

**GATES COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
JULY 20, 2009**

The Gates County Board of Commissioners reconvened in Regular Session at 7:00 p.m. on Monday, July 20, 2009 in the Commissioners' Room, 202 Court Street, Gatesville, NC. Commissioners Jordan, Jernigan, Askew, Nickens and Twine were present. Also present was County Manager, Toby Chappell and County Attorney, Pitt Godwin.

Chairman Jordan called the meeting to order. A prayer was conducted by Rev. Jeffrey Dent. Chairman Jordan led the pledge of allegiance.

Chairman Jordan stated two additions needed to be made to the Agenda: a Resolution to remove a former employee as review officer and naming replacements and a Budget Amendment.

Commissioner Jernigan made a motion to approve the Agenda as presented with additions. Commissioner Askew seconded the motion, motion carried without opposition.

Old Business

Commissioner Nickens provided the second reading of the Hauler License Ordinance and Franchise Agreement for licensing solid waste collectors.

Commissioner Twine made a motion to adopt the Hauler License Ordinance and Franchise Agreement. Commissioner Nickens seconded the motion, motion carried without opposition.

The Ordinance reads as follows:

LICENSING OF SOLID WASTE COLLECTORS

Sec. 1. Definitions.

The following words, terms and phrases, shall have the meanings ascribed to them in this section, in the interpretation and enforcement of this article:

- a) *Board* means the [Board of Commissioners/Town Board] of _____ [county/municipality].
- b) *Collection* means the act of removing solid waste to the Transfer Stations or the Facility.
- c) *Facility* means the East Carolina Environmental Landfill in Bertie County, North Carolina.
- d) *Person* means any individual, corporation, company, association, partnership, unit of local government, state agency, federal agency or other legal entity.
- e) *Solid waste* means any solid wastes that may be disposed of in sanitary landfills, including, without limitation, garbage, refuse, trash and other discarded material, whether from residential, commercial, industrial or institutional sources, which wastes are typically found in household, commercial or municipal refuse.
- f) *Solid waste collector* means any person who collects, transports or disposes of solid wastes for compensation, other than one who removes solid waste from his own premises.
- g) *Solid waste license* or *license* means a license for the collection, transportation and disposal of solid waste pursuant to Section 2 of this article.

- h) *Transfer Stations* means the following three transfer stations: Chowan/Gates/Perquimans Counties Transfer Station, Currituck County Transfer Station and Dare County Transfer Station.

Sec. 2. Solid waste license required.

It shall be unlawful for any person to engage in business as a solid waste collector within any area of the [county/municipality], without first having procured a solid waste license from the Board. All solid waste collectors within the [county/municipality] shall dispose of all solid waste generated within any area of the [county/municipality] at the Facility or the Transfer Stations.

Sec. 3. Application, issuance, revocation of license.

- a) *Application.* All applicants for solid waste licenses shall file a written application with the Board's authorized representative and shall furnish the following information:
- 1) The name and address of the applicant, and whether the applicant is a sole proprietorship, corporation, partnership or other entity;
 - 2) A list of the collection vehicles the applicant plans to use in the [county/municipality]; and
 - 3) Any other information the Board's authorized representative may reasonably request.
- b) *Five-year license.* Solid waste licenses shall be issued for five-year periods. Licenses may be renewed with the information designated in subsection (a) of this section being presented to the Board's authorized representative at least thirty (30) days prior to the expiration of the existing and valid license.
- c) *Selection of applicants; granting of licenses.* The Board's authorized representative shall review applications for solid waste licenses and license renewals, and shall issue licenses and renewals to applicants meeting the requirements of this article.
- d) *Investigation of solid waste collectors prior to license issuance.* Before issuing a license pursuant to this article, the Board's authorized representative may inspect the facilities, equipment and solid waste collection vehicles the applicant plans to use in the solid waste collection business.
- 1) The Board's authorized representative shall issue the applicant a license when the Board's authorized representative determines that the application is complete and the applicant is in compliance with this article.
 - 2) When a license is issued to a solid waste collector, the solid waste collector shall affix a sticker indicating that the solid waste collector has a valid license to all of its solid waste collection vehicles that are to be operated in the [county/municipality]. The Board's authorized representative shall issue stickers to the solid waste collector at the time the license is issued. Licensees may obtain additional stickers from the Board's authorized representative.
 - 3) If the Board's authorized representative denies an applicant a license, the applicant may request a hearing before the Board by giving written notice of appeal to the [county/town] manager within (5) five working days of receipt of the Board's authorized representative's decision denying the license. After a hearing on the appeal, the Board shall either affirm the denial or direct the Board's authorized representative to issue the license.
- e) *Revocation.* When the Board's authorized representative finds that a licensee has violated this article or the conditions of the license, the licensee shall receive written notice of the violation and be informed that if another violation occurs within (30) thirty-working days, or in the case of continuing violation if it is not corrected within (10) ten-working days, the license will be revoked. If another violation occurs within the (30) thirty-working day period, or if the continuing violation is not corrected within (10) ten-working days, the Board's authorized representative shall give the licensee written notice that the license is revoked. Upon receipt of the revocation, the licensee shall cease collecting, transporting or disposing of solid wastes in any area of the [county/municipality] immediately. The Board's authorized representative may reinstate a revoked license after the revocation has been in effect for (30) thirty working days if the Board's authorized representative finds that the conditions causing the violation have been corrected. A licensee whose license has been revoked may appeal the revocation to the Board by giving written notice of the appeal

