. If a driver or owner of a motor vehicle requests a specific wrecker, it will be deemed "Owner's Request" and will not effect the rotation.
- B. If the wrecker firm that is called cannot respond to the accident/incident scene, that wrecker firm loses its turn on rotation.
- C. Repeated incidents of not taking rotation calls for any reason will be justification for removal from the rotation list, resulting in the following suspensions: first offense - 30 day suspension, second offense - 60 day suspension, third and subsequent offenses - 6 months suspension.
- D. Complaints concerning unreasonable fees will be investigated by the agency who received the complaint and forwarded to the HCSO representative. Substantiated complaints will be referred to the civil magistrate for proper action. A substantiated complaint of unreasonable fees will result in an immediate removal rotation until the matter is resolved. Complaints regarding unreasonable fees must originate from the owner or operator of the towed vehicle, not from any other person or persons.
- D. The Sheriff or his designee is responsible for the accurate documentation of suspensions and removals of wrecker firms from the rotation list.
- F. The dispatcher, when requested by an officer to contact the rotation wrecker, will tell the person that answers the telephone the location and the circumstances that caused the wrecker to be called. The dispatcher will also advise what type wrecker will be appropriate under the circumstances and answer any questions the wrecker firm may have.

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X
Not Requested

HAYWOOD COUNTY SHERIFF'S OFFICE

REVISED 01/25/2018

WRECKER INSPECTION FORM

____ ANNUAL INSPECTION DATE _____ OFFICER _____

____ NEW WRECKER SERVICE DATE _____ OFFICER _____

1. WRECKER SERVICE NAME

A. OWNERS NAME _____

B. BUSINESS ADDRESS _____

C. STORAGE LOT ADDRESS _____

D. BUSINESS PHONE NO. (DAY) _____ (NIGHT) _____

2. DRIVERS OF WRECKERS AND O.E. OR C.D.L. NUMBERS

A. NAME _____ PHONE NO. _____

O.E. TYPE AND NUMBER _____

B. NAME _____ PHONE NO. _____

O.E. TYPE AND NUMBER _____

C. NAME _____ PHONE NO. _____

O.L. TYPE AND NUMBER _____

D. NAME _____ PHONE NO. _____

O.L. TYPE AND NUMBER _____

3. TYPE OF WRECKER _____ MAKE/MODEL _____

N.C. TAG
(EXPIRATION)

1. _____
2. _____
3. _____
4. _____

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X
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4. INSURANCE COMPANY AND POLICY NO. _____

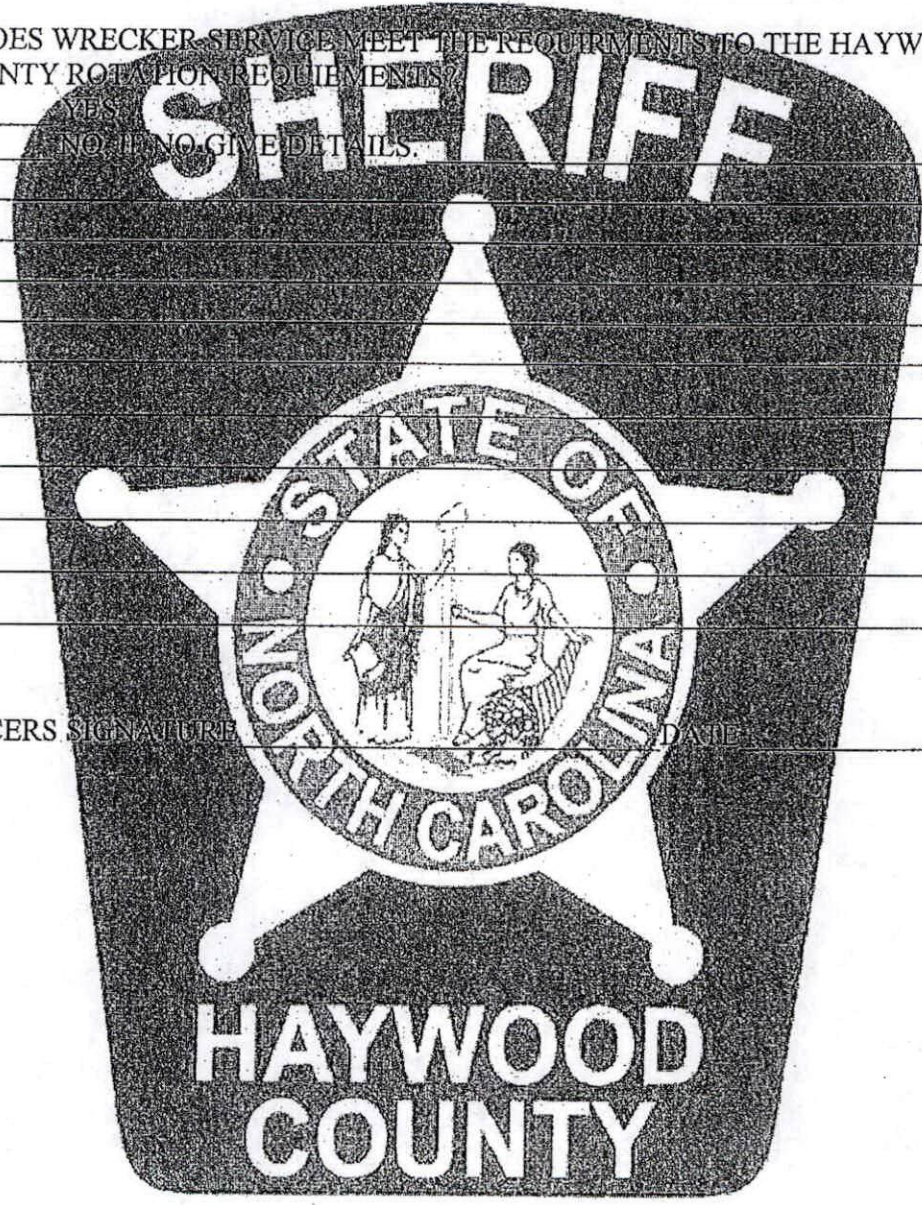
5. WRECKER SERVICE OWNER HAS A COPY OF THE WRECKER SERVICE
REQUIREMENTS, HAS READ AND UNDERSTANDS THEM AND AGREES TO
COMPLY. (OWNERS SIGNATURE) _____

6. ALL THE INFORMATION PROVIDED HEREIN IS TRUE AND ACCURATE.
(OWNERS SIGNATURE) _____

7. DOES WRECKER SERVICE MEET THE REQUIREMENTS TO THE HAYWOOD
COUNTY ROTATION REQUIREMENTS?

YES _____

NO. IF NO, GIVE DETAILS. _____



OFFICERS SIGNATURE _____

DATE _____

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X
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Haywood County Sheriff's Office

Wrecker Rotation Requirement Checklist

- Vehicle is at least a one-ton chassis with dual rear wheels
- Wreckers registered as wrecks with DMV
- Has a North Carolina Safety Inspection Certificate
- Equipped with amber lights
- Axe
- Broom
- Fire Extinguisher
- Shovel
- Flares
- Dollies
- Snatch Blocks
- Two Scotch Blocks
- Wrecker bar or auto power machine
- Recovery lights or spot lights on rear of wrecker
- Possess a valid Class "C" Licenses on ALL drivers
- Has an acceptable driving and criminal history
- Fenced storage area
- Certificate of Insurance for each wrecker
- Copy of current Privilege License and Town or County Business License
- Business or Person name is printed a height of 3 inches on side of wrecker
- Does not share an address, location, or impound lot with another wrecker service

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HAYWOOD COUNTY SHERIFF'S OFFICE ROTATION
WRECKER APPLICATION

2018

X
Not Requested

1. OWNERS NAME _____ D.O.B. _____ D.L. _____

2. BUSINESS ADDRESS _____

3. STORAGE LOT ADDRESS _____

4. BUSINESS PHONE # _____

5. WRECKER INFORMATION

MAKE / MODEL _____ N.C. TAG# _____ TYPE (Large, Small, Rollback)

1. _____

2. _____

3. _____

4. _____

5. _____

6. _____

6. DRIVERS INFORMATION:

FULL NAME _____ D.O.B. _____ D.L. NUMBER _____ D.L. CLASS _____

1. _____

2. _____

3. _____

4. _____

5. _____

7. ATTACHMENTS TO INCLUDE WITH APPLICATION

1. Copy of driver's license for all drivers.
2. Copy of insurance policy to include policy limits and coverage.
3. Copy of registration for all wreckers.
4. Copy of Privilege License & Town or County of License.

8. List any known problems complying with the rotation policy or applicable county/city ordinances. _____

____ New application _____ Annual renewal

____ Additional information

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X
Not Requested

**Haywood County Sheriff's Office
APPLICATION / RE-APPLICATION FOR
WRECKER ROTATION INCLUSION AND INSPECTION**

Company:	
Contact:	
Address:	
Telephone:	

I acknowledge and understand the requirements and regulations as set forth in the Haywood County Sheriff's Office "Rotation Wrecker Service Regulations" pursuant to Chapter 14B of the North Carolina Administrative Code (NCAC) 07A.0116

I certify that I am now in full compliance with these regulations and agree to comply with these regulations at all times while my wrecker is on the Haywood County Sheriff's Office Wrecker Rotation List. I understand that my failure to comply with these regulations will result in removal of my wrecker from the list as specified.

I have a relative employed by the Haywood County Sheriff's Office in the county where I have applied to be on the Haywood County Sheriff's Office Rotation Wrecker System. Yes No If yes, explain:

Printed Name AND Signature (Required)	Date

Printed Name AND Witness Signature (Required)	Date

The following portion of the form shall be completed by the appropriate Deputy or designee after the documents are submitted to the Deputy or designee by the wrecker service and prior to the inspection by the Deputy.

	Yes	No
Criminal record check of all drivers and owner	<input type="checkbox"/>	<input type="checkbox"/>
Copy of current "Certificate of Liability Insurance" with the NC Highway Patrol District First Sergeant and appropriate District office address listed as "Certificate Holder"	<input type="checkbox"/>	<input type="checkbox"/>
Copy of vehicle registrations for all wreckers / rollbacks on rotation	<input type="checkbox"/>	<input type="checkbox"/>
Price List for year of periodic inspection (submitted on HP-304C for small wreckers / rollbacks only)	<input type="checkbox"/>	<input type="checkbox"/>
Certified Driver's License Record Checks for all Wrecker Drivers	<input type="checkbox"/>	<input type="checkbox"/>
Photo copy of Driver's License for all wrecker drivers (black and white copies only)	<input type="checkbox"/>	<input type="checkbox"/>
Photo copy of a valid work VISA, or other appropriate INS documentation for all wrecker drivers and owner(s) (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>

Comments

Inspected By	Date	Approved
		<input type="checkbox"/> Yes <input type="checkbox"/> No

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14B NCAC 07A .0116 ROTATION WRECKER SERVICE REGULATIONS

(a) The Troop Commander shall include on the rotation wrecker list only those wrecker services that agree in writing to adhere to the following provisions:

- (1) A wrecker service desiring to be included on the rotation wrecker list shall complete a wrecker application on a form designated by the Patrol. This application and all forms referenced in this Rule may be accessed at www.ncdps.gov, State Highway Patrol, Wrecker Inspections tab. All applications shall be submitted to the appropriate District First Sergeant.
- (2) In order to be listed on a rotation wrecker list within a rotation wrecker zone, a wrecker service shall have a full-time business office within that rotation wrecker zone that is staffed and open 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding State holidays, and a storage facility. The wrecker service shall have someone available to accept telephone calls from the Patrol, to allow access to towed vehicles, or to retrieve towed vehicles by the registered owner, operator, or legal possessor during business hours. The business office may not be the same physical address as the owner's residence unless zoned for commercial purposes and advertised as a business property. A representative from the wrecker service shall be available on call on a 24-hour basis for emergencies. The wrecker service shall allow vehicles to be retrieved between the hours of 8:00 a.m. and 5:00 p.m., seven days a week, excluding State holidays. An individual (registered owner, legal possessor, or operator) shall not be charged a storage fee for days that he or she could not retrieve his or her vehicle as a result of an action or omission on the part of the wrecker service, such as where the wrecker service was not open, did not answer the telephone, or a representative was not available to release the vehicle.
- (3) Wrecker service facilities and equipment, including vehicles, office, telephone lines, office equipment, and storage facilities shall not be shared with or otherwise located on the property of another wrecker service and shall be independently insured. Vehicles towed at the request of the Patrol shall be placed in the storage owned and operated by the wrecker service on the rotation wrecker list. A storage facility for a small wrecker shall be located within the assigned zone. For wrecker services with large wreckers, the storage facility for vehicles towed with the large wrecker may be located anywhere within the county. To be listed on the large rotation wrecker list, a wrecker service shall have at least one large wrecker located within the county and designated for the sole use in that county. To be listed on the small rotation wrecker list, a wrecker service shall have at least one small wrecker located within the assigned zone and designated for the sole use in that assigned zone. A wrecker shall not be on more than one rotation wrecker list. In any case where husband and wife or other family members are engaged in the business of towing vehicles and desire to list each business separately on the wrecker rotation list, the wrecker service shall establish that it is a separate legal entity for every purpose, including federal and state tax purposes. Nothing in this Rule precludes a wrecker service from responding to private calls outside the assigned zone or county.
- (4) Each wrecker shall be equipped with legally required lighting and other safety equipment to protect the public and the equipment must be in good working order.
- (5) Each wrecker on the rotation wrecker list shall be equipped with the equipment required on the application list and the equipment shall be operating properly at all times.
- (6) The wrecker service operator must remove all debris, other than hazardous materials, from the highway and the right-of-way prior to leaving the incident or collision scene. "Hazardous Materials" consist of those materials and amounts that are required by law to be handled by local Hazardous Materials Teams. This service must be completed as part of the required rotation service and shall not be charged as an extra service provided. Hazardous materials or road clean-up other than debris may be billed in quarter-hour increments after the first hour on scene.
- (7) The wrecker service shall be available to the Patrol for rotation service on a 24-hour per day basis and accept collect calls (if applicable) from the Patrol. Calls for service shall not go unanswered for any reason, unless the wrecker company has notified the Patrol is unable respond as set forth in Subparagraph (a)(16) of this Rule.
- (8) The wrecker service shall respond, under normal conditions, in a timely manner. Failure to respond in a timely manner shall result in a second rotation wrecker being requested. If the second wrecker is requested before the arrival of the first rotation wrecker, the initial requested wrecker shall forfeit the call and shall leave the collision or incident scene.

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Not Requested

- (9) For Patrol-involved incidents, the wrecker service shall respond only upon request from Patrol authority or at the request of the person in apparent control of the vehicle to be towed.
- (10) The wrecker service, when responding to rotation wrecker calls, shall charge reasonable fees for services rendered. Towing, storage, and related fees charged for rotation services may not exceed the wrecker service's charges for nonrotation service calls that provide the same service, labor, and conditions. Wrecker services may secure assistance from another rotation wrecker service when necessary, but only one bill shall be presented to the owner or operator of the vehicle for the work performed. A price list for recovery, towing, and storage shall be established and kept on file at the place of business. A price list for all small wreckers and rollbacks with a GVWR of less than 26,001 pounds shall be furnished in writing on a Patrol form to the District First Sergeant upon request. The District First Sergeant shall approve all price lists submitted within his or her respective District, if they are determined to be reasonable, consistent with fees charged by other Highway Patrol rotation wrecker services within the District and do not exceed the wrecker service's charges for nonrotation service calls that provide the same service, labor, and conditions. The District First Sergeant shall retain a copy of all approved price lists in the appropriate wrecker service file located in the district office. Storage fees shall not begin to accrue until the next calendar day following the initial towing of the vehicle. Wrecker service towing fees for recovery and transport of vehicles after 5:00 p.m. and on weekends shall not exceed the towing fees by more than 10 percent for recovery and transport of vehicles charged during regular business hours. A mileage fee shall be charged only if the customer requests the vehicle to be towed to a location outside of the assigned wrecker zone or county. If a mileage fee is warranted, the wrecker driver shall inform the owner, operator, or legal possessor of the vehicle of any additional charge for mileage prior to towing. The individual price list for each respective wrecker service shall be made available to customers upon request. Copies of the approved price list shall be maintained within each wrecker and shall be given to the owner, operator, or legal possessor of a vehicle being towed as a result of a Highway Patrol rotation wrecker call by the wrecker driver, if the owner, operator, or legal possessor of the vehicle being towed is present at the scene. Prices indicated on this form shall be the maximum amount that will be charged for a particular service; however, this does not prevent charges of a lesser amount for said service.
- (11) All wrecker operators shall have a valid driver's license for the type of vehicles driven. A limited driving privilege is not allowed.
- (12) Wrecker owners, operators, and employees shall not be abusive, disrespectful, or use profane language when dealing with the public or any member of the Patrol and shall cooperate at all times with members of the Patrol.
- (13) The wrecker service shall adhere to all Federal and State laws and local ordinances and regulations related to registration and operation of wrecker service vehicles and have insurance as required by G.S. 20-309(a).
- (14) The wrecker service shall employ only wrecker operators who demonstrate an ability to perform required services in a safe, timely, efficient, and courteous manner and who satisfy all of the requirements for wrecker drivers established or referenced by this Rule. The wrecker service shall not take any passengers to the service call who have been convicted, pled guilty to, or received a prayer for judgment continued (PJC) for any of the offenses listed in Subparagraph (a)(21) of this Rule, with the exception of a Chapter 20 violation.
- (15) The wrecker service shall notify the District First Sergeant of any insurance lapse or change. Wrecker services shall list the NC Highway Patrol as "Certificate Holder" on the Certificate of Liability Insurance, in c/o the District First Sergeant, complete with the current mailing address for the Highway Patrol District Office tasked with the responsibility of ensuring compliance with Highway Patrol policy regarding the respective wrecker service.
- (16) The wrecker service shall notify the Patrol whenever the wrecker service is unable to respond to calls.
- (17) Notification of rotation wrecker calls shall be made to the owner or operator or employee of the wrecker service. Notification shall not be made to any answering service, pager, or answering machine.
- (18) Wrecker service vehicles shall be marked on each side by printing the wrecker service name, city, and state in at least three inch letters. No magnetic or stick-on signs shall be used. Decals are

Received: **January 10, 2020**
Monroe A. Miller, Jr.
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X
Not Requested

permissible. The wrecker service operator shall provide a business card to the investigating officer or person in apparent control of the vehicle before leaving the scene.

- (19) Each wrecker service vehicle shall be registered with the Division of Motor Vehicles in the name of the wrecker service and insured by the wrecker service. Dealer tags shall not be displayed on wreckers that respond to rotation calls.
- (20) Wrecker services shall secure all personal property at the scene of a collision to the extent possible, and preserve personal property in a vehicle that is about to be towed.
- (21) The owner shall ensure that he or she and each wrecker driver has not been convicted of, pled guilty to, or received a prayer for judgment continued (PJC):
 - (A) Within the last five years of:
 - (i) A first offense under G.S. 20-138.1, G.S. 20-138.2, G.S. 20-138.2A, or G.S. 20-138.2B;
 - (ii) Any misdemeanor involving an assault, an affray, disorderly conduct, being drunk and disruptive, larceny, or fraud;
 - (iii) Misdemeanor Speeding to Elude Arrest; or
 - (iv) A violation of G.S. 14-223.
 - (B) Within the last ten years of:
 - (i) Two or more offenses in violation of G.S. 20-138.1, G.S. 20-138.2, G.S. 20-138.2A or G.S. 20-138.2B;
 - (ii) Felony speeding to elude arrest; or
 - (iii) Any Class F, G, H, or I felony involving sexual assault, assault, affray, disorderly conduct, being drunk and disruptive, fraud, larceny, misappropriation of property, or embezzlement.
 - (C) At any time of:
 - (i) Class A, B1, B2, C, D, or E felonies;
 - (ii) Any violation of G.S. 14-34.2, G.S. 14-34.5, or G.S. 14-34.7;
 - (iii) Any violation of G.S. 20-138.5; or
 - (iv) Three felony offenses in any federal or state court or combination thereof. The commission of a felony is not considered to be a second or subsequent felony unless it is committed after the conviction of or guilty plea to the previous felony.

