

OXFORD, NORTH CAROLINA
May 6, 2019

The Members of the Honorable Board of Commissioners of Granville County, North Carolina met in a regular meeting on Monday, May 6, 2019 at 7:00 p.m. in the Auditorium, Granville Expo and Convention Center, 4185 US Highway 15 South, Oxford.

Present were:

Chairman: Zelodis Jay

Commissioners: Tony W. Cozart Sue Hinman
 Timothy Karan David T. Smith
 Edgar Smoak

Owen T. Roberts, Jr. was absent.

County Manager: Michael S. Felts

County Attorney: James C. Wrenn, Jr.
Assistant County Attorney: C. Gill Frazier, II

News Reporters: Chris Harris – *Butner-Creedmoor News*
 David Murray – *Oxford Public Ledger*

MEETING CALLED TO ORDER

At 7:00 p.m., Chairman Zelodis Jay called the meeting to order and recognized Commissioner David T. Smith for the invocation and the Pledge of Allegiance.

CONSENT AGENDA APPROVED

Upon a motion by Commissioner Tony W. Cozart, seconded by Commissioner Edgar Smoak, and unanimously carried, the Board approved the consent agenda as follows:

- (A) Approved the Summary of Contingency and Use of Fund Balance report which showed the following balances (corrected summary):

| | |
|--|--------------|
| General Contingency Balance | \$ - |
| School Contingency | \$ 100,000 |
| Environmental Disaster Contingency | \$ 10,000 |
| General Fund Appropriated Fund Balance | \$ 6,810,753 |

- (B) Approved Minutes of the April 1, 2019 and April 15, 2019 Regular Meetings as recorded.
- (C) Approved the Resolution for Schedule of Discounts for Prepayment of Ad Valorem Taxes as follows:

Resolution
Granville County Board of Commissioners
Schedule of Discounts for
Prepayment of Ad Valorem Taxes

Whereas, General Statute §105-360 authorizes the Board of Commissioners of a county to establish a schedule of discounts to be applied to the payment of ad valorem taxes when paid before the due date;

Now, Therefore, Be It Resolved, by the Granville County Board of Commissioners that a discount of one and one-half percent (1½%) be applied to the payment of all ad valorem tax payments, solid waste fees and stormwater fees made from July 1st through August 15th.

Note: The approval of this designation was at the April 1, 2019 Meeting. This is the authorizing resolution.

INTRODUCTION OF ADONICA HAMPTON – SOCIAL SERVICES DIRECTOR

Chairman Jay recognized Commissioner Tony W. Cozart who serves on the Social Services Board to introduce the new Social Services Director.

Commissioner Cozart stated that Granville County was pleased to announce that Ms. Adonica Hampton had been hired as the Social Services Director. Ms. Hampton is a 1989 graduate of Hampton University with a Bachelor of Arts degree in Sociology/Criminal Justice. For the past five years, she has been employed by the Virginia Department of Social Services as Program Operations Director of the Division of Child Support Enforcement. Her experience includes work as Social Services Director for Hertford County, NC and Assistant Section Chief for N.C. Department of Social Services Economic and Family Services, as well as employment in the Human Services Field in the states of Michigan and Maryland and the North Carolina counties of Guilford and Mecklenburg. From 1987 until 1995, Adonica served in the U.S. Army Reserves.

Ms. Hampton thanked Lou Bechtel for his service as the Social Services Director and thanked the Board for the opportunity to serve with him.

BOARD RECOGNIZED YOSSELIN BAYLON ALVAREZ

Commissioner Hinman recognized Yosselin Baylon Alvarez on behalf of the Board for her assistance in her community with a spay/neuter event. She presented her with the following proclamation:

Proclamation Honoring Yosselin Baylon Alvarez

WHEREAS, in early 2019, several volunteers of the Granville County Animal Shelter sought to offer a spay/neuter event for a targeted community of Butner, North Carolina. Due to language and cultural differences, coordinating such an event was going to be challenging. During an initial visit to the area, volunteers were approached by Yosselin, a 6th grade student at Butner-Stem Middle School and a bilingual resident of the targeted community. After hearing the plans for the event, she immediately offered her assistance; and

WHEREAS, on subsequent visits during the following months, Yosselin acted as the community liaison, encouraging participation, translating information and answering questions from the residents concerning the details of the spay/neuter event; and

WHEREAS, in March 2019, 24 animals were successfully spayed/neutered. This level of participation from the community could not have been achieved without Yosselin bridging the

different cultures and acting as an advocate for the event. Yosselin invested many hours to assist the volunteers in canvassing, follow-up and completing all the required paperwork; and

WHEREAS, on March 8th, the day of the event, Yosselin was excused from school and helped gather animals from residents that needed a little extra assistance. In the following days and weeks, Yosselin continued to be a contact between the community and the volunteers. She proved to be a vital link in every facet of the spay/neuter event;

NOW, THEREFORE, BE IT PROCLAIMED, that the Granville County Board of Commissioners expresses its sincere appreciation to Yosselin Baylon Alvarez for her assistance with the Granville County Animal Shelter's spay/neuter event to make a difference in her community.