to the Board's authorized representative within (5) five working days of receiving notice of revocation from the Board's authorized representative. After a hearing on the appeal, the Board shall either affirm the revocation or direct the Board's authorized representative to reinstate the license.

Sec. 4. License fee.

The licensee shall pay to the county or Board's authorized representative the sum of fifty dollars (\$50.00) for the issuance of the license, and the sum of one dollar (\$1.00) for each sticker to be affixed to each solid waste collection vehicle.

Sec. 5. Non-transferability of licenses.

Solid waste licenses are non-transferable and non-assignable.

Sec. 6. Responsibilities of licensee.

- a) The licensee shall serve every person who contracts with it for solid waste collection in such a manner that the licensee does not cause the person to be in violation of this article.
- b) The licensee shall dispose of all solid waste generated within any area of the [county/municipality] at the Facility or the Transfer Stations.
- c) A licensee shall submit an annual report to the Board's authorized representative containing the following information:
 - 1) A list of the collection vehicles the licensee used in the [county/municipality] during the reporting year;
 - 2) The total amount of solid waste collected in the [county/municipality] and the locations where the solid waste was disposed of during the reporting year;
 - 3) A certification that all solid waste the license collected in the [county/municipality] was disposed of at the Facility or the Transfer Stations; and
 - 4) Any other information the Board's authorized representative may reasonably request.

Sec. 7. Enforcement.

- a) *Penalty.* Any person who is found in violation of this article shall be subject to a civil penalty of not to exceed \$500.00 as provided in N.C.G.S. § 153-123. Each day's violation shall be treated as a separate offense.

Remedies. This article may be enforced by equitable remedies, and any unlawful condition existing or in violation of this article may be enforced by injunction and order of abatement in accordance with N.C.G.S. § 153A-123.

Adopted this the 20th day of July, 2009.

Henry L. Jordan, Chairman
Gates County Board of Commissioners

Diane R. Hendrix Clerk

Steve Cavanaugh, Cavanaugh and Associates, presented the results of the Waste Water Feasibility Study. It would be extremely expensive to have a county-wide sewer system, there is not a large enough customer base to cover the cost of infrastructure. It would only be feasible in the core development area located along Highway 158, and especially since grant sources are available at this time.

Chairman Jordan stated the study was necessary at this time to be able to proceed with the EDA funding. He then opened the floor for citizen comment.

Perry Eure, Eure, questioned how the hook-up fees were ascertained.

Mr. Cavanaugh stated the fees were based upon 100% participation.

Tommy Langston, questioned if a study has been performed on the Sunbury School sewer system.

Mr. Cavanaugh stated a study has not been performed on that site.

Chairman Jordan stated the County was trying to obtain up to 100% of the funding from the Albemarle Commission.

A citizen questioned after completion of the system would there be any profit from the resources.

Gus Simmons stated there were many uses for treated water, but the water could not be used for drinking water.

Chairman Jordan closed the floor for citizen comments.

Commissioner Twine made a motion to accept the Waste Water Feasibility Study performed by Cavanaugh and Associates and forward it to the Albemarle Commission. Commissioner Jernigan seconded the motion, motion carried without opposition.