For convictions occurring in federal court, another state or country, or for North Carolina convictions for felonies that were not assigned a class at the time of conviction, the North Carolina offense that is substantially similar to the federal or out of state conviction or the class of felony that is substantially similar to the North Carolina felony shall be used to determine whether the owner or driver is eligible. Any question from the owner of a wrecker service concerning a criminal record shall be discussed with the First Sergeant or his or her designee.

- (22) Upon employment or upon the request of the District First Sergeant, the owner of the wrecker service shall supply to the Patrol the full name, current address, date of birth, and photocopy of drivers license, valid work VISA, or other INS documentation for all wrecker drivers and owner(s) in order for the Patrol to obtain criminal history information. The owner of the wrecker service shall also provide a certified copy of the driving record for the owner and each driver authorized to drive on rotation upon initial application, upon the hiring of a driver hired after initial application, and at the time of periodic wrecker inspections conducted by the Patrol to ensure compliance with this Rule and applicable statutes. The wrecker service shall inform the District First Sergeant if the owner or a driver is charged with, convicted of, enters a plea of guilty or no contest to, or receives a prayer for judgment continued (PJC) for any of the crimes listed in Subparagraph (21) of this Paragraph. Upon notification that a driver or owner was charged with any of the crimes listed in Subparagraph (21) of this Paragraph, the Patrol shall conduct an independent administrative investigation. Willful failure to notify the District First Sergeant as required by this Subparagraph shall result in removal from the rotation wrecker service for 12 months.
- (23) Upon request of the vehicle owner, the rotation wrecker shall return personal property stored in or with a vehicle, whether or not the towing, repair, or storage fee on the vehicle has been or will be paid. Personal property, includes any goods, wares, freight, or any other property having any value other than the functioning vehicle itself.

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X
Not Requested

- (24) The wrecker service shall tow disabled vehicles to any destination requested by the vehicle owner or other person with apparent authority after financial obligations have been finalized.
 - (25) Unless notified by the Patrol that the vehicle is being preserved as evidence, the wrecker service shall allow insurance adjusters access to and allow inspection of the vehicle at any time during the wrecker service's normal working hours.
 - (26) Being called by the Patrol to tow a vehicle does not create a contract with or obligation on the part of the Patrol or Patrol personnel to pay any fee or towing charge except when towing a vehicle:
 - (A) owned by the Patrol;
 - (B) that is later forfeited to the Patrol; or
 - (C) that a court determines that the Patrol wrongfully authorized the tow and orders the Patrol to pay transportation and storage fees.
 - (27) Being placed on the rotation wrecker list does not guarantee a particular number or quantity of calls, does not guarantee an equivalent number of calls to every wrecker service on the rotation wrecker list, nor does it entitle any wrecker service to any compensation as a consequence for not being called in accordance with the list or when removed from the rotation wrecker list.
 - (28) The willful failure to respond to a call by the Patrol shall result in the wrecker service being placed at the bottom of any rotation wrecker list and the wrecker service shall then be "automatically by-passed" when that wrecker service comes up for its next rotation call.
 - (29) The District First Sergeant or his or her designee shall subject rotation wreckers and facilities to inspections during normal business hours.
 - (30) A rotation wrecker service, upon accepting a call for service from the Patrol, shall use its wrecker. Wrecker services shall not refer a call to another wrecker company or substitute for each other.
 - (31) If a rotation wrecker service plans to move its business location, the owner shall send written notification of the new address to the District First Sergeant not less than 10 days prior to the move. The wrecker service shall not receive rotation calls prior to inspection of the new facility.
 - (32) A wrecker service may dispatch either a wrecker or a rollback in response to a Patrol rotation wrecker call, except where the wrecker service is advised that a particular type of recovery vehicle is needed due to existing circumstances.
 - (33) A rotation wrecker driver or employee shall not respond to a Patrol related incident with the odor of alcohol on his or her breath or while under the influence of alcohol, drugs, or any impairing substance.
 - (34) A wrecker service shall have in effect a valid hook or cargo insurance policy issued by a company authorized to do business in the State of North Carolina in the amount of fifty thousand dollars (\$50,000) for each small wrecker and one hundred fifty thousand dollars (\$150,000) for each large wrecker or as otherwise required by Federal regulation, whichever is greater. In addition, each wrecker service shall have a garage keeper's insurance policy from an insurance company authorized to do business in the State of North Carolina covering towed vehicles in the amount of one hundred thousand dollars (\$100,000).
- (b) The District First Sergeant shall conduct an investigation of each wrecker service that applied to be placed on the rotation wrecker list and determine if the wrecker service meets the requirements set forth in this Rule. If the District First Sergeant determines that a wrecker service fails to satisfy one or more of the requirements set forth in this Rule, the First Sergeant shall notify the wrecker service owner of the reason(s) for refusing to place it on the rotation wrecker list. Any wrecker service that fails to comply with the requirements of this Rule shall be removed from the rotation wrecker list.
- (c) The Troop Commander or designee shall ensure that a wrecker service shall be included only once on each rotation wrecker list.
- (d) Each Troop Commander shall designate a Troop Lieutenant to serve as a Rotation Wrecker Liaison for his or her respective Troop.
- (e) If the Troop Commander or designee chooses to use a contract, zone, or other system administered by DOT or a local agency, the agency rules govern the system.
- (f) If a wrecker service responds to a call, it shall be placed at the bottom of the rotation wrecker list by the Patrol Communications Center unless the wrecker service, through no fault of its own, is not used and receives no compensation for the call. In that event, it shall be placed back at the top of the rotation wrecker list.

History Note: Authority G.S. 20-184; 20-187; 20-188;
Temporary Adoption Eff. June 9, 2000;

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HAYWOOD COUNTY SHERIFF'S OFFICE ROTATION
WRECKER APPLICATION

2018

1. OWNERS NAME ^(Name) JEREMY HATTON D.O.B. [REDACTED] D.L. [REDACTED]
2. BUSINESS ADDRESS [REDACTED] 18 CHURCHFIELD CT, CANTON NC 28716
3. STORAGE LOT ADDRESS [REDACTED] CANTON NC 28716

4. BUSINESS PHONE [REDACTED] 828-400-1000 [REDACTED] 2816
5. WRECKER INFORMATION
1. [REDACTED]
2. [REDACTED]
3. [REDACTED]
4. [REDACTED]
5. [REDACTED]
6. [REDACTED]

6. DRIVER INFORMATION
1. [REDACTED] D.O.B. [REDACTED] D.L. NUMBER [REDACTED] D.L. CLASS [REDACTED]
2. [REDACTED]
3. [REDACTED]
4. [REDACTED]
5. [REDACTED]

7. ATTACHMENTS TO INCLUDE WITH APPLICATION
- 1. Copy of driver's license
 - 2. Copy of insurance policy
 - 3. Copy of registration for all wreckers
 - 4. Copy of Public License of Town or County office
8. List any known problems complying with the ordinance for applicable county/city ordinances.
- _____
- _____
- _____
- _____

New application _____ Annual renewal _____

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**HAYWOOD COUNTY SHERIFF'S OFFICE ROTATION
WRECKER APPLICATION**

2018

 New application

 Annual renewal

 Additional information

Received: **January 10, 2020**

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Haywood County Sheriff's Office
APPLICATION / RE-APPLICATION FOR
WRECKER ROTATION INCLUSION AND INSPECTION

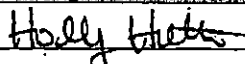
Company:	HATTON'S TOWING & RECOVERY
Contact:	ADAM HATTON
Address:	287 MAIN ST, CANTON NC 28716
Telephone:	828 [REDACTED]

I acknowledge and understand the requirements and regulations as set forth in the Haywood County Sheriff's Office "Rotation Wrecker Service Regulations" pursuant to Chapter 14B of the North Carolina Administrative Code (NCAC) 07A.0116

I certify that I am now in full compliance with these regulations and agree to comply with these regulations at all times while my wrecker is on the Haywood County Sheriff's Office Wrecker Rotation List. I understand that my failure to comply with these regulations will result in removal of my wrecker from the list as specified.

I have a relative employed by the Haywood County Sheriff's Office in the county where I have applied to be on the Haywood County Sheriff's Office Rotation Wrecker System. Yes No If yes, explain:

Printed Name AND Signature (Required)	Date
Jeremy (Adam) Hatton 	3-19-19

Printed Name AND Witness Signature (Required)	Date
Holly Hatton 	3/19/19

The following portion of the form shall be completed by the appropriate Deputy or designee after the documents are submitted to the Deputy or designee by the wrecker service and prior to the inspection by the Deputy.

	Yes	No
Criminal record check of all drivers and owner	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Copy of current "Certificate of Liability Insurance" with the ^{Haywood County Sheriff's Office} NC Highway Patrol District First Sergeant and appropriate District office address listed as "Certificate Holder" ^{me}	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Copy of vehicle registrations for all wreckers / rollbacks on rotation	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Price List for year of periodic inspection (submitted on HP-304C for small wreckers / rollbacks only)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Certified Driver's License Record Checks for all Wrecker Drivers	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Photo copy of Driver's License for all wrecker drivers (black and white copies only)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Photo copy of a valid work VISA, or other appropriate INS documentation for all wrecker drivers and owner(s) (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>

Comments

Inspected By	Date	Approved
M. Cagle	3/28/2019	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

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SMALL WRECKER / ROLLBACK ROTATION PRICE LIST

Name of Towing Service	HATTON'S TOWING & Recovery
Address	287 MAIN ST
City	CANTON
State	NC
Office Phone	919-██████████
Mobile Phone	919-██████████
Pager	

Service Provided		Charge
Wrecker Towing Fees (Collision)		Charge
Wrecker Service during business hours (8:00 a.m. to 5:00 p.m. Monday – Friday)		200.00
Wrecker Towing Fees (Non-Collision)		Charge
Wrecker Service during business hours (8:00 a.m. to 5:00 p.m. Monday – Friday)		200.00
Additional Service(s)		Charge
Dolly Service		90.00
Overtured Vehicle		250.00
Winching		190.00
Storage Fee Per Day		Charge
Vehicle Storage (Inside)		75.00
Vehicle Storage (Outside)		40.00
		Hourly Rate Charge
Extensive Road Clean-Up Fee		125.00
<ul style="list-style-type: none"> Hourly rate for more than sweeping or cleaning of the roadway Billed in quarter hours increments Basic charges apply for the first hour on scene, quarter hour rates charged thereafter 		
Extra truck / manpower		200.00
On-scene waiting time (applicable only after first hour on scene)		90.00
Mileage Fee		Charge Per Mile
Cost per mile if taken outside assigned zone or outside county		4.00

I acknowledge and understand North Carolina State Highway Patrol Rotation Wrecker Service Regulations, pursuant to 14A NCAC 09H.0321, which state in pertinent part: A price list for small wreckers/rollbacks for recovery, towing and storage shall be furnished in writing on a Patrol form to the District First Sergeant upon request. The District First Sergeant shall approve all price lists submitted within their respective District if they are determined to be reasonable, consistent with fees charged by other Highway Patrol rotation wrecker services within the District and do not exceed the wrecker service's charges for non-rotation service calls that provide the same service, labor, and conditions. The price list for each respective wrecker service shall be made available to customers upon request. Storage fees shall not begin to accrue until the next calendar day following the initial towing of the vehicle. Wrecker service towing fees for recovery and transport of vehicles after 5:00 p.m. and on weekends may not exceed the towing fees for recovery and transport of vehicles charged during regular "Business Hours" by more than 10 percent. A mileage fee may only be charged if the customer requests the vehicle to be towed to a location outside of the assigned wrecker zone or county. Prices indicated on this form shall be the maximum amount that will be charged for a particular service; however, this does not prevent charges of a lesser amount for said service.

Owner's Name	Owner's Signature	Date
Jeremy (Adam) Hatton	<i>JH</i>	3-19-19
District First Sergeant's Name	District First Sergeant's Signature	Date

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HAYWOOD COUNTY SHERIFF'S OFFICE

WRECKER INSPECTION FORM

ANNUAL INSPECTION DATE OFFICER

NEW WRECKER SERVICE DATE 3/28/19 OFFICER Cagle

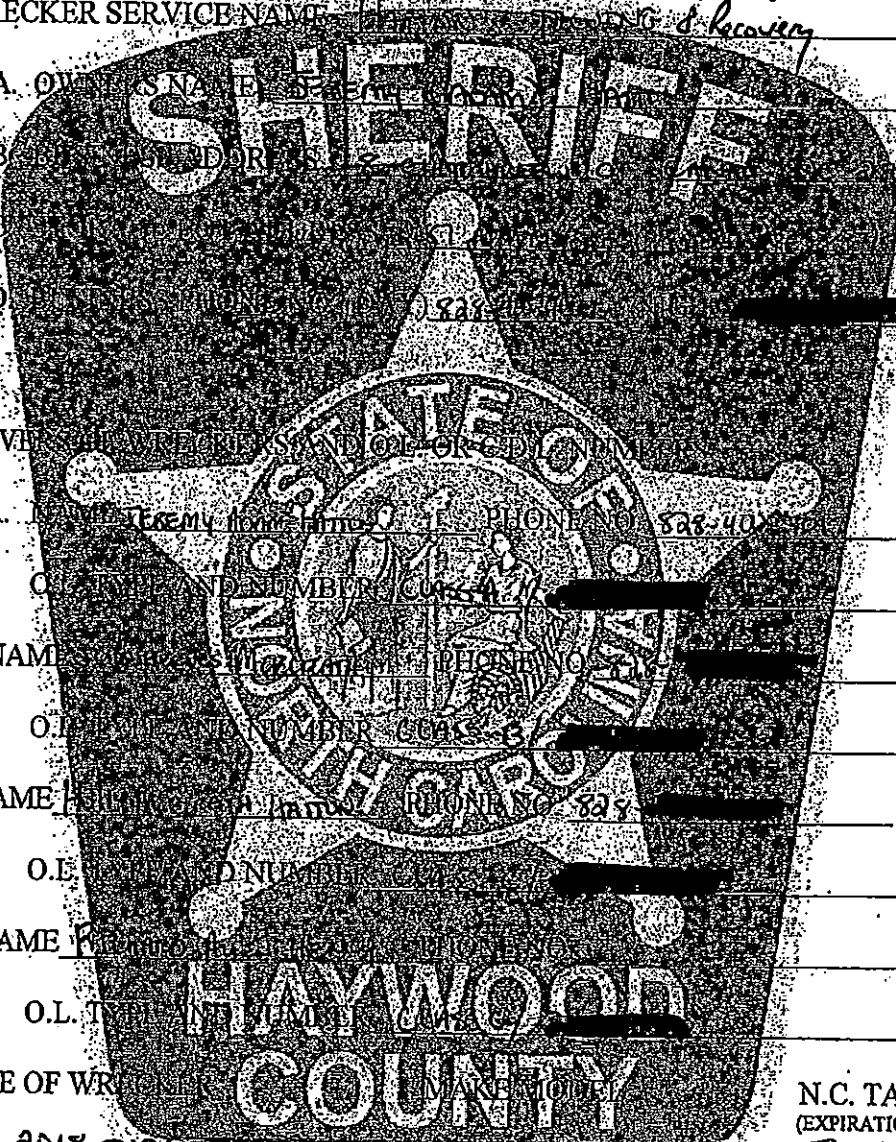
1. WRECKER SERVICE NAME [REDACTED] & Recovery

- A. OWNER'S NAME [REDACTED]
- B. ADDRESS [REDACTED]
- C. CITY [REDACTED]
- D. PHONE NUMBER [REDACTED]

2. DRIVER'S NAME AND OR COMPANY

- A. NAME [REDACTED] PHONE NO. [REDACTED]
- O.E. NUMBER [REDACTED]
- B. NAME [REDACTED] PHONE NO. [REDACTED]
- O.E. NUMBER [REDACTED]
- C. NAME [REDACTED] PHONE NO. [REDACTED]
- O.E. NUMBER [REDACTED]
- D. NAME [REDACTED]
- O.L. TYPE AND NUMBER [REDACTED]

3. TYPE OF WRECKER MAKE MODEL
- | | |
|-----------------------------|-----------------------|
| 1. 2018 DODGE 6500 WRECKER | N.C. TAG (EXPIRATION) |
| 2. ROLIBACK 2018 DODGE 5500 | 9/19 |
| 3. ROLIBACK 2019 F-650 | 2/20 |
| 4. | |



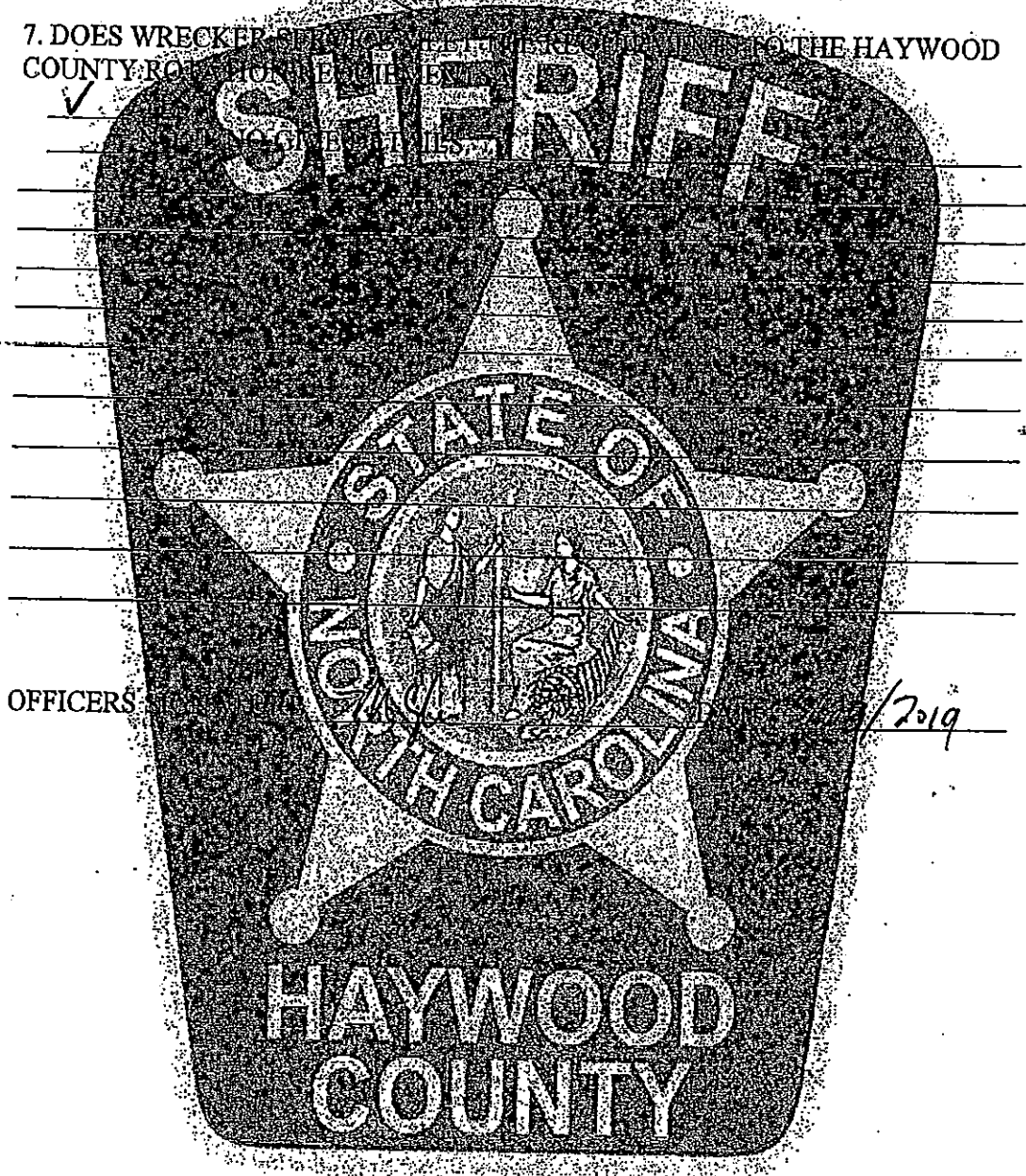
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4. INSURANCE COMPANY AND POLICY NO. NATIONAL LIABILITY & FIRE INSURANCE CO. [REDACTED]