Matt Katz, Animal Management Director; Ellen Highland, Animal Control Advisory Board member; and Lucy Poynton, volunteer were there for the presentation and thanked her for her work.

AFTER HOLDING PUBLIC HEARING, BOARD APPROVED PLAN CONSISTENCY STATEMENT AND ZONING MAP AMENDMENT (REZONING) ON NC HIGHWAY 56 IN WILTON

Chairman Jay stated that the purpose of the public hearing was to hear public comments on the zoning map amendment (rezoning) petition for CP Land and Holdings, LLC, applicant, to rezone a parcel located on NC Highway 56 in Wilton from Agricultural Residential 40 District (AR-40) to Highway Business District (HB). The parcel is more specifically identified as Tax Map #182700306867. He then recognized Barry Baker, Planning Director, for a brief overview and declared the public hearing open.

Barry Baker, Planning Director, 122 Williamsboro Street, Oxford, NC, stated that this was a rezoning and that all public notices as required by local and state law had been accomplished. He explained that this was a public hearing to rezone a parcel on NC Highway 56 in Wilton from AR-40 to Highway Business. He noted that the agenda included: (1) Copy of rezoning petition and map; (2) Written and signed Planning Board Plan Consistency Statement and Small-Scale Rezoning Analysis; (3) Approved minute excerpts for agenda item from the March 21, 2019 Planning Board meeting; (4) Copy of the Table of Uses from the Granville County Land Development Ordinance (LDO); (5) Copy of the Use Definitions from the LDO; and, (6) Copy of zoning district vicinity map prepared by zoning staff. He said that the Planning Board (4-2) recommended denial of the zoning map.

Chairman Jay asked that anyone wishing to speak to come to the podium and state their name and address for the record.

Pat Rost, 105 Faircloth Court, Cary, NC, property owner said he has owned the property for about 12 years and bought it as an investment. He said he has children to put through college and wished to sell it now. He said most inquiries for the property have been

for commercial uses, so he wished to rezone it to Highway Business to make it more marketable. He said the application is consistent and complies with the new goals of the Comprehensive Plan to encourage commercial and mixed use development in key areas. His property is located near the intersection of Highway 56 and Highway 96 where a history of commercial uses includes two restaurants, a gas station/convenience store and a Dollar General. He said the property has 850 of road frontage on Highway 56 that lends to commercial use. He said items mentioned at the Planning Board public hearing such as sewer capacity, traffic count, stormwater runoff and depreciation/appreciation are things that would be addressed by a new owner once it is determined what will be there, and would be addressed by the State or County for compliance. He thanked the Board for consideration of the matter.

Pat Motschwiller, 2420 Coley Pond Road, Creedmoor, NC, said she lives in Wilton, is close to the property that is for sale, and noted that the owner does not live in the area. She said that she would like for the area to stay as a nice, quaint small-town area as it is. She said there is already a Dollar General there now and expressed concerns that will come with commercial use in the area. She mentioned concerns of traffic, increased taxes, septic and sewage runoff, noise, and safety as the property is surrounded by homes. She also mentioned the concern with poor visibility as the area is well travelled.

Peggy Averre, 3588 Highway 56, Creedmoor, NC, said that her land and family land are adjacent to the property being considered for rezoning. She mentioned concerns of depreciation of their property and rift raft after hours as her elderly mother lives by herself. She also mentioned security concerns, traffic, and sewer run-off as she can see the property from her house. She said if a restaurant, sweepstakes or outdoor entertainment locates there, she has concerns with alcohol. She asked the Board to consider the concerns of the people in the Wilton community.

Betty Huff, 3504 Walters Road, Creedmoor, NC, said she grew up in Wilton, it is a small community and they need to preserve it for their children. She said there has been a lot of growth in the southern end of the County and they are the only small community left.

Athy Robinson, 3544 Walters Road, Creedmoor, NC, echoed her neighbors' comments. She said she did not grow up in Wilton, but has been there for over 20 years and moved there to have horses and to raise her children. She said the traffic is crazy as there are four businesses at the corner of Highway 56 and 96. She expressed concerns with safety,

traffic, and what kind of business will locate there. She said she would like to keep the small-town community as it is because they can go to Creedmoor or Wake Forest for whatever they need.