Toby Chappell, County Manager, presented a proposed amendment to the Ordinance Regulating the Assessment and Collection of Solid Waste User/Availability Fees. In accordance with GS 153A-293, the landfill user/availability fee may be billed with property taxes, may be payable in the same manner as property taxes, and in case of non-payment, may be collected in any manner.

Commissioner Nickens made a motion to amend the solid waste collection Ordinance. Commissioner Twine seconded the motion, motion carried without opposition.

The Ordinance reads as follows:

Ordinance
Regulating the Assessment & Collection of
Solid Waste/Availability Fees

Text Amendment to the Ordinance Regulating the Assessment & Collection of Solid Waste User/Availability Fees in Gates County adopted on July 6, 1993.

Section 5.3: In accordance with G.S. 153A-293, the landfill user/availability fee imposed under G.S. 153A-292 may be billed with property taxes, may be payable in the same manner as property taxes, and in the case of nonpayment, may be collected in any manner by which delinquent personal or real property taxes can be collected and the fees are a lien on the real property described in the bill that includes the fee. Gates County Tax Office may also use other formats of billing the above listed fees; these other methods may include billing with the County water bills and/or any other appropriate measure.

Effective Date

This ordinance shall become effective July 20, 2009.

Henry L. Jordan, Chairman

Diane R. Hendrix, Clerk

Mr. Chappell presented a request by Peggy Lefler, Chairman, Gates County Library Board, to appoint Marva Bond to the Albemarle Regional Library Board of Trustees.

Commissioner Twine made a motion to appoint Marva Bond to the Albemarle Regional Library Board of Trustees. Commissioner Jernigan seconded the motion, motion carried without opposition.

Mr. Chappell presented a Resolution Removing a Former Employee, Wes Haskett, as Review Officer and Subdivision Administrator and Naming a Replacement, Morgan Jethro.

Commissioner Askew made a motion to accept the Resolution removing Wes Haskett as the Review Officer and Subdivision Administrator and naming Morgan Jethro as the replacement. Commissioner Jernigan seconded the motion, motion carried without opposition.

The Resolution reads as follows:

**RESOLUTION
REMOVING FORMER EMPLOYEE AS REVIEW OFFICER AND
SUBDIVISION ADMINISTRATOR AND NAMING REPLACEMENTS**

WHEREAS, NCGS 47-30.2 requires the Board of County Commissioners in each County, by resolution, to appoint a person to serve as Review Officer to review each plat before it is recorded and certify that it meets the statutory requirements for recording; and

Whereas, Interim County Planner Wes Haskett, has served as Review Officer and Subdivision Administrator since March 5th, 2009; and

Whereas, Renee McGinnis is appointed to serve as Deputy Review Officer to assist in map review during time of the County Planner's unavailability; and

Whereas, Morgan C. Jethro has been hired as Director of Planning for Gates County effective July 16th 2009 at 9:00 am;

Now, Therefore, be it resolved that effective Tuesday July 21st at 12:01 am the duties and powers of Review Officer shall be transferred from former Interim Planner Wes Haskett to Director of Planning for Gates County Morgan C. Jethro; Renee McGinnis shall continue in her position as a Deputy Review Officer for the foreseeable future.

In the COUNTY OF GATES

**Adopted this 20th Day of July, 2009
GATES COUNTY BOARD OF COMMISSIONERS**

BY: _____
Henry L. Jordan, Chairman

(SEAL)

Diane R. Hendrix, Clerk to the Board

Mr. Chappell presented Budget Amendment #6.

Commissioner Askew made a motion to accept Budget Amendment #6 as presented. Commissioner Nickens seconded the motion, motion carried without opposition.

Citizen Comments

Ashley Taylor, asked if there would be a billing of citizens for the sewer system.

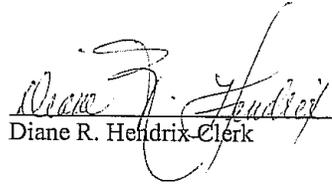
Chairman Jordan stated we are trying to get 100% of the funding for construction. Billing for services would only be after completion.

Tommy Langston asked if a public address system could be purchased for use in the courtroom.

Chairman Jordan stated this would be reviewed.

There being no further business, the meeting was adjourned.


Henry E. Jordan, Chairman


Diane R. Hendrix, Clerk

GATES COUNTY BOARD OF COMMISSIONERS