5. WRECKER SERVICE OWNER HAS A COPY OF THE WRECKER SERVICE REQUIREMENTS, HAS READ AND UNDERSTANDS THEM AND AGREES TO COMPLY. (OWNERS SIGNATURE) [Signature]

6. ALL THE INFORMATION PROVIDED HEREIN IS TRUE AND ACCURATE. (OWNERS SIGNATURE) [Signature]

7. DOES WRECKER SERVICE OPERATE UNDER THE HAYWOOD COUNTY REGISTRATION REQUIREMENTS? YES



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Haywood County Sheriff's Office

Wrecker Rotation Requirement Checklist

- ☑ Vehicle is at least a one-ton chassis with dual rear wheels
- ☑ Wreckers registered as wrecks with DMV
- ☑ Has a North Carolina Safety Inspection Certificate
- ☑ Equipped with amber lights
- ☑ Axe
- ☑ Broom
- ☑ Fire Extinguisher
- ☑ Shovel
- ☑ Flares
- ☑ Dollies
- ☑ Snatch Blocks
- ☑ Two Scotch Blocks
- ☑ Wrecker bar or auto power machine
- ☑ Recovery lights or spot lights on rear of wrecker
- ☑ Possess a valid Class "C" Licenses on ALL drivers
- ☑ Has an acceptable driving and criminal history
- ☑ Fenced storage area
- ☑ Certificate of Insurance for each wrecker
- ☑ Copy of current Privilege License and Town or County Business License
- ☑ Business or Person name is printed a height of 3 inches on side of wrecker
- ☑ Does not share an address, location, or impound lot with another wrecker service

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**Haywood County Sheriff's Office
APPLICATION / RE-APPLICATION FOR
WRECKER ROTATION INCLUSION AND INSPECTION**

Company:	Grasty's Serviceter
Contact:	Herry Grasty "Skip" / Debbie Shook
Address:	1136 N. Main Street, Waynesville, NC 28786
Telephone:	828-452-5166, 828- 452-5166

I acknowledge and understand the requirements and regulations as set forth in the Haywood County Sheriff's Office "Rotation Wrecker Service Regulations" pursuant to Chapter 14B of the North Carolina Administrative Code (NCAC) 07A.0116

I certify that I am now in full compliance with these regulations and agree to comply with these regulations at all times while my wrecker is on the Haywood County Sheriff's Office Wrecker Rotation List. I understand that my failure to comply with these regulations will result in removal of my wrecker from the list as specified.

I have a relative employed by the Haywood County Sheriff's Office in the county where I have applied to be on the Haywood County Sheriff's Office Rotation Wrecker System. Yes No If yes, explain:

Printed Name AND Signature (Required)	Date
<i>Skip Grasty</i> <i>Skip Grasty</i>	1-25-18

Printed Name AND Witness Signature (Required)	Date
<i>P.A. Williams</i> P.A. Williams	1-25-18

The following portion of the form shall be completed by the appropriate Deputy or designee after the documents are submitted to the Deputy or designee by the wrecker service and prior to the inspection by the Deputy.

	Yes	No
Criminal record check of all drivers and owner	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Copy of current "Certificate of Liability Insurance" with the NC Highway Patrol District First Sergeant and appropriate District office address listed as "Certificate Holder"	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Copy of vehicle registrations for all wreckers / rollbacks on rotation	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Price List for year of periodic inspection (submitted on HP-304C for small wreckers / rollbacks only)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Certified Driver's License Record Checks for all Wrecker Drivers	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Photo copy of Driver's License for all wrecker drivers (black and white copies only)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Photo copy of a valid work VISA, or other appropriate INS documentation for all wrecker drivers and owner(s) (if applicable) <i>N/A</i>	<input type="checkbox"/>	<input type="checkbox"/>

Comments

Inspected By	Date	Approved
Deputy P.A. Williams	1/25/18	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

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HAYWOOD COUNTY SHERIFF'S OFFICE

WRECKER INSPECTION FORM

ANNUAL INSPECTION DATE 1/25/18 OFFICER P.A. Williams

NEW WRECKER SERVICE DATE _____ OFFICER _____

1. WRECKER SERVICE NAME Auto Servicenter

A. OWNER'S NAME _____

B. BUSINESS ADDRESS 176 _____

C. STORAGE LOCATION _____

D. BUSINESS PHONE (DD) (A) _____

2. DRIVER INFORMATION AND O.L. OR C.D.L. TYPE

A. NAME Henry _____ PHONE NO. 828-452-5166

O.L. TYPE AND NUMBER _____

B. NAME Debra _____ PHONE NO. _____

O.L. TYPE AND NUMBER _____

C. NAME _____

O.L. TYPE AND NUMBER _____

D. NAME _____

O.L. TYPE AND NUMBER _____

3. TYPE OF WRECKER MAKE MODEL

1. Small Ford _____

2. Rollback Ford _____

3. _____

4. _____

N.C. TAG (EXPIRATION) _____

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4. INSURANCE COMPANY AND POLICY NO. (Rollback) Stonington
Insurance Comp. [REDACTED] (Small) National Indemnity [REDACTED]

5. WRECKER SERVICE OWNER HAS A COPY OF THE WRECKER SERVICE
REQUIRMENTS, HAS READ AND UNDERSTANDS THEM AND AGREES TO
COMPLY. (OWNERS SIGNATURE) _____

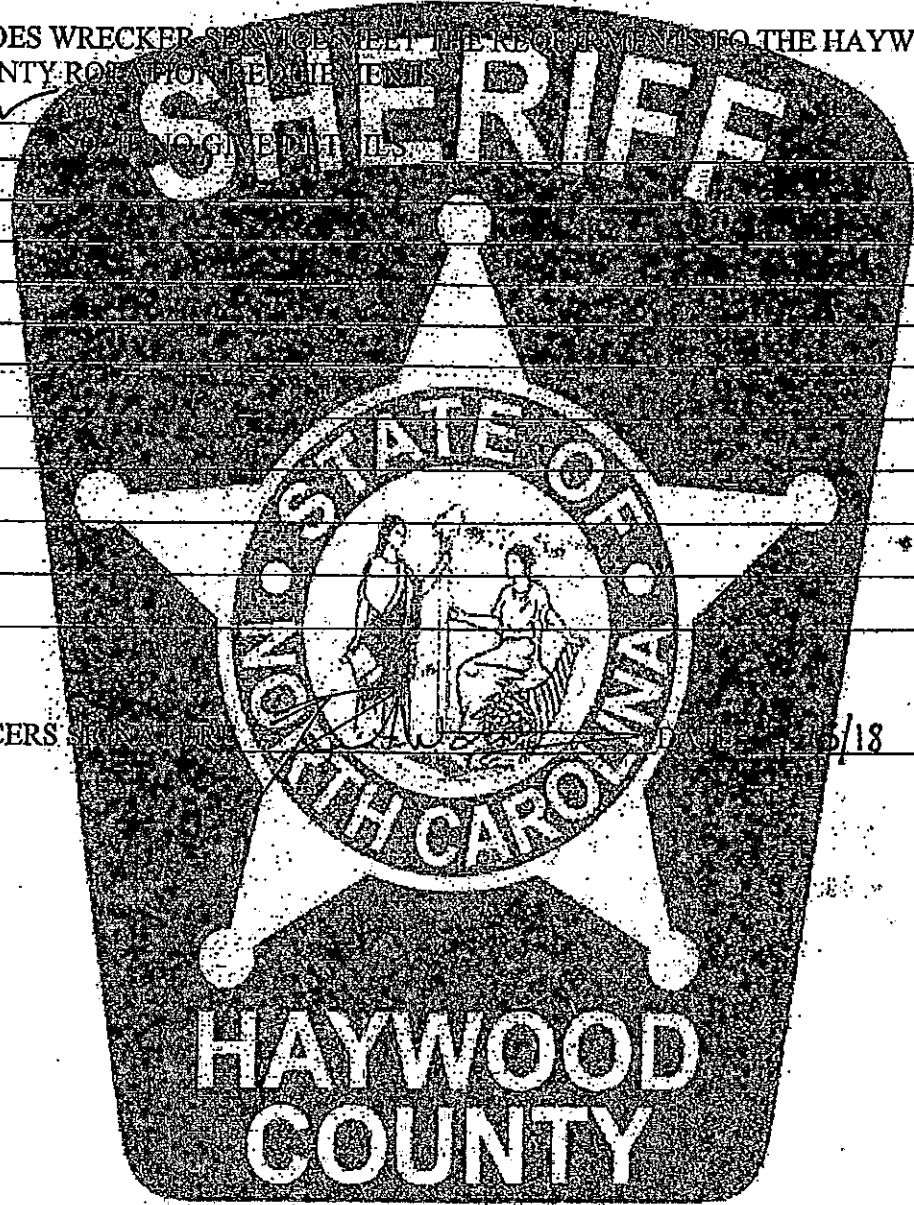
6. ALL THE INFORMATION PROVIDED HEREIN IS TRUE AND ACCURATE.
(OWNERS SIGNATURE) _____

7. DOES WRECKER SERVICE MEET THE REQUIREMENTS TO THE HAYWOOD
COUNTY ROAD TOWNSHIP AGREEMENTS

YES NO GIVE DETAILS _____

OFFICERS

5/18



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Monroe A. Miller, Jr.
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Waynesville, NC 28786

Haywood County Sheriff's Office

Wrecker Rotation Requirement Checklist

- Vehicle is at least a one-ton chassis with dual rear wheels
- Wreckers registered as wrecks with DMV
- Has a North Carolina Safety Inspection Certificate
- Equipped with amber lights
- Axe
- Broom
- Fire Extinguisher
- Shovel
- Flares
- Dollies
- Snatch Blocks
- Two Scotch Blocks
- Wrecker bar or auto power machine
- Recovery lights or spot lights on rear of wrecker
- Possess a valid Class "C" Licenses on ALL drivers
- Has an acceptable driving and criminal history
- Fenced storage area
- Certificate of Insurance for each wrecker
- Copy of current Privilege License and Town or County Business License
- Business or Person name is printed a height of 3 inches on side of wrecker
- Does not share an address, location, or impound lot with another wrecker service

X Stinson

Owner

X [Signature]

Inspecting Deputy

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HAYWOOD COUNTY SHERIFF'S OFFICE

REVISED 01/25/2018

WRECKER INSPECTION FORM

ANNUAL INSPECTION DATE OFFICER

NEW WRECKER SERVICE DATE 2/15/18 OFFICER P.A. Williams

1. WRECKER SERVICE NAME All-Port Training & Recovery

A. OWNER'S NAME James Brinson
B. BUSINESS ADDRESS 1731 ... 28721
C. STORAGE/LOT ADDRESS 3 ... 28721
D. BUSINESS PHONE NO. (919) 828-5186

2. DRIVER'S LICENSE AND O.L. OR C.D.I. NUMBER

A. NAME James Franklin PHONE NO.
O.L. TYPE AND NUMBER
B. NAME ... PHONE NO.
O.L. TYPE AND NUMBER
C. NAME ... PHONE NO.
O.L. TYPE AND NUMBER
D. NAME ... PHONE NO.
O.L. TYPE AND NUMBER

3. TYPE OF WRECKER MAKE MODEL N.C. TAG (EXPIRATION)
1. Rollback Ford
2. Wrecker Ford
3. Rollback Ford

Received: January 10, 2020
Monroe A. Miller, Jr.
2200 Camp Branch Road
Waynesville, NC 28786

4. INSURANCE COMPANY AND POLICY NO. ~~XXXXXXXXXX~~

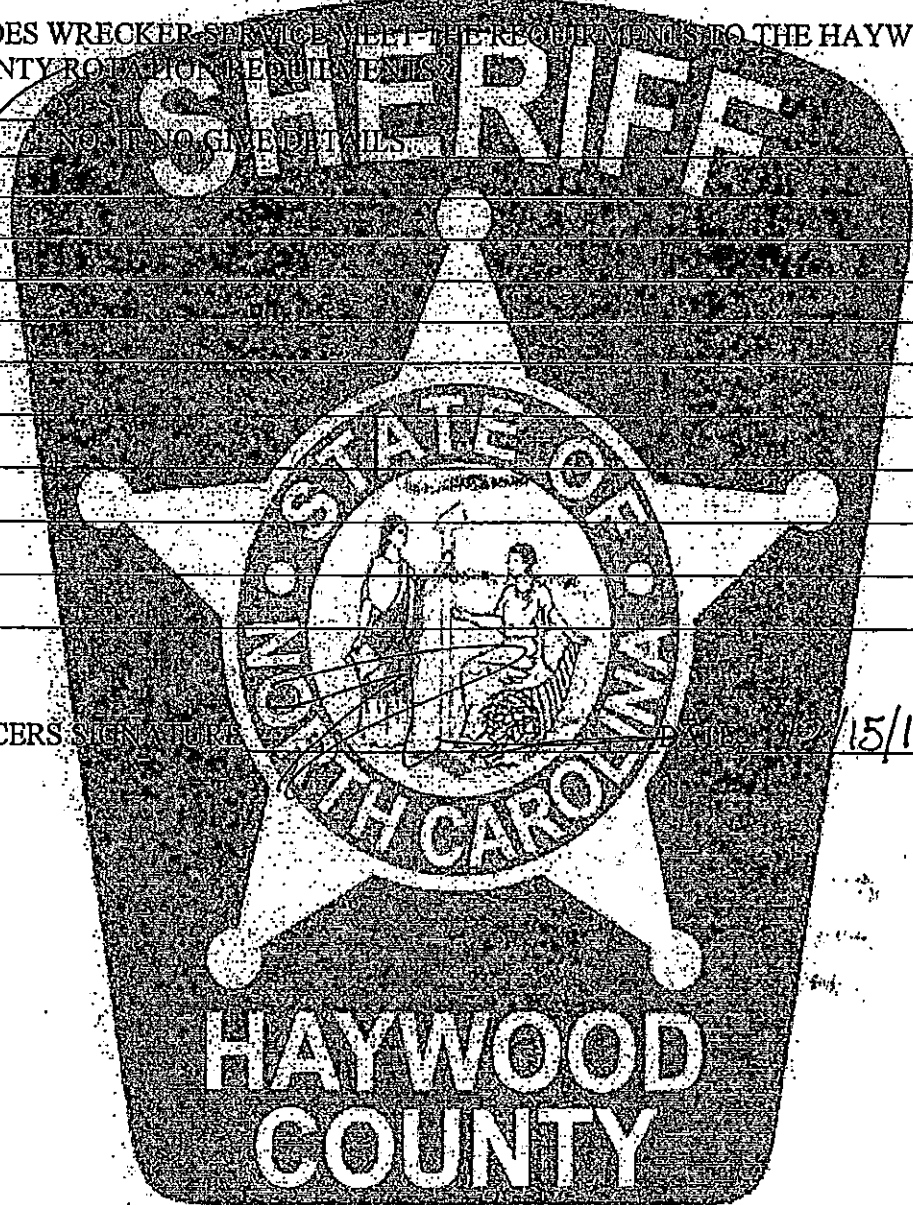
5. WRECKER SERVICE OWNER HAS A COPY OF THE WRECKER SERVICE REQUIREMENTS, HAS READ AND UNDERSTANDS THEM AND AGREES TO COMPLY. (OWNERS SIGNATURE) *Brent Bruner*

6. ALL THE INFORMATION PROVIDED HEREIN IS TRUE AND ACCURATE. (OWNERS SIGNATURE) *Brent Bruner*

7. DOES WRECKER SERVICE MEET THE REQUIREMENTS TO THE HAYWOOD COUNTY ROTATION REQUIREMENTS?

NO. (NO GIVE DETAILS)

OFFICERS SIGNATURE _____/15/18



Received: January 10, 2020
Monroe A. Miller, Jr.
2200 Camp Branch Road
Waynesville, NC 28786

Haywood County Sheriff's Office
APPLICATION / RE-APPLICATION FOR
WRECKER ROTATION INCLUSION AND INSPECTION

Company:	ALERT Towing & Recovery
Contact:	Brent James Brinson
Address:	143 Main St. Clyde, NC 28721
Telephone:	828-565-0777

I acknowledge and understand the requirements and regulations as set forth in the Haywood County Sheriff's Office "Rotation Wrecker Service Regulations" pursuant to Chapter 14B of the North Carolina Administrative Code (NCAC) 07A.0116

I certify that I am now in full compliance with these regulations and agree to comply with these regulations at all times while my wrecker is on the Haywood County Sheriff's Office Wrecker Rotation List. I understand that my failure to comply with these regulations will result in removal of my wrecker from the list as specified.

I have a relative employed by the Haywood County Sheriff's Office in the county where I have applied to be on the Haywood County Sheriff's Office Rotation Wrecker System. Yes No If yes, explain:

Printed Name AND Signature (Required)	Date
BRENT BRINSON <i>Brent Brinson</i>	2/15/18

Printed Name AND Witness Signature (Required)	Date
P. A. Williams <i>[Signature]</i>	2/15/18

The following portion of the form shall be completed by the appropriate Deputy or designee after the documents are submitted to the Deputy or designee by the wrecker service and prior to the inspection by the Deputy.

	Yes	No
Criminal record check of all drivers and owner	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Copy of current "Certificate of Liability Insurance" with the NC Highway Patrol District First Sergeant and appropriate District office address listed as "Certificate Holder"	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Copy of vehicle registrations for all wreckers / rollbacks on rotation	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Price List for year of periodic inspection (submitted on HP-304C for small wreckers / rollbacks only)	<input type="checkbox"/>	<input type="checkbox"/>
Certified Driver's License Record Checks for all Wrecker Drivers	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Photo copy of Driver's License for all wrecker drivers (black and white copies only)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Photo copy of a valid work VISA, or other appropriate INS documentation for all wrecker drivers and owner(s) (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>

Comments

Inspected By	Date	Approved
P. A. Williams	2/15/18	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Received: **January 10, 2020**
 Monroe A. Miller, Jr.
 2200 Camp Branch Road
 Waynesville, NC 28786

Haywood County Sheriff's Office

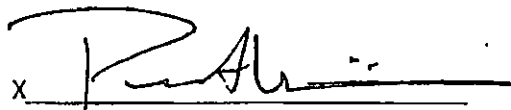
Wrecker Rotation Requirement Checklist

- Vehicle is at least a one-ton chassis with dual rear wheels
- Wreckers registered as wrecks with DMV
- Has a North Carolina Safety Inspection Certificate
- Equipped with amber lights
- Axe
- Broom
- Fire Extinguisher
- Shovel
- Flares
- Dollies
- Snatch Blocks
- Two Scotch Blocks
- Wrecker bar or auto power machine
- Recovery lights or spot lights on rear of wrecker
- Possess a valid Class "C" Licenses on ALL drivers
- Has an acceptable driving and criminal history
- Fenced storage area
- Certificate of Insurance for each wrecker
- Copy of current Privilege License and Town or County Business License
- Business or Person name is printed a height of 3 inches on side of wrecker
- Does not share an address, location, or impound lot with another wrecker service

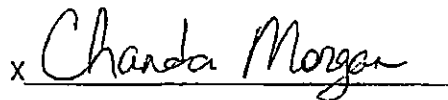
Received; **January 10, 2020**
Monroe A. Miller, Jr.
2200 Camp Branch Road
Waynesville, NC 28786

On August 16, 2017 at 09:12, I, Deputy Williams of the Haywood County Sheriff's Office made a phone call to B & H Towing at 828-627-2787 in reference to wrecker rotation and inspection.

I spoke with the owner of the business Brenda Edwards, who advised that as of August 16, 2017 that he would wish to have is wrecker service taken off the rotation list. I spoke with the Director of the Haywood County Communication, Chanda Morgan, and advised her of same.

x 

Deputy P.A. Williams

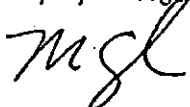
x 

Chanda Morgan, Director of Haywood County Communication's

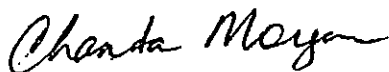
Received: **January 10, 2020**
Monroe A. Miller, Jr.
2200 Camp Branch Road
Waynesville, NC 28786

On March 15, 2019 I, Deputy Cagle, of the Haywood County Sheriff's Office, was advised by Chanda Morgan, that she had spoken with Doyle Sutton and he had requested to be taken off of our wrecker rotation list. Mrs. Morgan removed Sutton's Automotive from our wrecker rotation list.

Deputy M. Cagle



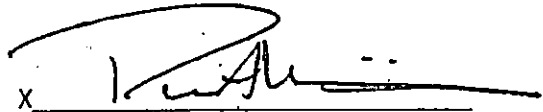
Chanda Morgan, Director of Haywood County Communications



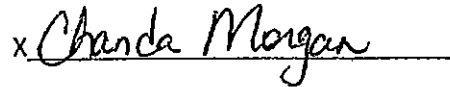
Received: January 10, 2020
Monroe A. Miller, Jr.
2200 Camp Branch Road
Waynesville, NC 28786

On August 15, 2017 at 13:29, I, Deputy Williams of the Haywood County Sheriff's Office made a phone call to RamDog Towing at 828-550-7638 in reference to wrecker rotation and inspection.

I spoke with the owner of the business Terry Ramey, who advised that as of August 15, 2017 that he would wish to have is wrecker service taken off the rotation list. I spoke with the Director of the Haywood County Communication, Chanda Morgan, and advised her of same.

x 

Deputy P.A. Williams

x 

Chanda Morgan, Director of Haywood County Communication's

Received: **January 10, 2020**
Monroe A. Miller, Jr.
2200 Camp Branch Road
Waynesville, NC 28786

OPERATIONS REPORT

1. AGENCY Haywood County Sheriff's Office		2. PERSON RECEIVING COMPLAINT E7 - Deputy Michele Cagle		3. DATE/TIME RECEIVED 03/27/2019 13:11		24 HR. CLOCK 13:11		5. TIME ARRIVED 13:11		7. CASE NUMBER	
8. NATURE OF INCIDENT Telephone Call - Request to be on Wrecker Rotation		9. LOCATION OF INCIDENT Greene's Towing, Canton, NC 28716		LOCATION CODE		REPORTING ZONE Canton		DISPATCH ZONE/SECTOR 2100		Received: January 10, 2020 Montoe A. Miller, Jr. 2200 Camp Branch Road Waynesville, NC 28786	
				PATROL ZONE/GRID Middle		OTHER ZONE/BEAT					
10. VICTIM COMPLAINANT ACCUSED VEHICLE		Greene, Doug; Phone: [REDACTED] R/S: /M									
11. ACTION TAKEN On March 27, 2019, at 1311hrs, I, Deputy Cagle, returned a phone call to Doug Greene, who had left a message wanting to be on our wrecker rotation. I spoke with Mr. Greene, who stated his equipment tore up now so I advised him to come get a new application packet and fill it out when he was ready.											

12. CLASSIFICATION <input checked="" type="checkbox"/> General Police <input type="checkbox"/> Traffic <input type="checkbox"/> Emergency <input type="checkbox"/> Crime <input type="checkbox"/> Special Activity <input type="checkbox"/> Technical Service			13. HOW RECEIVED <input checked="" type="checkbox"/> Phone <input type="checkbox"/> On-View <input type="checkbox"/> Walk-In		14. DISPOSITION <input type="checkbox"/> Pending <input checked="" type="checkbox"/> Complete <input type="checkbox"/> See Inv. Report		15. OFFICER ASSIGNED E7 - Deputy Michele Cagle		17. DATE PRINTED MO DAY YR 03 / 29 / 2019		
							16. OFFICER SIGNATURE				

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PART 2

JAN 10 2020

There are 17 junkyards in Haywood County that were existing legally at the time the Automobile Graveyard and Junkyard Ordinance took effect. Each of these 17 were operating with legitimate business license and/or tax number. Each grandfathered junkyard will have to meet fencing and screening requirements by May 1, 1999. Some businesses have completed the requirements, while some are in the process and some have not yet started. Listed below are the 17 businesses:

Page 3

- Phillips used auto parts, owner Terry Phillips
- Town and Country Auto Removal, owner Deane Demick
- Rathbone's Used Cars, owner Devoe Rathbone Page 13
- GD Jeep Parts, owner Gary DuBois
- Worms Wrecker Service and Salvage, owner Mike Evans and John Graf
- Tater Patch Racing, Mike Evans
- Vance Enterprise, owner David and Bart Vance
- Haywood Salvage, owner Pisgah Oil Co.
- ARM Transport, owner Joe and Amy Powell Page 13
- Mitchell's Automotive, owner David Allen Mitchell Page 12
- Denver's New and Used Parts, owner Denver Blaylock Page 12
- Pisgah Auto Parts, owner Phillip Blaylock Page 13
- Steve's Cycle and Antique Auto, owner Steve Davis
- JR's Towing, owner Jim Parker and Robert Cagle
- Bethel Wrecker Service, owner Jerry Gibson Page 13
- Deaver's Automotive, owner Everett Deaver
- T&T Enterprise, owner Todd Tragesser Page 12

Page 10

Page 11

There are 8 people who have Motor Vehicle Storage Areas (an area containing between 4 and 10 junk automobiles). These areas must be screened by evergreen vegetation or an opaque fence but not both. Listed below are those individuals:

Page 8

- Robert Duke
- Matt Garnes
- Richard Gaddis
- William "Pig" Phillips Page 13
- Jeff McFalls
- Terry Phillips
- Carolyn Brow
- Vinson Pace

There are 4 people currently in violation of the Ordinance for having over 10 junk automobiles without a Business License. Those individuals are:

Page 5

- Samuel Ferguson Page 13
- Henry Ferguson
- Chris Demick
- Charles Brown Page 12

Page 7

• Charles Jaynes Page 13

Page 4

Page 8

Page 9

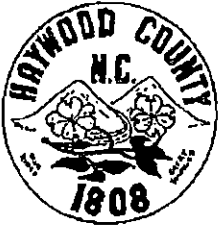
- Beatti
- Terry Phillips Page 13
- Kim Lancaster Page 12
- William Leatherwood Page 12
- James Galyon Page 12
- Steve Phillip Page 12
- Don Chambers Page 12 →

Received: January 10, 2020
Monroe A. Miller, Jr.
2200 Camp Branch Road
Waynesville, NC 28786

Page 6

There is one pending application for a new junkyard under the ordinance. Don Chambers had approximately 30 junk automobiles at the time the ordinance took effect and was issued a violation for not complying with the ordinance. Mr. Chambers did not have a business license to operate a junkyard, however has agreed to get a license and permit for a newly established junkyard under the current regulations. Mr. Chambers has over 40 acres and appears to be able to meet all the requirements under the ordinance.

Received: **January 10, 2020**
Monroe A. Miller, Jr.
2200 Camp Branch Road
Waynesville, NC 28786



Haywood County Planning Department
Courthouse Annex III
2143 Asheville Road
Waynesville, NC 28786
(704) 452-6632
Fax: (704) 452-6767

May 11, 2000

Devoe Rathbone
54 Crowbar Hill Drive
Waynesville, NC 28786

Dear Mr. Rathbone,

Visual inspection of your property shows that you are in violation of the Haywood County Junkyards and Other Facilities Ordinance. Section 114.09 of the ordinance requires you to register your facility and Section 114.11 requires a permit for that facility. Upon registration and permitting you must also comply with Section 114.07, fencing and screening requirements. As the property owner, you are responsible for all the junked motor vehicles on that parcel. To bring a facility into compliance, it must be registered within 30 days from May 1, 2000, and conform with applicable provisions of the ordinance. If you have any questions, please call 452-6632.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kris R. Boyd".

Kris R. Boyd
Haywood County Planning Director

Cc: C. Jack Horton
Larry T. Reida



Received: January 10, 2020
Monroe A. Miller, Jr.
2200 Camp Branch Road
Waynesville, NC 28786



Haywood County Planning Department

Courthouse Annex III
2143 Asheville Road
Waynesville, NC 28786
(704) 452-6632
Fax: (704) 452-6767

May 11, 2000

Kimberly Beattie
P.O. Box 234
Clyde, NC 28721

Dear Ms. Beattie,

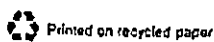
Visual inspection of your property shows that you are in violation of the Haywood County Junkyards and Other Facilities Ordinance. Section 114.09 of the ordinance requires you to register your facility and Section 114.11 requires a permit for that facility. Upon registration and permitting you must also comply with Section 114.07, fencing and screening requirements. As the property owner, you are responsible for all the junked motor vehicles on that parcel. To bring a facility into compliance, it must be registered within 30 days from May 1, 2000, and conform with applicable provisions of the ordinance. If you have any questions, please call 452-6632.

Thank you,

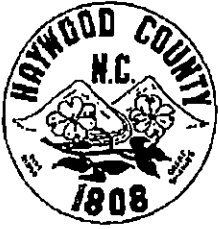
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Kris R. Boyd
Haywood County Planning Director

cc: C. Jack Horton
Larry T. Reida



Received: **January 10, 2020**
Monroe A. Miller, Jr.
2200 Camp Branch Road
Waynesville, NC 28786



Haywood County Planning Department
Courthouse Annex III
2143 Asheville Road
Waynesville, NC 28786
(704) 452-6632
Fax: (704) 452-6767

May 11, 2000

Samuel Ferguson
366 Fines Creek Road
Clyde, NC 28721

Dear Samuel Ferguson,

Visual inspection of your property shows that you are in violation of the Haywood County Junkyards and Other Facilities Ordinance. Section 114.09 of the ordinance requires you to register your facility and Section 114.11 requires a permit for that facility. Upon registration and permitting you must also comply with Section 114.07, fencing and screening requirements. As the property owner, you are responsible for all the junked motor vehicles on that parcel. To bring a facility into compliance, it must be registered within 30 days from May 1, 2000, and conform with applicable provisions of the ordinance. If you have any questions please call 452-6632.

Sincerely,

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Kris R. Boyd
Haywood County Planning Director

cc: C. Jack Horton
Larry T. Reida



Received: January 10, 2020
Monroe A. Miller, Jr.
2200 Camp Branch Road
Waynesville, NC 28786



Haywood County Planning Department

Courthouse Annex III
2143 Asheville Road
Waynesville, NC 28786
(704) 452-6632
Fax: (704) 452-6767

May 11, 2000

Don Chambers
284 Crawford Road
Waynesville, NC 28786

Dear Mr. Chambers,

Visual inspection of your property shows that you are in violation of the Haywood County Junkyards and Other Facilities Ordinance. Section 114.09 of the ordinance requires you to register your facility and Section 114.11 requires a permit for that facility. Upon registration and permitting you must also comply with Section 114.07, fencing and screening requirements. As the property owner, you are responsible for all the junked motor vehicles on that parcel. To bring a facility into compliance, it must be registered within 30 days from May 1, 2000, and conform with applicable provisions of the ordinance. If you have any questions, please call 452-6632.

Thank you,

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Kris R. Boyd
Haywood County Planning Director

cc: C. Jack Horton
Larry T. Reida



Haywood County Planning Department

Courthouse Annex III
2143 Asheville Road
Waynesville, NC 28786
(704) 452-6632
Fax: (704) 452-6767

May 11, 2000

Charles Brown
2229 Stamey Cove Road
Waynesville, NC 28786

Dear Mr. Brown,

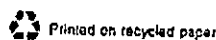
Visual inspection of your property shows that you are in violation of the Haywood County Junkyards and Other Facilities Ordinance. Section 114.09 of the ordinance requires you to register your facility and Section 114.11 requires a permit for that facility. Upon registration and permitting you must also comply with Section 114.07, fencing and screening requirements. As the property owner, you are responsible for all the junked motor vehicles on that parcel. To bring a facility into compliance, it must be registered within 30 days from May 1, 2000, and conform with applicable provisions of the ordinance. If you have any questions, please call 452-6632.

Thank you,

A handwritten signature in cursive script, appearing to read "Kris R. Boyd".

Kris R. Boyd
Haywood County Planning Director

cc: C. Jack Horton
Larry T. Reida



Received: January 10, 2020
Monroe A. Miller, Jr.
2200 Camp Branch Road
Waynesville, NC 28786



Haywood County Planning Department
Courthouse Annex III
2143 Asheville Road
Waynesville, NC 28786
(704) 452-6632
Fax: (704) 452-6767

May 11, 2000

William Phillips
33 Tommy's Drive
Waynesville, NC 28786

Dear Mr. Phillips,

Visual inspection of your property shows that you are in violation of the Haywood County Junkyards and Other Facilities Ordinance. Section 114.09 of the ordinance requires you to register your facility and Section 114.11 requires a permit for that facility. Upon registration and permitting you must also comply with Section 114.07, fencing and screening requirements. As the property owner, you are responsible for all the junked motor vehicles on that parcel. To bring a facility into compliance, it must be registered within 30 days from May 1, 2000, and conform with applicable provisions of the ordinance. If you have any questions, please call 452-6632.

Thanks,

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Kris R. Boyd
Haywood County Planning Director

Cc: C. Jack Horton
Larry T. Reida



Haywood County Planning Department
Courthouse Annex III
2143 Asheville Road
Waynesville, NC 28786
(704) 452-6632
Fax: (704) 452-6767

May 16, 2000

Kim Lancaster
21 Wilmore Drive
Canton, NC 28716

Dear Mrs. Lancaster,

Your junkyard was registered (section 114.10) as pre-existing and you were given 12 months to comply with the fencing and screening requirements (section 114.07) of the ordinance. Visual inspection shows that you have failed to comply with the Junkyards and Other Facilities Ordinance. This is your official notice to remedy the violation and become fully compliant with the ordinance within ten (10) days of receipt of this letter. To become compliant a site plan must be filed, a permit obtained, and the fencing and screening requirements met. Please contact the Haywood County Planning Office at 452-6632 if you have any questions.

Thank you for your prompt attention to this matter,

A handwritten signature in black ink, appearing to read "Kris R. Boyd".

Kris R. Boyd
Haywood County Planning Director

Printed on recycled paper.

Received: **January 10, 2020**
Monroe A. Miller, Jr.
2200 Camp Branch Road
Waynesville, NC 28786



Haywood County Planning Department
Courthouse Annex III
2143 Asheville Road
Waynesville, NC 28786
(704) 452-6632
Fax: (704) 452-6767

May 16, 2000

ARM Transport
C/O Joe Powell
2779 Jonathan Creek Rd
Waynesville, NC 28786

Dear Mr. Powell,

Your junkyard was registered (section 114.10) as pre-existing and you were given 12 months to comply with the fencing and screening requirements (section 114.07) of the ordinance. Visual inspection shows that you have failed to comply with the Junkyards and Other Facilities Ordinance. This is your official notice to remedy the violation and become fully compliant with the ordinance within ten (10) days of receipt of this letter. To become compliant a site plan must be filed, a permit obtained, and the fencing and screening requirements met. Please contact the Haywood County Planning Office at 452-6632 if you have any questions.

Thank you for your prompt attention to this matter,

A handwritten signature in black ink, appearing to read "Kris R. Boyd".

Kris R. Boyd
Haywood County Planning Director

Cc: C. Jack Horton
Larry T. Reida

Received: January 10, 2020
Monroe A. Miller, Jr.
2200 Camp Branch Road
Waynesville, NC 28786





Haywood County Planning Department

Courthouse Annex III
2143 Asheville Road
Waynesville, NC 28786
(704) 452-6632
Fax: (704) 452-6767

May 16, 2000

Mitchell's Automotive
C/O Hobart Gibson
24 Monteray Place
Waynesville, NC 28786

Dear Mr. Gibson,

Your junkyard was registered (section 114.10) as pre-existing and you were given 12 months to comply with the fencing and screening requirements (section 114.07) of the ordinance. Visual inspection shows that you have failed to comply with the Junkyards and Other Facilities Ordinance. This is your official notice to remedy the violation and become fully compliant with the ordinance within ten (10) days of receipt of this letter. To become compliant a site plan must be filed, a permit obtained, and the fencing and screening requirements met. Please contact the Haywood County Planning Office at 452-6632 if you have any questions.

Thank you for your prompt attention to this matter,

A handwritten signature in cursive script, appearing to read "Kris R. Boyd".

Kris R. Boyd
Haywood County Planning Director

Cc: C. Jack Horton
Larry T. Reid

JUNKYARD ORDINANCE
MONTHLY REPORT
July 2001
DEPUTY BRIAN SIZEMORE

Charles Brown: Deputy Sizemore served a criminal summons reference junkyard ordinance. Court date 08/08/2001. Mr. Brown has several vehicles at his residence and several old tires. He has made no effort to clean up. He also has no fence or screening put up.

Denver Blaylock: Deputy Sizemore took a criminal summons on Mr. Blaylock. Deputy M. Shell served same. Court date 08 / 08 /2001. Deputy Sizemore still plans to see Mr. Blaylock reference rotation wrecker inspection. Mr. Blaylock's status of being on Sheriff's rotation is pending reference court date. Mr. Blaylock called me today and stated he had moved several cars and wanted me to look at the site and also wanted to do wrecker inspection. I told him I would be there Monday 08/06/01.

Kim Lancaster: Deputy Sizemore took a criminal summons on Mrs. Lancaster. Lt. J. Haynes served the summons. Court date 08 / 08 / 2001. Mrs. Lancaster is building a wooden fence on her property on Old Asheville Highway.

William Leatherwood: Deputy Sizemore took a criminal summons. Deputy Carpenter served the summons. Court date 08 / 08 / 2001. Deputy Sizemore inspected Mr. Leatherwood's wreckers in reference to Sheriff's rotation list. Mr. Leatherwood's status is pending in reference to court date. Mr. Leatherwood was building a fence in attempt to comply with the Haywood County Junk Ordinance. Mr. Leatherwood put the fence post on the Department Of Transportation's right of way. He has stopped progress on fence. D.O.T. marked the right of way for Mr. Leatherwood on 08 / 01 / 2001. Deputy Sizemore talked to Mr. Leatherwood on 08/02 /2001 and he stated that he has moved several cars from in front of his building on Dutch Cove Rd. and is not going to finish the fence until court date. Mr. Leatherwood state he wants to see what the judge will tell him. Dale Davis with D.O.T. told Deputy Sizemore on 07/12/01 that D.O.T. does not have a right of way on Turnpike Rd. . On 07/16/01 Dale Davis with D.O.T. sent deputy Sizemore a letter in reference to the right of way on Dutch Cove Rd..

James Galyon: Mr. Galyon has made progress. Looks a whole lot better. Bobby Cogdill with Solid Waste waived the dumping fees for Mr. Galyon.

T&T Enterprises/Leroy Tragressor: Deputy Sizemore spoke to Mr. Tragressor in June 2001 and he said that he is going to get his son (Todd) to clean the site up. I have looked at the site and it looks a whole lot better. There needs to be a couple more cars taken off.

Mitchell's Automotive/Hobart Gibson: Mr. Gibson has a fence up and has screened some of his lot. He is still working on same.

Steve Phillips: Deputy Sizemore talked to Mr. Phillips and he had poured the footings for a garage he is going too build. When he gets the garage built he is going to fence and screen. He has some pine trees on his property that he is going to screen with.

Don Chambers: Deputy Sizemore spoke with Mr. Chambers and he stated he had moved from Crawford Rd., but still owns the premises. He also stated that he is going to probably get rid of the vehicles. Deputy Sizemore told him he has ninety days to comply with the ordinance. I also explained how he could comply.

Received: **January 10, 2020**
Monroe A. Miller, Jr.
2200 Camp Branch Road
Waynesville, NC 28786

Devoe Rathbone: Deputy Sizemore met with Mr. Rathbone and explained the ordinance to him and I also gave him a copy of the ordinances. He has some vehicles below the shoulder of the roadway. I explained that because of the vehicles being below the roadway and that the shoulder only being approximately two feet wide that he could not fence there because of the restrictions in the ordinance. I also explained to him that if he went back the footage that was required that the fence and screening would not benefit because of the topographic lay of the land. Mr. Rathbone stated he is going to get rid of three or four of the vehicles setting below the roadway. The other portion of his property where he has vehicles needs to be fenced and screened. I explained to Mr. Rathbone where he needed to build a fence and screen. He is going to build a solid wooden fence. I gave him ninety days to do so.

Charles Jaynes: Deputy Sizemore met with Mr. Jaynes and he stated that he did not have to build a fence or screen because when the county commissioners were making these junk ordinances they ruled his property on Walnut Trail a farm. Mr. Jaynes stated that the reason they ruled his property a farm is that there is three sewer lines on his property and he can not use it for anything else. I asked Mr. Jaynes what he had to classify it as a farm and he stated he had property on Sterling Mtn. he farmed. I explained the farm had to be on the parcel of land there at his residence. Mr. Jaynes wanted me to look back and find it in the minutes of a commissioners meeting about that ruling on his property. He also explained he wanted former county commissioner Ed Russell to put it in writing and he stated that the commissioners said he did not need it in writing. Deputy Sizemore needed to talk to **Kris Boyd** about this matter and would contact him back.

William Phillips: Deputy Sizemore took a criminal summons and Lt. Phillips served same. Court date is 08/08/2001. I have spoke with Mr. Phillips and he he stated that if he builds a fence and screens it that no one could see his items and therefore he could not sale same. He has not attempted to clean up or try and comply with junk ordinance.

Joey Powell: Deputy Sizemore did a wrecker inspection on Mr. Powell's wreckers. I told Mr. Powell he had sixty days to screen his fence and gates on Compromise Drive or he would be taken off of the Sheriff's rotation list and a criminal summons would be issued for him.

Jerry Gibson: Mr. Gibson has built a garage that blocks the front view of his junkyard and has a fence and screened same. He needs to do some more work at his used auto lot on Old River Rd. (Hwy. 215). I am going to do his wrecker inspection next week.

Phillip Blaylock: Mr. Blaylock has a fence. All he needs to do is screen same.

Sam Ferguson: Mr. Ferguson moved some of the vehicles from the lower portion of his property and planted a corn field. He still needs to fence and screen the upper portion of his property. I have tried to call Mr. Ferguson and could not make contact. I also went by his residence and it appeared no one was at home.

Terry Phillips: Deputy Sizemore has spoke with Mr. Phillips and he stated he is going to fence and screen. Mr. Phillips does not have a telephone where he can be reached. I have tried his pager but it appears to be out of service. I have also went by his residence and could not find anyone there.

Deputy Sizemore has also been doing the Sheriff's wrecker rotation inspection list. I have only two or three more to do.

Sheriff Alexander has also made a policy and procedure for the enforcement officer.

Received: **January 10, 2020**
Monroe A. Miller, Jr.
2200 Camp Branch Road
Waynesville, NC 28786

Deputy Sizemore has also taken some more reports on junkyards. I have spoke to Kris Boyd and we are going to send out letters next week.

I have also taken some reports this month about household garbage being piled up at different residences in the county and I told the complainants that I could not do anything about this. The complainants stated that the Health Dept. told them to call the Sheriff's Office.

Received: **January 10, 2020**
Monroe A. Miller, Jr.
2200 Camp Branch Road
Waynesville, NC 28786

MONTHLY REPORT

AUGUST, 2001
DEPUTY B. SIZEMORE

William Leatherwood: Mr. Leatherwood was found guilty in court on 08/08/01 by Jude Snow. the judge ordered him to move a vehicle and pjc his sentenceing for one year. R/O went by on 08/10/01 and he had moved the vehicle that the judge had ordered him to move. Mr. Leatherwood brought R/O a copy of his business license for 1996 and 1997.

William Phillips: Mr. Phillips failed to appear in court on 08/08/01 and the judge ordered to have a warrant issued with a five hundred secured bond. On 08/10/01 deputy Sizemore called the clerk of court and had the warrant printed. R/O went and attempted service on the warrant, but the subject was not at home. Sgt. Robertson arrested the subject and served the warrant. The subject was given a court date of 08/29/01. On 08/28/01 Jack Horton and Bobby Cogdill went to Mr. Phillips residence and they stated they (county) would help Mr. Phillips clean the site up. On 08/29/01 the case went to district court where it was continued for one month, because the county is going to help with the clean up.

Kim Lancaster: This case went to court on 08/08/01 and was continued until 09/26/01. Mrs. Lancaster is building a fence. On 08/27/01 she called the sheriff's office and wanted R/O to look at the site and all they need is some gates. The fence looks good.

Charles Brown: This case went to court on 08/08/01 and was continued until 09/05/01. R/O went by on 08/31/01 and the site looks the same.

Denver Blaylock: This case went to court on 08/08/01 and was continued until 09/12/01. R/O went and done a rotation wrecker inspection on Mr. Blaylock's wreckers (08/20/01), while R/O was there I noticed where someone had dumped household appliances out in front of his gate. Mr. Blaylock stated that his loader was broken down and was trying to get someone to fix same. He has not built anymore fence.

David Vance: On 08/16/01 Mr. Vance came by the sheriff's office and told R/O and the Sheriff that he was going to build a fence around his site where the other fence was at.

Devoe Rathbone: R/O went by on 08/22/01 and Mr. Rathbone had built his fence. The fence is wooden and can not be seen through. He still has some items (dumptruck with metal on same) outside fence, but he is going to get rid of the metal and other items.

Received: January 10, 2020
Monroe A. Miller, Jr.
2200 Camp Branch Road
Waynesville, NC 28786

Terry Phillips: R/O went and met with Mr. Phillips on 08/17/01 and looked at the site. Mr. Phillips had some questions and R/O told him that I would get in touch with K. Boyd and ask him. On 08/20/01 R/O and K.Boyd went to the site and because of the set back of the fence in the ordinance and the width of the shoulder only being approximately two to three feet he could not fence there. R/O and K.Boyd decided that he needs to screen the gate and move some vehicles at the far end of the site and he would be alright. R/O had asked Mr. Phillips to move two vehicles from the gate area and he did.

Steve Phillips: Mr. Phillips is still working on his garage.

Hobart Gibson: Mr. Gibson is still working on screening.

Don Chambers: He has still not moved the vehicles on Crawford Rd.. R/O had given him 90 days.

On 08/31/01 R/O mailed some more letters in reference to junk motor vehicles.

On 08/28/01 R/O gave Mary Jane Hannah a removal of trash from illegal dump sites form. She filled the form out and R/O took the form to Jack Horton. Her dumpsite is located on Frazier Rd. off of Lake Logan Rd..

Received: January 10, 2020
Monroe A. Miller, Jr.
2200 Camp Branch Road
Waynesville, NC 28786

MONTHLY REPORT

SEPTEMBER 2001
DEPUTY B.E. SIZEMORE

WILLIAM LEATHERWOOD: AFTER MR. LEATHERWOOD WAS FOUND GUILTY IN COURT R/O HAS BEEN KEEPING CHECK ON HIS PROPERTY FOR OTHER VIOLATIONS.

WILLIAM PHILLIPS: MR. PHILLIPS CASE WAS CONTINUED BECAUSE HAYWOOD COUNTY IS GOING TO CLEAN HIS PROPERTY UP.

KIM LANCASTER: MRS. LANCASTER'S CASE WAS CONTINUED. SHE IS ALMOST DONE WITH THE FENCE. IT IS A SALT TREATED FENCE SO NO NEED FOR SCREENING.

CHARLES BROWN: WAS CONTINUED AND R/O HAS BEEN BY PROPERTY AND THE SITE LOOKS THE SAME. CONT. UNTIL 10/17/01.

DENVER BLAYLOCK: CASE WAS CONTINUED UNTIL 10/17/01. LOADER IS BROKE DOWN AND CANNNOT GET IT FIXED.

DAVID VANCE: MR. VANCE HAS BUILT A FENCE IN FRONT OF HIS BUSINESS.

DEVOE RATHBONE: HAS BUILT A FENCE. STILL NEEDS TO HAUL OFF SCRAP METAL. NEEDS A SITE PLAN.

TERRY PHILLIPS: TERRY NEEDS TO SCREEN THE GATE AND KEEP THE REST BELOW THE ROAD BANK.

STEVE PHILLIPS: STILL IS WORKING ON HIS GARAGE AND WILL NEED TO FENCE.

HOBART GIBSON: MR. GIBSON IS STILL WORKING ON HIS SCREENING.

DON CHAMBERS: STILL WAITING ON HIS NINTY DAYS TO BE UP.

R/O HAS SENT OUT SOME MORE LETTERS.

R/O HAS FINISHED HIS ROTATION WRECKER INSPECTION.

R/O AND BOBBY COGDILL WENT AND LOOKED AT THE CLEAN UP PROPERTY ON FRAZIER RD.. BOBBY COGDILL IS GOING TO TALK TO THE COUNTY MANAGER.

R/O WENT WITH JANET CANTWELL TO A SITE UP ALLENS CREEK AND MADE A SUBJECT CLEAN UP HIS SITE.

Received: **January 10, 2020**
Monroe A. Miller, Jr.
2200 Camp Branch Road
Waynesville, NC 28786

MONTHLY REPORT
NOVEMBER 2001

DEVOE RATHBONE: HE HAS FENCED BUT STILL NEEDS TO MOVE SOME JUNK METAL AND A SITE PLAN.

DON CHAMBERS: STILL NEEDS TO MOVE HIS VEHICLES. HAS NOT MOVED ANYTHING. IN JANUARY HIS TIME WILL BE UP.

WILLIAM PHILLIPS: WAITING ON THE COUNTY TO SEE WHEN THEY ARE GOING TO HELP WITH CLEAN UP.

JOEY POWELL: NEEDS TO GET R/O A SITE PLAN.

SAM FERGUSON: OUT OF TOWN.

STEVE PHILLIPS: STILL IS BUILDING HIS GARAGE. HE IS GOING TO BUILD FENCE WHEN HE COMPLETES GARAGE.

T&T ENTERPRISES: HAS CLEANED UP CONSIDERABLY. WILL NOT NEED A PERMIT AS LONG AS HE KEEPS THE AMPOUNT OF JUNK VEHICLES DOWN.

MAXWELL DAVIS: HAS DAVID MANGUS RENTING HIS RESIDENCE. HAS MOVED VEHICLES. STILL HAS THREE, BUT HE IS ALLOWED THAT.

BARBARA DOUVILLE: HAS APPROXIMATELY FIVE TO SIX VEHICLES AND IS GOING TO GET RID OF ALL BUT THREE. GAVE NINTY DAYS.

TUCKER PARTON (JERRY GIBSON): MR. PARTON IS DECEASED, BUT HIS SON-IN-LAW (JERRY GIBSON) HAS GOT THE LAND. R/O SPOKE WITH HIM AND HE IS GOING TO BUILD A FENCE AT THE BACK OF THE RESIDENCE.

ROBERT LEE SMITH SR.: TALK TO MR. SMITH AND HE STATED THAT HE LEASES HIS LAND TO HIS GRANDSON ANTHONY SMITH THAT HAS A WELDING SHOP. R/O IS GOING TO TRY AND GET IN TOUCH WITH HIM.

CHRIS DEMICK AND WANDA MAE GIBSON: R/O HAS GOT TO CALL HIM BACK AND SET UP AN APPOINTMENT WITH AND R/O IS GOING TO TAKE K. BOYD ALSO.

PAUL YOUNG: R/O HAS GOT TO GET UP WITH HIM. NO RESPONSE.

Received: January 10, 2020
Monroe A. Miller, Jr.
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Waynesville, NC 28786

LAMAR WORLEY: HAS MOVED THREE OF THE VEHICLES AND IS WITHIN THE ORDINANCE.

TOWN AND COUNTRY AUTO REMOVAL/ DEAN DEMICK: R/O NEEDS TO SET UP AN APPOINTMENT WITH HIM AND TAKE K. BOYD WITH R/O.

NEVADA BROOKS AND RONALD BROOKS: NEEDS TO GET RID OF ONE VEHICLE AND WILL BE WITHIN THE ORDINANCE.

KIM LANCASTER: HAS GOT FENCE UP. NEED TO GET R/O A SITE PLAN.

WILLIAM LEATHERWOOD: HAS BEEN KEEPING VEHICLES INSIDE HIS LOT.

DENVER BLAYLOCK: GOT A P.J.C. IN OCTOBER, STILL NEEDS TO GET MORE FENCE BUILT.

CHARLES BROWN: GOT A P.J.C. IN OCTOBER, STILL NEEDS TO BUILD FENCE AND SCREEN.

Received: January 10, 2020
Monroe A. Miller, Jr.
2200 Camp Branch Road
Waynesville, NC 28786

Junkyard Enforcement for Month of February 2002

Steve Phillips – Stated he plans to screen during next planting season.

William Phillips – Mr. Phillips has partially complied. His fence isn't much to look at. Portions of fence have fallen or been blown away. I instructed Mr. Phillips to repair this. Mr. Phillips still has a number of potential environmental health issues including tires.

David Reece – Have spoken with Mr. Reece several times. I recommended a fence. Mr. Reece specified he would move junked vehicles and other junk to rear of property where it would not be visible from Lake Logan Road. Mr. Reece has still failed to remove some vehicles.

Paul and Marybee Sheehan – I explained to Mr. Sheehan what he needed to do to comply. He didn't seem to understand. I spoke with relatives, and advised them as well. Work is progressing at this time, and several vehicles have actually been moved within the last 2-3 weeks now. I have advised relatives that I would give them additional time if work continued to progress. Doris Wyatt, Mrs. Sheehan's daughter, stated the family intended to remove vehicles down to 3, or fence the property or both.

Town & Country Auto Salvage – I spoke with Deane Demick. He indicated a desire to comply. I indicated to him that vehicles outside the natural barrier to the right of the property needed to be moved inside that barrier. Mr. Demick stated he would do that. Mr. Demick also stated that he intended to plant a canebrake along the left side of the property. Gating is not practical due to a private right of way that follows the existing road into the property.

Charles Williams – Environmental Health issue. Will consult with health department.

Lemar Worley – Uncertain as to whether this property is in violation or not: because, I don't know where the property is located. I also do not have a phone number for Mr. Worley. I have sent him a letter requesting he contact me.

Denver Blaylock- PJC continued for 90 days by DA.

Charles Brown – PJC continued for 30 days by DA.

Phillip Blaylock – Stated that he intended to screen as soon as he can plant. Provided him with a number to contact NC Forest Service to obtain trees.

Nevada and Ronald Brooks – Sent letter, and then spoke with Nevada Brooks by phone. Arrangements are in progress for removal of 1 vehicle to bring property into compliance.

Received: January 10, 2020
Monroe A. Miller, Jr.
2200 Camp Branch Road
Waynesville, NC 28786

Chris Demick – Proposal completed as to what Mr. Demick needs to do to comply. He stated he was willing to make effort if he had in writing what needed to be done.

Matt Garnes – Letter sent.

Hobert Gibson – Ongoing. Had been some misunderstanding about Town of Waynesville's ETJ. That has now been clarified.

Bill Golden – Has been given 120 days to comply.

James King – Letter sent.

Kim Lancaster – Letter sent. Contact pending.

William Leatherwood – In compliance as far as is practical.

Agnes Ledford – I spoke with Terry Ledford. He had evidence to indicate he was in process of cleaning up. Will check back in 30 days.

Charles Wright – Sent letter. Contact pending.

I received 3 complaints of junk which I investigated, and took no action on.

I investigated 1 soil/sediment issue and consulted with Marc Pruitt on that. He advised NCDENR was handling same.

I received one complaint of an illegal dump-site in the Summit Place development. I checked the site, and could locate nothing to identify who may have dumped the material. Bobby Cogdill indicated he would try to find some community service workers to clean material up. Materials consisted of concrete fragments, drywall, brush, electrical conduit, and other items. Nothing located was of a toxic nature.

I received one complaint of large scale littering/ dumping on Green Valley Road. Complainant had no suspects or vehicle descriptions. I posted notice on patrol board to keep a check on area, and made arrangements with Community Work Program to have Green Valley Road cleaned as soon as they can get a crew on it.

Permits were issued to Jerry Gibson (Roundman's Wrecker Service) and David Vance (Vance Enterprises).

Received: January 10, 2020
Monroe A. Miller, Jr.
2200 Camp Branch Road
Waynesville, NC 28786

Junkyard Enforcement Report for month of June, 2002

David Reece – Lake Logan Rd. Pled guilty. Fined, suspended sentence, and ordered to comply.

Barbara Worley – Hyacinth Lane. Continued to July 17, 2002. Has made some progress toward compliance.

Danny Gayne – Danny's Towing on Jonathan Creek Rd. Complied.

Tony Price – Price's Towing on Jonathan Creek Rd. Approached about fencing. He advised he was told he didn't need to fence. He has made improvements.

Joey Powell – Joey's Wrecker Service on Compromise Drive. Received complaint as to business not being pre-existing and being located within 500 feet of a residence. Requested opinion from Larry Reida as to pre-existing status. Mr. Powell was able to provide a privilege license indicating validity in 1996, but as Powell's Used Cars. Powell was warned about junk items outside of his fenced area.

Kim Lancaster – Asheville Highway. Criminal summons served. Court July 17, 2002.

Jack Chambers – Crawford Rd. Complied.

William Leatherwood – Dutch Cove Rd. 30 day written warning issued.

Jack Singleton – Elbert Burnette Road. 15 day verbal warning. Complied.

Robert Willetts – Noland Drive. 30 day verbal warning.

Greg Price – Woodmore Rd. Illegal fill. Turned over to Janet Cantwell NCDENR.

Tim Burress – NC 110. Illegal fill. Turned over to NCDENR.

NC DOT Division of Highways – Paragon Parkway. Illegal fill. NCDENR.

Received a further complaint about tires dumped on White Oak Road for a second time. Contact NC DOT for pick-up. Requested that patrol keep check of area. No suspects, no evidence to connect the tires to anyone.

Received 1 complaint of household garbage within Maggie Valley town limits. Referred to Haywood County Health Department, and to Maggie Valley authorities.

Received 1 complaint of dumping on Beantown Rd. No suspects. Requested NCDOT put up sign. No traceable evidence.

Received 3 other complaints of illegal fill. Referred to NCDENR.

Received: **January 10, 2020**
Monroe A. Miller, Jr.
2200 Camp Branch Road
Waynesville, NC 28786

Junkyard Enforcement Report for month of July, 2002

Barbara Worley – Hyacinth Lane. Complied.

Kim Lancaster – Asheville Highway. 30 day continuance by district attorney.

William Leatherwood – Dutch Cove Road. Criminal Summons issued and served.

Toby Singleton – Elbert Burnette Rd. Citation issued. Complied.

Denver Blaylock – Cruso Road. Admitted non-compliance with ordinance. Court entered guilty verdict. Mr. Blaylock was fined \$50.00 plus court cost. Haywood County court records indicate he has previously paid the cost, but has yet to pay the fine.

Received one complaint of trash blowing from a GDS trash truck. Discussed matter with Bobby Cogdill of Solid Waste Management. Mr. Cogdill indicated he would check with GDS on vehicle equipment and take care of the problem.

Received one short form from patrol about previously reported refuse burning.

Received: **January 10, 2020**
Monroe A. Miller, Jr.
2200 Camp Branch Road
Waynesville, NC 28786

KILLIAN, KERSTEN, PATTON & KIRKPATRICK, P.A.

ATTORNEYS AT LAW

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*OF COUNSEL

** ALSO MEMBER OF FLORIDA BAR

***ALSO MEMBER OF MARYLAND BAR

****ALSO MEMBER OF PENNSYLVANIA AND GEORGIA BARS

February 18, 2003

Mr. Sam Ferguson
366 Fines Creek Road
Clyde, NC 28721

COPY

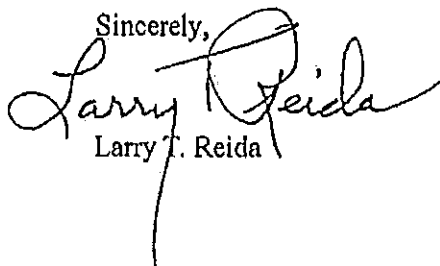
RE: Automobile Graveyards and Junkyards Ordinance Chapter 14, Haywood County Code of Ordinances

Dear Mr. Ferguson:

This office represents Haywood County. In a letter dated January 27, 2003 you were notified by Deputy Sheriff Rick Brookshire that a number of complaints have been received about your property on Fines Creek.

The purpose of this letter is to advise you that if you do not come into compliance with Chapter 114 of the County Code within 15 days of the date of this letter suit will be filed in Haywood County Superior Court seeking appropriate relief against you and your property. If you have any questions, please contact Kris Boyd, the Haywood County Planning Director, Deputy Rick Brookshire or Jeff Norris of this office.

Sincerely,



Larry T. Reida

LTR:gwc

cc: C. Jack Horton ✓
Deputy Rick Brookshire

Received: January 10, 2020
Monroe A. Miller, Jr.
2200 Camp Branch Road
Waynesville, NC 28786

KILLIAN, KERSTEN, PATTON & KIRKPATRICK, P.A.

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February 18, 2003

Mr. Wilburn Owen
706 Grindstone Road
Waynesville, NC 28785

COPY

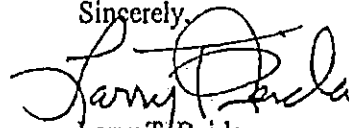
RE: Automobile Graveyards and Junkyards Ordinance Chapter 14, Haywood County Code of Ordinances

Dear Mr. Owen:

This office represents Haywood County. In a letter dated November 3, 2002 you were notified by the Haywood County Sheriff's Office that your property on Grindstone Road is in violation of the Haywood County Code of Ordinances.

The purpose of this letter is to advise you that if you do not come into compliance with Chapter 114 of the County Code within 15 days of the date of this letter, suit will be filed in Haywood County Superior Court seeking appropriate relief against you and your property. If you have any questions, please contact Kris Boyd, the Haywood County Planning Director, Deputy Rick Brookshire or Jeff Norris of this office.

Sincerely,



Larry T. Reida

LTR:gwc
cc: C. Jack Horton ✓
Kris R. Boyd
Deputy Rick Brookshire

Received: January 10, 2020
Monroe A. Miller, Jr.
2200 Camp Branch Road
Waynesville, NC 28786

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** ALSO MEMBER OF FLORIDA BAR
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****ALSO MEMBER OF PENNSYLVANIA AND GEORGIA BARS

February 18, 2003

Mr. Terry Phillips
706 Grindstone Road
Waynesville, NC 28786

RE: Automobile Graveyards and Junkyards Ordinance Chapter 14
Haywood County Code of Ordinances

Dear Mr. Phillips:

This office represents Haywood County. In a letter dated February 7, 2001 you were notified by the Haywood County Sheriff's Office that property in your possession on Grindstone Road is in violation of the Haywood County Code of Ordinances.

The purpose of this letter is to advise you that if you do not come into compliance with Chapter 114 of the County Code within 15 days of the date of this letter, suit will be filed in Haywood County Superior Court seeking appropriate relief against you and the property. If you have any questions, please contact Kris Boyd, the Haywood County Planning Director, Deputy Rick Brookshire or Jeff Norris of this office.

Sincerely,

Larry T. Reida

LTR:gwc
cc: C. Jack Horton ✓
Kris R. Boyd
Deputy Rick Brookshire

Received: January 10, 2020
Monroe A. Miller, Jr.
2200 Camp Branch Road
Waynesville, NC 28786

KILLIAN, KERSTEN, PATTON & KIRKPATRICK, P.A.

ATTORNEYS AT LAW

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*OF COUNSEL
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February 26, 2003

Terry Phillips
706 Grindstone Road
Waynesville, NC 28785

RE: Junkyard Ordinance Compliance

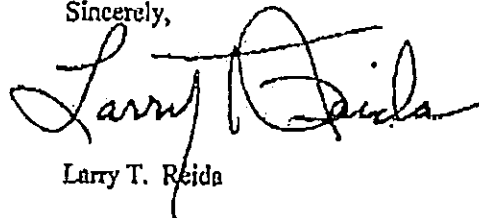
Dear Mr. Phillips:

Based on the meeting of February 25, 2003 you have agreed to consolidate all vehicles from around the house, garage and along the road into the area south of Grindstone Road behind the gate. You will be given thirty (30) days to consolidate unless continued inclement weather conditions will not permit the consolidation. Should that be the case, you should apply to this office for an appropriate extension.

You will have to contact Deputy Rick Brookshire or Planning Director, Kris Boyd, upon completion of the consolidation or by March 30, 2003 (end of the thirty day period).

After the thirty (30) days, another meeting will be scheduled to further discuss fencing, screening, right-of-way and crushing for your junkyard facility.

Sincerely,



Larry T. Reida

LTR:gwc

cc: Kris Boyd (By FAX: 452-6767)
C. Jack Horton (By FAX: 452-6715)
Deputy Rick Brookshire (By FAX: 452-6699)

Received: January 10, 2020
Monroe A. Miller, Jr.
2200 Camp Branch Road
Waynesville, NC 28786

KILLIAN, KERSTEN, PATTON & KIRKPATRICK, P.A.
ATTORNEYS AT LAW

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*OF COUNSEL
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***ALSO MEMBER OF MARYLAND BAR
****ALSO MEMBER OF PENNSYLVANIA AND GEORGIA BARS

March 6, 2003

Mr. Sam Ferguson
366 Fines Creek Road
Clyde, NC 28721

RE: Chapter 14: Junkyard And Other Facilities
Haywood County Code of Ordinances

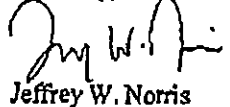
Dear Mr. Ferguson:

The purpose of this letter is to confirm the agreement that you made with the County at a meeting held in this office on March 6, 2003.

You have agreed to bring your property into compliance with the Ordinance by April 7, 2003. In exchange, the County will refrain from filing suit during that time frame. The only reason for extending the compliance date will be because of bad weather. If, because of bad weather, you cannot meet the deadline, you need to apply to Deputy Brookshire for a few days extension. He will confer with me and then let you know whether it will be granted.

The County looks forward to your bringing the property into compliance and saving it and you the time and expense of litigation.

Sincerely,



Jeffrey W. Norris

JWN:gwc
cc: Kris Boyd (By FAX: 452-6767)
C. Jack Horton (By FAX: 452-6715)
Deputy Rick Brookshire (By FAX: 452-6699)

Received: January 10, 2020
Monroe A. Miller, Jr.
2200 Camp Branch Road
Waynesville, NC 28786

JANUARY 2004
MONTHLY REPORT

1. JANUARY 05, 2004 RECEIVED COMPLAINT FROM DAN FLYNN IN REFERENCE TO SOME UNKNOWN PERSON (S) DID LITTER AND TRESPASS A VACANT LOT OWNED BY MR. FLYNN.
2. JANUARY 08, 2004 RECEIVED COMPLAINT FROM PENNY WESOLITK ABOUT LITTERING PROBLEM. ALSO RECEIVED A CALL FROM A KAY TALMAN IN REFERENCE TO A JUNK YARD ORDINANCE QUESTION.
3. JANUARY 13, 2004 RECEIVED PHONE CALL FROM A THOMAS SURRETT REFERENCE TO LITTERING PROBLEM.
4. JANUARY 14, 2004 RECEIVED A PHONE CALL FROM A BETTY WINCHESTER IN REFERENCE TO A VEHICLE ON 209, BEING PARKED AND LEFT UNATTENDED.
5. JANUARY, 15, 2004 RETURNED PHONE CALL TO BETTY WINCHESTER IN REFERENCE TO VEHICLE ON 209.
6. JANUARY 16, 2004 RECEIVED PHONE CALL FROM DAN REED IN REFERENCE TO 58 ELBERT BURNETE ROAD; JUNK ORDINANCE ISSUE. TOBY SINGLETON OF 58 ELBERT BURNETTE ROAD HAS A PENDING COURT DATE IN THIS MATTER.
7. JANUARY 19, 2004 DID ATTEMPT TO MAKE CONTACT WITH RUTH SMITH OF 3482 RATCLIFF COVE ROAD IN REFERENCE TO JUNK YARD ORDINANCE.
8. JANUARY 20, 2004 CHECKED ON THE AREA OF KING ROAD IN REFERENCE TO PROBLEM WITH JUNK ORDINANCE PROBLEM.
9. JANUARY 28, 2004 SPOKE TO TERRY PHILLIPS OF 706 GRINDSTONE ROAD IN REFERENCE TO AN ON GOING ISSUE WITH JUNK YARD VIOLATION. MR. PHILLIPS HAS MADE SOME PROGRESS BY MOVING AN APPROX. 150 CARS SINCE AUGUST 2003.
ALSO WENT TO THE RESIDENCE OF RALPH PLESS OF 58 HYACINTH DRIVE IN REFERENCE TO MR. PLESS HAS NOT MADE ANY PROGRESS IN THE ISSUE OF JUNK YARD VIOLATION.
10. JANUARY 29, 2004 JOHN SHEEHAN CALLED IN REFERENCE TO A PARKED VEHICLE ON HIS PROPERTY.

PAGE 1 OF 2

Received: January 10, 2020
Monroe A. Miller, Jr.

2200 Camp Branch Road
Waynesville, NC 28786

11. IN THE MONTH OF JANUARY 2004, REPORTING DEPUTY DID GO BEFORE THE GRAND JURY ON JEFFERY WILLIS AND JEFF SEARCY FOR FELONY LITTERING. ALSO HAVE TWO PENDING CASES ON KIM LANCASTER AND TOBY SINGLETON FOR JUNK YARD VIOLATION.

12. REPORTING DEPUTY IN THE MONTH OF JANUARY 2004 DID ASSIST IN ANSWERING CALLS, SERVICE OF WARRANTS, and CIVIL PAPERS AND SUBEONAS.

13. WRECKER INSPECTION WAS CONDUCTED ON THE ROTATION LIST.

RESPECTIVELY SUBMITTED,

M.W. Williams

DEPUTY M.W. WILLIAMS

PAGE 2 OF 2

Received: January 10, 2020
Monroe A. Miller, Jr.

2200 Camp Branch Road
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MONTHLY REPORT
APRIL 2004

1. APRIL 01, 2004, CITATION ISSUED TO TERRY PHILLIPS IN REFERENCE TO
JUNKYARD VIOLATION. -GRINDSTONE ROAD

CITATION ISSUED TO TONY MACK PRICE IN REFERENCE TO
JUNKYARD VIOLATION-116 GENEVA LANE (RABBIT SKIN)

RECEIVED COMPLAINT IN REFERENCE TO THE STORAGE
BUILDING LOCATED ON DELLWOOD ROAD IN REFERENCE
TO TRASH BEING OUTSIDE OF BUILDING. NO ACTION DUE
(E.T.J.)

2. APRIL 05, 2004- SPOKE WITH ROGER PUTMAN OF 985 RICHLAND CREEK
ROAD IN REFERENCE TO A PRIOR ISSUE OF JUNKYARD
VIOLATION.

MEETING WITH COUNTY MANAGER HORTON, ATTORNEY
CHIP KILLIAN AND SHERIFF R.T. ALEXANDER IN
REFERENCE TO A PROBLEM WITH THE E.T.J. WITH THE
TOWNS OF HAYWOOD COUNTY.

3. APRIL 06, 2004 SERVED A COPY OF THE HAYWOOD COUNTY JUNKYARD
ORDINANCE ON GAILE GOODMAN OF 171 PISGAH VIEW
DRIVE-30 DAYS TO COMPLY.

4. APRIL 08, 2004 SPOKE WITH WILLIAM DOWNS IN REFERENCE TO JUNK
YARD VIOLATION. 30 DAYS TO COMPLY.

5. APRIL 15, 2004- ISSUED A CITATION TO JAMES CAGLE FOR LEAVING
TRASH OUTSIDE THE CONVIENCE CENTER ON 209
DURING THE CLOSED HOURS.

6. APRIL 22, 2004- SERVED A COPY OF JUNKYARD ORDINANCE TO DAVID
REECE(STRAWBERRY) 2785 LAKE LOGAN ROAD.
30 DAYS TO COMPLY.

SERVED A COPY OF JUNKYARD ORDINANCE TO
DURWARD O'NEIL OF 6704 OLD CLYDE ROAD.
30 DAYS TO COMPLY.

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APRIL 22,2004 CITATION ISSUED TO JOE BAXLEY FOR LITTERING ON
19-23 AT OR NEAR FRUIT STAND ON RADIO HILL-CAN

7.APRIL 23,2004- METH-CLASS

8.APRIL 29,2004- ISSUED A CITATION TO CARROLL MESSER OF 81 GROUND
HOG ROAD FOR JUNKYARD VIOLATION. MR. MESSER
HAD 30 DAYS TO COMPLY IN WHICH HE DID NOT.

RECEIVED A COMPLAINT FROM BERNARD FERGUSON IN
REFERENCE TO A LITTERING PROBLEM. NAMES OF THE
PERSON(S) INVOLVED WILL BE CITED FOR THIS MATTER.

ISSUED A CITATION ON JUSTIN BACON FOR LITTERING
ON FINES CREEK ROAD.

OBTAINED A CRIMINAL SUMMONS ON THOMAS
HARRINGTON FOR LITTERING ON FINES ROAD.

ISSUED A CITATION TO STEVEN BROWN FOR LITTERING
ON 19-23 BETWEEN EXIT 98 AND EXIT 102.

9.APRIL 2004 REPORTING DEPUTY DID CONTACT D.O.T. SEVERAL
DIFFERENT TIMES THIS MONTH FOR AREAS THAT NEEDED
LITTER PICKED UP FROM CALL IN COMPLAINTS.

10.APRIL 2004 REPORTING DEPUTY DID ASSIST IN ANSWERING CALLS,
SERVICE OF WARRANTS,CIVIL PAPERS AND SUBPOENAS.

RESPECTIVELY SUBMITTED,

M.W. Williams
DEPUTY M.W. WILLIAMS

Received: January 10, 2020
Monroe A. Miller, Jr.
2200 Camp Branch Road
Waynesville, NC 28786

BILL D. NOLAND, CHAIRMAN
MARK SWANGER, VICE CHAIRMAN
KEVIN ENSLEY
CARLYLE FERGUSON
J. W. "KIRK" KIRKPATRICK, III



COUNTY MANAGER
C. JACK HORTON

COUNTY ATTORNEY
LEON M. KILLIAN, III

April 12, 2004

Ms. Peggy Green
Administrator
Town of Clyde
8437 Carolina Boulevard
Clyde, NC 28721

Dear Peggy:

It has come to my attention from Mark Williams of the Haywood County Sheriff's Department that there is some confusion regarding application of the Haywood County Junkyards and Other Facilities Ordinance, which is found in Chapter 114 of the Haywood County Code of Ordinances, as amended and revised effective May 1, 2000.

Although the ordinance has its legal foundation in the police powers of the counties, it does have application only in those areas of the county which are not under the jurisdiction of any municipal zoning ordinance. This provision is found in Section 114.03 "Geographic Coverage." Therefore, except by agreement with the County and Sheriff and the amendment of this county ordinance; and adoption of an appropriate municipal ordinance putting the county ordinance in place in the town and extra-territorial jurisdiction, the Sheriff's Department has no legal authority to enforce the ordinance in the extraterritorial zoning areas of the town.

Please advise if there are any questions.

Very truly yours,

A handwritten signature in cursive script that reads "Leon M. Killian, III".

Leon M. Killian, III

LMK:img

cc: Sheriff Tom Alexander
Deputy Mark Williams
Jack Horton, County Manager

215 NORTH MAIN STREET • COURTHOUSE ANNEX • WAYNESVILLE, NORTH CAROLINA 28786
PHONE: 828.452.6625 • FAX: 828.452.6715

Received: January 10, 2020
Monroe A. Miller, Jr.
2200 Camp Branch Road
Waynesville, NC 28786

BOARD OF COMMISSIONERS

BILL D. NOLAND, CHAIRMAN
MARK SWANGER, VICE CHAIRMAN
KEVIN ENSLEY
CARLYLE FERGOUSON
J. W. "KIRK" KIRKPATRICK, III



COUNTY MANAGER
G. JACK HORTON

COUNTY ATTORNEY
LEON M. KILLIAN, III

April 12, 2004

Mr. William G. Stamey
Town Manager
Town of Canton
58 Park Street
Canton, NC 28716

Dear Bill:

It has come to my attention from Mark Williams of the Haywood County Sheriff's Department that there is some confusion regarding application of the Haywood County Junkyards and Other Facilities Ordinance, which is found in Chapter 114 of the Haywood County Code of Ordinances, as amended and revised effective May 1, 2000.

Although the ordinance has its legal foundation in the police powers of the counties, it does have application only in those areas of the county which are not under the jurisdiction of any municipal zoning ordinance. This provision is found in Section 114.03 "Geographic Coverage." Therefore, except by agreement with the County and Sheriff and the amendment of this county ordinance; and adoption of an appropriate municipal ordinance putting the county ordinance in place in the town and extra-territorial jurisdiction, the Sheriff's Department has no legal authority to enforce the ordinance in the extraterritorial zoning areas of the town.

Please advise if there are any questions.

Very truly yours,

Leon M. Killian, III

LMK:img

cc: Sheriff Tom Alexander
Deputy Mark Williams
Jack Horton, County Manager

BOARD OF COMMISSIONERS

BILL D. NOLAND, CHAIRMAN
MARK SWANGER, VICE CHAIRMAN
KEVIN ENSLEY
CARLYLE FERGUSON
J. W. "KIRK" KIRKPATRICK, III



COUNTY MANAGER
C. JACK HORTON

COUNTY ATTORNEY
LEON M. KILLIAN, III

April 12, 2004

Mr. Scott Buffkin
Town Manager
Town of Maggie Valley
3987 Soco Road
Maggie Valley, NC 28751

Dear Scott:

It has come to my attention from Mark Williams of the Haywood County Sheriff's Department that there is some confusion regarding application of the Haywood County Junkyards and Other Facilities Ordinance, which is found in Chapter 114 of the Haywood County Code of Ordinances, as amended and revised effective May 1, 2000.

Although the ordinance has its legal foundation in the police powers of the counties, it does have application only in those areas of the county which are not under the jurisdiction of any municipal zoning ordinance. This provision is found in Section 114.03 "Geographic Coverage." Therefore, except by agreement with the County and Sheriff and the amendment of this county ordinance; and adoption of an appropriate municipal ordinance putting the county ordinance in place in the town and extra-territorial jurisdiction, the Sheriff's Department has no legal authority to enforce the ordinance in the extraterritorial zoning areas of the town.

Please advise if there are any questions.

Very truly yours,

A handwritten signature in cursive script that reads "Leon M. Killian, III".

Leon M. Killian, III

LMK:lmg

cc: Sheriff Tom Alexander
Deputy Mark Williams
Jack Horton, County Manager

COMMISSIONERS
BILL D. NOLAND, CHAIRMAN
MARK SWANGER, VICE CHAIRMAN
KEVIN ENSLEY
CARLYLE FERGUSON
J. W. "KIRK" KIRKPATRICK, III



COUNTY MANAGER
C. JACK HORTON

COUNTY ATTORNEY
LEON M. KILLIAN, III

April 12, 2004

Mr. Lee Galloway
Town Manager
Town of Waynesville
Post Office Box 100
Waynesville, NC 28786

Dear Lee:

It has come to my attention from Mark Williams of the Haywood County Sheriff's Department that there is some confusion regarding application of the Haywood County Junkyards and Other Facilities Ordinance, which is found in Chapter 114 of the Haywood County Code of Ordinances, as amended and revised effective May 1, 2000.

Although the ordinance has its legal foundation in the police powers of the counties, it does have application only in those areas of the county which are not under the jurisdiction of any municipal zoning ordinance. This provision is found in Section 114.03 "Geographic Coverage." Therefore, except by agreement with the County and Sheriff and the amendment of this county ordinance; and adoption of an appropriate municipal ordinance putting the county ordinance in place in the town and extra-territorial jurisdiction, the Sheriff's Department has no legal authority to enforce the ordinance in the extraterritorial zoning areas of the town.

Please advise if there are any questions.

Very truly yours,

Leon M. Killian, III

LMK:img

cc: Sheriff Tom Alexander
Deputy Mark Williams
Jack Horton, County Manager

215 NORTH MAIN STREET • COURTHOUSE ANNEX • WAYNESVILLE, NORTH CAROLINA 28786
PHONE: 828.452.6825 • FAX: 828.452.6715

Received: January 10, 2020
Monroe A. Miller, Jr.
2200 Camp Branch Road
Waynesville, NC 28786

JEFFREY W. NORRIS & ASSOCIATES, PLLC
ATTORNEYS AT LAW

JEFFREY W. NORRIS
Also member of Pennsylvania
and Georgia Bars

Norris Professional Building
177 North Main Street
Waynesville, NC 28786
Telephone: (828) 452-2221
Fax: (828) 452-3534

LARRY T. REIDA
Of Counsel
Also member of Maryland Bar



July 22, 2004

Ms. Sandra L. O'Loughlin
1539 Country Club Drive
Canton, NC 28716

Dear Ms. O'Loughlin:

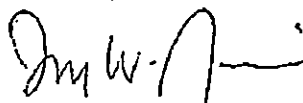
Thank you for your letter dated July 15 that I received today. I have forwarded copies to the Board of Commissioners, County Manager Jack Horton, and County Attorney Chip Killian.

This firm has been engaged by Haywood County, through the County Commissioners and the County Attorney, to prosecute certain matters relating to the County's Junkyard Ordinance. The Blaylock matter is one such matter.

The County obtained a very favorable judgment in the Blaylock matter, and as you know, there are a number of things in the judgment which have not been satisfied. The County has different options it is considering and pursuing, but because I am not permitted to discuss attorney-client communications, you will need to speak with the Commissioners and County Manager to get specifics about how the County intends to proceed. However, I can relay this point, and that is that clean up cases (for lack of a better term) are difficult to enforce if the target is not cooperative. As you have seen in the judgment, Haywood County may shut the place down and clean up the mess itself. The problem is that the County would have to expend a very large sum of money to do so. While the County may pursue that option, it has to consider this type of expenditure along with all of its other expenditures. This particular type of expense is not specifically in the County's budget, but it may be in the future.

Again, I appreciate your concern and I can assure you that this firm will take all necessary action, as directed by the County, to implement the judgment in the Blaylock matter.

Sincerely,


Jeffrey W. Norris

JWN/ft

cc: Mr. Jack Horton ✓
Chip Killian, Esquire

Received: January 10, 2020
Monroe A. Miller, Jr.
2200 Camp Branch Road
Waynesville, NC 28786

STATE OF NORTH CAROLINA
COUNTY OF HAYWOOD
BY _____
HAYWOOD COUNTY, NORTH CAROLINA,
Plaintiff,
vs.
DENVER R. BLAYLOCK,
Defendant.

NOV 11 AM 9:05
THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO. 03 CVS 664
WAYNESVILLE, N.C.

ORDER

THIS CAUSE coming on to be heard on October 10, 2005 upon plaintiff Haywood County's Motion to Show Cause and for Sanctions before the undersigned Superior Court Judge presiding during the Civil Session of the Superior Court for Haywood County, Waynesville, North Carolina; and the Court upon reviewing the record, documentary evidence, and the testimony presented, finds the following facts and applies the law accordingly:

FROM THE RECORD IN THIS CAUSE, THE COURT FINDS AS A FACT AS FOLLOWS:

1. Plaintiff is a County under N.C.G.S. § 153A-10 and by virtue of N.C.G.S. § 153A-11 brought this action.
2. On or about July 29, 2003, Haywood County brought this action requesting, among other things, relief authorized by County of Haywood, North Carolina, Code of Ordinances, § 10.99 and Chapter 114 entitled, Junkyard and Other Facilities (the "Ordinance").
3. On or about September 25, 2003, the Clerk of Court entered a Default against defendant for his failure to respond in a timely manner to the Verified Complaint.
4. Defendant Blaylock is a resident of Haywood County, North Carolina, and he is in possession, occupies, and controls parcels of land known as 8193 Cruso Road, Canton,

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Monroe A. Miller, Jr.
2200 Camp Branch Road
Waynesville, NC 28786

Haywood County, North Carolina and bearing PIN numbers 8654-25-1642 (Deed Book 445, Page 736 and Deed Book 151, Page 210) and 8654-16-3061 (Deed Book 436, Page 215).

5. Defendant has been and is continuing to maintain an automobile graveyard and junkyard in the County subject to Ordinance and in violation of the Ordinance.
6. No permit has been issued to nor appropriate steps taken by the defendant as required by applicable Haywood County Ordinances.
7. Multiple written notices and oral notifications of violation of the Ordinance have been transmitted to defendant both prior to and during the course of this action and after January 5, 2004.
8. In an effort to resolve this matter, the parties entered into a Consent Order and Judgment ("Consent Judgment") which the Court issued and executed on January 5, 2004.
9. Instead of abating or correcting the violations, defendant has continued to add additional abandoned vehicles and other items of junk to his junkyard.
10. Defendant has placed some screening on a small portion of the fencing surrounding his junk facility, but otherwise has failed to comply with the Consent Judgment and/or the Ordinance.
11. Defendant has failed to comply with the Consent Judgment and has no justifiable reason for his noncompliance.

BASED UPON THE FOREGOING FINDINGS OF FACT, THE COURT MAKES THE FOLLOWING CONCLUSIONS OF LAW:

1. This Court has jurisdiction over this matter and over the parties.
2. The defendant and his property are in violation of Ordinance.

Received: January 10, 2020
Monroe A. Miller, Jr.
2200 Camp Branch Road
Waynesville, NC 28786

3. Plaintiff has no adequate remedy at law and is entitled to injunctive relief.
4. Defendant has failed to comply with and is in violation of the Consent Judgment.
5. Haywood County is entitled to an order of abatement.
6. Haywood County is entitled to an order finding defendant in contempt for failure to comply with the Consent Judgment.
7. Plaintiff is entitled to seek additional relief from the Court, pursuant to the Consent Judgment, for its costs, expenses incurred in bringing defendant into compliance, and attorneys' fees incurred as a result of defendant's failure to comply fully with the Consent Judgment.

BASED UPON THE FOREGOING FINDINGS OF FACT AND CONCLUSIONS OF LAW,
IT IS THEREFORE ORDERED AS FOLLOWS:

1. Haywood County is authorized to enter defendant's property and junkyard facility at 8193 Cruso Road, Canton, Haywood County, North Carolina and bearing PIN numbers 8654-25-1642 (Deed Book 445, Page 736 and Deed Book 151, Page 210) and 8654-16-8061 (Deed Book 436, Page 215) and is authorized to take whatever action that, in its discretion, it deems necessary to secure the above described property and bring said property into full compliance with the Ordinance and the Consent Judgment.
2. The Haywood County Sheriff is hereby ordered and mandated to serve forthwith a copy of this Order upon the defendant and to take any and all action necessary to secure the property with pad lock and chain and otherwise, and to terminate all of defendant's activities at the property; provided however, that defendant may have access to the property to conduct remedial work at the site which is directed specifically at bringing the property into compliance with the Ordinance and the Consent Judgment only. The Haywood County Sheriff's Office shall facilitate the activities of Haywood County and any of its designated agents at the site as Haywood County deems necessary to bring

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Monroe A. Miller, Jr.
2200 Camp Branch Road
Waynesville, NC 28786

- said property into full compliance with the Ordinance and the Consent Judgment.
3. Defendant shall not be entitled to conduct any business activities whatsoever at the property until the site comes into full compliance with the Ordinance and the Consent Judgment and he obtains the proper permits required to operate a junkyard facility at that property.

AND IT IS SO ORDERED.

DATED this 10th day of October, 2005.


Honorable J. Marlene Hyatt
Presiding Superior Court Judge

Received: January 10, 2020
Monroe A. Miller, Jr.
2200 Camp Branch Road
Waynesville, NC 28786



Haywood County Planning Department

Courthouse Annex III
2143 Asheville Road
Waynesville, NC 28786
(704) 452-6632
Fax: (704) 452-6767

May 16, 2000

Phillip Blaylock
8122 Cruso Rd
Canton, NC 28716

Dear Mr. Blaylock,

Your junkyard was registered (section 114.10) as pre-existing and you were given 12 months to comply with the fencing and screening requirements (section 114.07) of the ordinance. Visual inspection shows that you have failed to comply with the Junkyards and Other Facilities Ordinance. This is your official notice to remedy the violation and become fully compliant with the ordinance within ten (10) days of receipt of this letter. To become compliant a site plan must be filed, a permit obtained, and the fencing and screening requirements met. Please contact the Haywood County Planning Office at 452-6632 if you have any questions.

Thank you for your prompt attention to this matter,

A handwritten signature in black ink, appearing to read "Kris R. Boyd".

Kris R. Boyd
Haywood County Planning Director

Cc: C. Jack Horton
Larry T. Reida

KILLIAN, KERSTEN, PATTON & KIRKPATRICK, P.A.

ATTORNEYS AT LAW

95 DEPOT STREET
POST OFFICE DRAWER 1280
WAYNESVILLE, NC 28786
TELEPHONE 1828: 452-5801
FAX 1828: 456-4917
E-MAIL attorneys@kkiplaw.com



LEON M. KILLIAN, III*
JOHN C. KERSTEN **
ROY H. PATTON, JR.
JAMES W. KIRKPATRICK, III
LARRY T. REIDA***
JEFFREY W. NORRIS****
ANN HINES DAVIS

*OF COUNSEL
** ALSO MEMBER OF FLORIDA BAR
***ALSO MEMBER OF MARYLAND BAR
****ALSO MEMBER OF PENNSYLVANIA AND GEORGIA BARS

February 18, 2003

COPY

Mr. Denver Blaylock
8193 Cruso Road
Canton, NC 28716

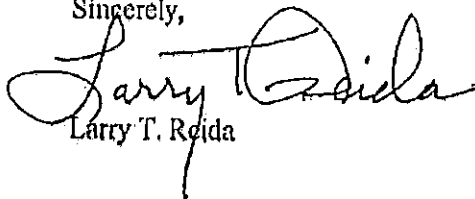
RE: Automobile Graveyards and Junkyards Ordinance
Chapter 14, Haywood County Code of Ordinances

Dear Mr. Blaylock:

This office represents Haywood County. In prior letters and several visits by the Haywood County Sheriff's Office you were made aware that your property on Cruso Road is in violation of the Haywood County Code of Ordinances.

The purpose of this letter is to advise you that if you do not come into compliance with Chapter 14 of the County Code within 15 days of the date of this letter, suit will be filed in Haywood County Superior Court seeking appropriate relief against you and your property. If you have any questions, please contact Kris Boyd, the Haywood County Planning Director, Deputy Rick Brookshire or Jeff Norris of this office.

Sincerely,


Larry T. Reida

LTR:gwc

cc: C. Jack Horton ✓
Kris R. Boyd
Deputy Rick Brookshire

Received: January 10, 2020
Monroe A. Miller, Jr.
2200 Camp Branch Road
Waynesville, NC 28786

HAYWOOD COUNTY COMMISSIONERS
REGULAR MEETING – AUGUST 7, 2006

CALL TO ORDER

Chairman Mark Swanger convened the regular meeting of the Haywood County Board of Commissioners at 9:00 a.m. in the County Commissioners' Meeting Room of the Haywood County Justice Center, Waynesville, North Carolina, with members Mark Swanger, Larry Ammons, Kevin Ensley and J. W. "Kirk" Kirkpatrick, III present. Commissioner Mary Ann Enloe was absent, attending the NACo annual conference in Chicago. Staff members present were Interim County Manager Rick Honeycutt, County Attorney Leon M. "Chip" Killian, III, County Finance Director Julie Davis, and Public Information Coordinator David Teague.

PLEDGE OF ALLEGIANCE

Chairman Swanger led the Pledge of Allegiance.

INVOCATION

Commissioner Ammons gave the invocation.

QUASI-JUDICIAL HEARING TO CONSIDER A REQUEST FROM JERRY GIBSON FOR A VARIANCE FROM HAYWOOD COUNTY CODE OF ORDINANCES CHAPTER 114: JUNKYARDS AND OTHER FACILITIES

Chairman Mark Swanger: We begin today with a quasi-judicial hearing to consider a request from Jerry Gibson for a variance from Haywood County Code of Ordinances, Chapter 114, which is entitled Junkyards and Other Facilities. We'll begin with County Attorney Chip Killian, if you could outline our procedures.

County Attorney Leon M. "Chip" Killian, III: Thank you. As the chairman said, this is a quasi-judicial hearing, which means it's judicial but there's not a judge for one thing. There are other modifications from a more strict type of hearing that you see a couple of doors down in the courtroom. So, in other words, when the courts have said quasi-judicial, what they mean is we try to protect the rights of the parties involved and we try to conduct it in an orderly way in the form of a hearing, much the same way as boards of aldermen have hearings sometimes on zoning matters, some of you all have seen that before. So quasi-judicial, the witnesses are sworn just like you would in a courtroom, the chairman will swear anyone who desires to testify in this matter. The deputy sheriff who has investigated the matter will testify. The matter is before the Board upon Mr. Gibson's request for a variance. The Junkyards and Other Facilities Ordinance, Chapter 114 of Haywood County's Code of Ordinances provides for a variance. But these things are strictly interpreted so it will be Mr. Gibson's burden to prove that he meets all the tests to be granted a variance. Of course, if at the conclusion of the hearing it turns out that he is not out of compliance with the ordinance, if he's in compliance with the ordinance, of course he won't even need the variance. So, the court, not the court but in this case the Board, could determine that he was in compliance. But he has been found by the sheriff's department who investigates this matter, has investigated this matter, to not be in compliance. He has then asked for a variance. The burden is upon Mr. Gibson to demonstrate to the Board that he is entitled to that variance. So that's basically a little bit of background as to what we are doing here today. And as to the procedure, I think the chairman will ask everyone who intends to testify to come up to the... The other thing, too, is that everyone who testifies needs to be at this position right here, at the lectern speaking into the mike so your testimony can be recorded.

Swanger: Okay, anyone who intends to testify, if they could step forward at this point please. Both step to the lectern and I'll swear you in and we'll get started. Okay, if you'll state your name please.

Testifier 1: Mark Williams.

Swanger: Mr. Williams, do you swear to tell the truth, and the whole truth, so help you God?

Mark Williams: I do.

Swanger: Thank you. And you state your name please, sir.

Testifier 2: Jerry Lee Gibson.

Swanger: Mr. Gibson, do you swear to tell the truth, and the whole truth, so help you God?

Jerry Lee Gibson: I do.

Received: **January 10, 2020**

Monroe A. Miller, Jr.

2200 Camp Branch Road

Waynesville, NC 28786

Swanger: Thank you.

Killian: Mr. Chairman, since Mr. Gibson is the moving party he would go first, I think.

Swanger: Okay. Okay, Mr. Gibson.

Gibson: The last time I was here, I asked to be allowed to keep the vehicles as a hobby, but Mr. Kirkpatrick said that would not work because everybody would be wanting to do that. So, I've decided that I want to reopen my business that I've had registered at that address since '91. That way if I trade or sell parts, there can't be any problems about that later on.

Swanger: Could you more specifically describe the business that you intend to...

Gibson: Restoring old vehicles, paint and bodywork.

Swanger: Okay.

Gibson: And there's other businesses, there's one at the end of the same road where my place is that don't have as much or any more space between them and a whole bunch of residences, and I have pictures. And there's another business that's in I'd say a mile and a half from where I'm at that's got a residence on the back of the garage, and they don't have 50 feet from a stream, Jonathan Creek, and I don't believe mine's any danger to anybody.

Swanger: Mr. Killian, your reading of the statute, reopening or establishing a business at this location, how would that affect if at all the ordinance and any potential variance.

Killian: Well, like I said, I think that we will hear testimony in a minute from the deputy sheriff as to whether or not, and I was getting ready to ask Mr. Gibson in fact whether or not he contended he was in compliance.

Swanger: Please.

Killian: Mr. Gibson, has Mr. Williams from the Sheriff's Department explained to you why he thought you were not in compliance with this ordinance? Has he told you why he thought you were not in compliance?

Gibson: He said I don't have 500 feet from the nearest residence.

Killian: All right. Has he given you any other reason that you were not in compliance?

Gibson: I've got more vehicles than I'm allowed by this ordinance without having a business.

Killian: Okay. Now, at this point in time, state whether or not you are still, are you in compliance or out of compliance based upon those two standards that's been explained to you by Mr. Williams.

Gibson: Except for the 500 feet, I feel like I'm in compliance for a business.

Killian: Okay. Now, you're before this Board today asking for a variance. Were you given a copy of the ordinance that explains, basically, what the requirements are both for being in compliance and what the requirements are for getting a variance? Did you get a copy of that?

Gibson: I've got it right here.

Killian: So you're familiar with Section §114.14 where it says, Appeals and Variances.

Gibson: Yeah, that's where you have to point out that you've got all...

Killian: Do you understand that this Board can't give you a variance if you're not in compliance. Of course, that was my first question whether you were or not. You think you are on one point, but not on the other. But they can't give you a variance unless they find that you have demonstrated to them that these five reasons for a variance are met. So I'm going to ask you about each one of them so you'll have an opportunity to explain and deal in the way that you would like to deal with each one of these things. The first one is that you're supposed to demonstrate to the Board that there are extraordinary and exceptional conditions pertaining to your particular piece of property, because of its size, shape or topography, meaning the lay of the land, hilly or whatever, that would not be applicable to similar facilities governed by the chapter. Is there something unusual about your property with regard to its size, shape or topography that in some way prevents you from complying?

Gibson: Well, I provided a map showing the shape of the land, the size...

Killian: But does that prevent you from complying in anyway?

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Gibson: The only thing I have that's stopping me from complying is the 500 feet from a residence.

Killian: Okay, so I take it that your answer to that first question would be no.

Gibson: Here's pictures showing the topography and everything you can see from the road.

Killian: Would you like to offer those pictures into evidence?

Gibson: Yes.

Killian: Does the chairman accept those into evidence?

Swanger: Yes.

Gibson: It shows you the property line...

Killian: Okay, now Mr. Gibson, the second point here is that you're supposed to demonstrate to this Board, in order for you to get a variance, you're supposed to demonstrate to this Board that by granting you a variance it would not give you any special privileges that are denied to operators of similar facilities. What do you have to say about that?

Gibson: I've got pictures to show that there's similar facilities operating and been operating as long as I've had my business registered, and here's pictures to prove that.

Killian: But if you got...my question is, if you got a variance today, would that give you any special privileges that is not enjoyed by other similarly situated properties.

Gibson: No.

Killian: The third one is that you're supposed to satisfy the Board that a literal interpretation of the provisions of the chapter would deprive you of rights commonly enjoyed by the operators of other similar facilities. In other words, other junkyards if they literally interpreted this 500 feet and the number of cars standard, if they literally interpreted that, that it would deprive you of a right that others already have. Do you have any testimony to offer in that respect?

Gibson: I'm not running a junkyard. I'm only asking for 10 or less vehicles.

Killian: Now I believe that you've already offered some evidence to this effect, but the fourth the requirement is that you satisfy this Board that the requested variance, what you're asking for, the right to run the business that you're asking to run there, would be in harmony with the purpose and intent of the chapter and will not be unduly injurious to the neighborhood or to the general welfare. In other words, the burden is on you to satisfy this Board that your continuing to operate this would not be unduly injurious to the neighborhood or to the general welfare. That's the fourth standard.

Gibson: Well, the pictures I just handed out should answer all that, because they can see what I've got and what's there to hurt anybody or injure anybody.

Killian: The fifth standard is that you must demonstrate to the Board that the variance that you've requested would be the minimum variance that would make it possible for you to make a reasonable legal use of your property.

Gibson: Well, the pictures shows the property line, and I've got the map there to show the size and the shape of the property, and there's nothing else I can do to meet the standards with what I've got. And here's the other two businesses that I was talking about _____ (moved away from microphone). They have a right to do what they want to as well as I do. I'm just using that for an example of businesses already operating that's not any better than where I've got. They don't have close to 500 feet, and I think that 500 feet is too much to start with. That's one and two-thirds lengths of a football field. If you went strictly by that, that would put a lot of businesses out in the county.

Killian: Does the Board have a copy of the ordinance, with those grounds for a variance?

Swanger: We do.

Killian: Very well. Mr. Chairman, I just attempted to try to help Mr. Gibson bring out his arguments so that he could demonstrate to the Board that he has met the five criteria here for a variance. It's up to the Board of course to decide whether he has met that burden or has not met that burden. And then secondly, of course, you'll hear from Mr. Williams as to whether or not he is in compliance with the ordinance, which is the threshold question.

Swanger: I think it might be appropriate to hear from Deputy Williams at this point and then any questions that we have for either of you can be addressed following Deputy Williams' testimony.

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Williams: Good morning.

Killian: Mr. Williams, would you first tell a little bit about the background, a lot of this has been before the Board previously, but it has not been brought forward in this hearing today, a little bit of the background, your contact with Mr. Gibson and his property, describe to the Board the condition that it's in, what efforts he might have undertaken, and also describe and testify to the Board wherein he may or may not be in violation of the ordinance.

Williams: Prior to our last meeting, if you are familiar, I gave some pictures to Mr. Honeycutt, Mr. Killian has got them.

Killian: Are you offering those into evidence?

Williams: Yes. The first packet is prior to our last meeting; the second packet shows as of this past Friday. I went by the residence and there was a lot of improvements made to the residence. If you look in front of the residence, the residence would still not be in compliance due to the fact there's four vehicles in front of the residence. There's four there; one of the vehicles does have a license plate, but it has expired so that would fall under the criteria of not being in compliance. There's a partial fence that's behind the residence; it's not been completed. That's where all the vehicles from this property prior, they've been moved from around the residence to the back of the residence. And the mobile home that was sitting at the residence, it is gone. So in my opinion at this time, it's still not in compliance.

Swanger: And again specifically, the reasons it's not in compliance are.

Williams: The number of vehicles plus from visual, the front of the residence you have four vehicles, and in the ordinance it calls, you can't have no more than three vehicles that's partially dismantled, not licensed and not running condition.

Killian: Is the 500 feet, is that...

Williams: And that would also still classify under the 500 feet from the nearest residence.

Swanger: How far is he from the nearest residence?

Williams: I've not measured it, but by visual, I know it's within that 500 feet. And if I could I'd like to bring the Board's attention, maybe on one of the businesses he was replying on. This business is in the process of moving out; they are no longer at that location that he might be replying on, so it's probably not going to be long and that business will be gone.

Commissioner J.W. Kirkpatrick, III: He doesn't have a business there right now, right?

Williams: No.

Kirkpatrick: Okay.

Williams: From the way I can gather, back...this was going on, the property was actually in a different name. The house that we're talking about now is vacant; there's no one living there.

Kirkpatrick: We're talking about Mr. Gibson.

Williams: Yes.

Kirkpatrick: Okay.

Williams: From what I gather, this property was handed down from the family and there is no preexisting business applicant by Mr. Gibson.

Kirkpatrick: And at this location, is it impossible for a business to start because he cannot comply with the 500 foot residence location?

Williams: Yes, that's in my opinion, yes.

Kirkpatrick: So anyone at this location could not start a new business, is that right.

Williams: Right, that's correct.

Killian: Without a variance, unless...

Kirkpatrick: Without a variance. And you've cited him because of the number of cars at the residence.

Williams: That's correct.

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Kirkpatrick: Because he can only have three and he's got more than three.

Williams: He was charged under §114.04, which is junkyards are prohibited.

Kirkpatrick: Right and a junkyard is defined as what.

Williams: A junkyard is anything more than ten vehicles. Anybody can have three junk vehicles on their property, but anytime it's more than three, they can be issued a citation for fencing and screening. If you've got more than ten, it's classified as a junkyard.

Kirkpatrick: Okay, if you put more than three, then you've got to comply with this ordinance.

Williams: That's correct.

Kirkpatrick: Okay. But he can't comply with this ordinance because of one of the requirements which says you have to be located 500 feet from a residence.

Williams: That's correct.

Killian: Actually, the definition that he's really going under is the definition automobile graveyard as opposed to junkyard, that's the one that has the ten criteria.

Commissioner Kevin Ensley: Mark, I had a question. If it's between three and ten vehicles, what is that?

Williams: If it's more than three, he could be charged with §114.07, which he's got to be classified as fencing and screening requirements. If it's more than ten, as the attorney was talking about, that's considered a graveyard junkyard.

Ensley: Okay, so if he had ten or less, can he just do screening or does the 500 feet kick in?

Williams: Yes.

Killian: If he had more than ten, he could do the screening if he was otherwise in compliance, but he's not in compliance because of the distance.

Kirkpatrick: How many vehicles does he have out there now?

Williams: Approximately, what have you got, about 15?

Gibson: Well, those in front is gone, and my pictures were made Saturday...

Williams: Okay.

Gibson: ...and another one is on the way, and there's some of them I'm going to get rid of.

Swanger: Okay, are there any other questions of the Board? Mr. Killian, do you have any further questions.

Killian: No sir.

Swanger: Mr. Williams or Mr. Gibson, do either of you have anything else you would like to offer?

Gibson: Yeah, I do.

Swanger: Okay.

Gibson: There's a section in the ordinance where the officer can deem a fence useless because of the topography of the land, and that's what I was looking for. And the other officer that came down and told me to build that much fence, he said that was all I needed because that was all you could see from the road; it would be useless to build a fence behind the house, that you couldn't see the fence or the vehicles. And you can see by the pictures that I showed you that a fence... I can build some more fence, but what good is it going to do when you can't see nothing from the road.

Swanger: This residence is in fact vacant, Mr. Gibson.

Gibson: Yeah, and the basement is what I've used to work in.

Swanger: How long have you been at that location?

Gibson: I've been working on cars there since '91 and he said they wouldn't, I hadn't had a business there. I've got proof that I have, right here, it's registered since '91 at that address. The address has

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changed since then because of the, I don't know, the 911 stuff, all that, when they changed a lot of addresses, numbers and stuff.

Swanger: Please, may we see that.

Ensley: It's in our packet.

Gibson: I had back surgery and had some nerves cut going to my leg and I had to quit doing any working on vehicles for a few years, and that's why I let my tax number go dead and stop doing business.

Swanger: Okay, anything further.

Gibson: Yeah, the \$114.04 at the bottom of the page it talks about the fencing and where it's useless, if it's useless by the...wait a minute, I'm on the wrong page.

Swanger: Deputy Williams, could you describe the, based on your investigation, the fencing and condition of the fencing, and whether or not that issue is in compliance.

Williams: In my opinion, it's not in compliance and due to the fact it's a partial fence. I did enclose a picture of in front of the residence where there's trees right now at this time blocking it, but when winter comes, the leaves will be gone and you will be able to see the remaining vehicles. Like I said, in my opinion it's not in compliance due to that part.

Gibson: I can put up some more fencing if that's the only, that's the big deal. But I'm still...what I've got looks better than them other places I showed you.

Williams: If I could make a note on something. He was talking about the paper included in the evidence, that is through the Register of Deeds, and I believe that is only good for one year. There's no registration permitting pre-existing junkyards, which is \$114.09, listed through the Haywood County Sheriff's Office.

Swanger: It's your position then that even if the additional fencing were present that he still could not be in compliance because of being within 500 feet of another residence.

Williams: Yes.

Swanger: Okay, anything further.

Gibson: Yeah, why did I get told by Officer Sizemore that I'm in compliance and then I get turned around and say I'm not. I've not had no complaints since the big article in the newspaper about my place in Clyde and all that, and then they tell me that they don't have no jurisdiction. I'm getting kinda tired of being jerked around. I either am or I ain't. I've got a letter from Officer Sizemore in '01, and he's the one that told me what to build on the fencing, and then Mark says that it's not good enough. I'm saying I'll build some more fence, and I can't change the shape of the land and stretch it to make it 500 feet, which I think is ridiculous anyway. Fifty feet would be plenty, you know; 500 feet is... How many businesses... Do you all ever get out and ride around and look at businesses and how many's got 500 feet separating them from somebody else?

Kirkpatrick: If this had been an existing junkyard prior to the ordinance being established, he would have been able to continue his business there, wouldn't he?

Killian: Under \$114.09, but that was November 1, 1997, if it had been in existence.

Kirkpatrick: And prior to that time...

Killian: And it had been registered.

Kirkpatrick: ...he did not have a registered business operating.

Gibson: And he said that that register was only good for a year, it's still over there; that's good for a lifetime.

Kirkpatrick: No, it's... Just because you file something doesn't mean it's good for a lifetime.

Gibson: That woman over there told me it was, and it's still in the book.

Kirkpatrick: It's recorded, and it will always be recorded, but that doesn't mean it's effective for that amount of time. I guess, Mr. Gibson, you know kind of the problems that I have are one, that there's nothing official indicating that you had a junkyard here at this residence before, because that's what you would need to have to show that you didn't have to have this 500 foot setback.

Gibson: I've never had a junkyard. I'm asking for ten or less, that covers

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Kirkpatrick: And I understand that.

Gibson: All I want to do is restore some old vehicles and keep some to restore and some for parts.

Kirkpatrick: And I understand that, too. And you can restore if you just have three there. But if you have more than three, you have to come into compliance with this statute.

Gibson: I can build more fence. I've said that and said that.

Kirkpatrick: But you can't build more fence, because in the event that you build more fence, you still can't come into compliance with the ordinance because the ordinance requires that there be 500 feet between you and another residence. I mean, that's the issue we're having. So then you're asking for a variance. See, it's really hard because we can't give you the variance because you're not in compliance. I mean, we can't give you the variance of the 500 feet because you've not been established already.

Gibson: You can't see nothing now. He was talking about the trees being green and the leaves on them...

Kirkpatrick: I know, but it doesn't say anything about trees. It says you've got to have fencing if you can see through there. I mean, I understand your argument, you're talking about the reasonableness of it.

Gibson: It also says he can deem a fence useless though because of the topography. You can see over the fence; what good is that going to be.

Kirkpatrick: Well, I'm just trying to explain to you kind of where we're coming from.

Gibson: And I can build a fence before the leaves are gone. I can put a fence up next week, that's...the rest of whatever he wants built of the fence, you know. I'm just getting tired of this begging to keep a puppy like a little boy to his daddy when this is supposed to be a free country and you can have, you know, the life, liberty and pursuit of happiness. This ain't very happy for me having to get up here and beg to keep a few old junk trucks and...

Killian: Mr. Chairman.

Swanger: Yes.

Killian: If the variance he was asking for was a variance to keep him from having to fence, let's assume that he had met the 500 feet, but he said, just as he argued just now, that it's unreasonable to expect him to... to require the fence. Well this number one here, he could probably meet that test because he could probably demonstrate by topography it would not help any and it would not be beneficial because of the topography, his property would not benefit anyone to try to fence something because you could see anyway. But as Kirk says, the problem is the 500 feet I think.

Swanger: Right.

Killian: And you could give him a variance and let him be there even though he's within 500 feet if he met all five of these conditions.

Swanger: Okay, anything further Mr. Gibson.

Gibson: No.

Swanger: Okay, at this point then it's up to this Board to I guess answer two questions. One, is Mr. Gibson currently in compliance, and is he entitled to a variance if he's not. Is that correct Mr. Killian?

Killian: I think that's right, yes.

Swanger: Okay, then I would pose the question to the Board and would indicate by a show of hands, is Mr. Gibson in compliance. If you think that he is, please raise your hand. Okay, then he is not in compliance. Is Mr. Gibson entitled to a variance that would allow him to establish and conduct his business? The variance would be we authorize him to be...a variance on the 500 feet, being within 500 feet of a residence. Does anyone believe that variance should be adopted?

Ensley: Say it again, Mark.

Swanger: Do you think he should have a variance to operate this business even though he is closer than 500 feet to a residence? You can't be within 500 feet according to the ordinance. Should he be granted a variance to operate anyway?

Ensley: Well, if it's properly screened I don't have a problem with the setback. So, I guess I would say yes in that case; I would be in favor of a variance...

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Swanger: In favor of a variance on distance. Is anyone else in favor of a variance on distance?

Commissioner Larry Ammons: Well, I thought if it was not in compliance we couldn't allow him a variance for anything.

Killian: You can grant him a variance, but he has to demonstrate to you that all five of those standards under §114.14 that he fits into that, into all five of those categories.

Swanger: If he's in compliance then there wouldn't be a variance needed.

Killian: If he's in compliance, he doesn't need a variance.

Swanger: We've determined that he is not in compliance, so you know, now are we going to adopt any variances.

Ammons: Okay, I understand.

Swanger: We have one board member who would favor a variance on distance. Does anybody else agree?

Killian: I hope the Board understands that in order for us to do that you have to find that he has demonstrated all five of those...

Swanger: Yes, there's five tests that he would have to have demonstrated. I take it by silence that no one else agrees on a variance. Okay, then our findings are that Mr. Gibson is not in compliance with §114.14, that he is not entitled to a variance based on the conditions set forth in the ordinance. Would that conclude the hearing?

Killian: Yes, I probably should hand up at the next meeting an order with the proper findings for the court to consider at that time.

Swanger: Consider this hearing closed at this time.

Gibson: Well, the topography in the ordinance, that don't mean nothing?

Ammons: It's the distance really between the houses. What distance...there would have to be some decision, I mean, we don't even know the distance, nobody's told us that. Kevin's willing to do something, but he doesn't know the distance either.

Ensley: Well, I've done a survey on the property...

Ammons: You've looked at it and are familiar with it, but it's not the topography, it's the distance from other residences.

Gibson: You can look at the map and the width of the property and see that it's about, between 100 and 125 feet.

Ammons: I did, and I could tell about how far... I didn't know where Mr. Parton's house was next door though, I couldn't tell exactly because of that. Your house is shown, but his isn't, but I could tell about how far it is and I felt like it was too close, but that's just my opinion.

Killian: Mr. Chairman.

Swanger: Clearly it's within 500 feet of his.

Killian: The county manager has pointed out to me something that I had overlooked. It says under §114.14 at the bottom of subsection B., "A copy of the decision by the Board of Commissioners shall be prepared and furnished to the applicant within 10 days of its rendition." I would think that the way I'll have to do this is to prepare it and circulate it for everyone's approval between now and the 10-day period so I can comply with that and get it to Mr. Gibson.

Swanger: Okay. Thank you sir.

PUBLIC COMMENTS

Chairman Swanger opened the public comment session by outlining the rules for speakers. He asked each speaker to stand at the lectern, state his name and organization he represents, if applicable, and the subject of the comments. Comments are generally limited to three minutes per individual, unless the speaker is representing a group for which the comment period may be extended to five minutes.

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