With no one else wishing to speak and no questions from the Board, Chairman Jay declared the public hearing closed.

Upon a motion by Commissioner Timothy Karan, seconded by Commissioner Sue Hinman, and unanimously carried, the Board approved the plan consistency statement and the zoning map amendment (rezoning) of a parcel located on NC Highway 56 in Wilton from Agricultural Residential 40 District (AR-40) to Highway Business District (HB) identified as Tax Map #182700306867 as follows:

AN ORDINANCE THAT AMENDS THE GRANVILLE COUNTY ZONING MAP FOR A PROPERTY OWNED BY CP LAND AND HOLDINGS LLC ON NC HIGHWAY 56 IN WILTON IDENTIFIED AS TAX MAP #182700306867 FROM AGRICULTURAL RESIDENTIAL 40 (AR-40) TO HIGHWAY BUSINESS (HB) AND SERVES AS THE BOARD OF COUNTY COMMISSIONERS' WRITTEN PLAN CONSISTENCY STATEMENT AND SMALL-SCALE REZONING ANALYSIS

Whereas, a zoning map amendment petition has been filed for a change to the Granville County Zoning Map by CP Land and Holdings, LLC for property as follows:

Z-1-2019 **CP Land and Holdings, LLC, Applicant, Parcel located on NC Highway 56 in Wilton**

CP Land and Holdings, LLC requested to rezone a parcel located on NC Highway 56 in Wilton from Agricultural Residential 40 District (AR-40) to Highway Business District (HB). The parcel is more specifically identified as Tax Map #182700306867.

Whereas, the Granville County Planning Board held a public hearing on March 21, 2019, and made a negative recommendation concerning the petition to the Board of County Commissioners; and,

Whereas, a notice of public hearing has been given as provided in North Carolina General Statute 153A-323 and the Granville County Land Development Ordinance for a Zoning Map Amendment and a public hearing was held by the Board of Commissioners on May 6, 2019, at which, evidence was presented at the public hearing.

Whereas, the Granville County Board of Commissioners hereby adopts the following Plan Consistency Statement and Small-Scale Rezoning Analysis:

GRANVILLE COUNTY BOARD OF COMMISSIONERS' PLAN CONSISTENCY STATEMENT:

The Granville County Future Land Development Map contained within the Granville County Comprehensive Land Use Plan classifies the future land use of the property as Rural Commercial and Suburban Residential. The property is in an area that is a mixture of residential and commercial. A major recommendation is to "encourage commercial and mixed use development in key areas." For further guidance, the Comprehensive Plan describes Rural Commercial as "areas [that] are comprised of small-scale commercial, office and flex uses and are typically located at historic crossroad communities where there is a history of commercial uses. Design guidelines for these areas should limit the size and intensity of uses and reduce impacts on neighbors and rural character." The property is located near the intersection of Highway 56 and 96 where there is a history of commercial uses. A commercial rezoning is consistent with the recommendations of the recently adopted land use plan and is in the public interest as it encourages commercial and mixed use development in the key area of the intersection of Highway 56 and 96.

GRANVILLE COUNTY BOARD OF COMMISSIONERS' SMALL-SCALE REZONING ANALYSIS:

The proposed rezoning is approximately 4.23 acres. The Granville County Future Land Development Map contained within the Granville County Comprehensive Land Use Plan classifies the future land use of the property as Rural Commercial and Suburban Residential. The property is in an area that is a mixture of residential and commercial. A major recommendation is to “encourage commercial and mixed use development in key areas.” For further guidance, the Comprehensive Plan describes Rural Commercial as “areas [that] are comprised of small-scale commercial, office and flex uses and are typically located at historic crossroad communities where there is a history of commercial uses. Design guidelines for these areas should limit the size and intensity of uses and reduce impacts on neighbors and rural character.” The property is located near the intersection of Highway 56 and 96 where there is a history of commercial uses.

NOW THEREFORE, BE IT ORDAINED BY THE GRANVILLE COUNTY BOARD OF COMMISSIONERS THAT:

The zoning district for the CP Land and Holdings, LLC property located on NC Highway 56 in Wilton identified as Tax Map #182700306867 is hereby changed and amended from Agricultural Residential 40 (AR-40) to Highway Business (HB) on the Granville County Zoning Map.

IN WITNESS WHEREOF, the Board of Commissioners of Granville County, North Carolina has caused this Plan Consistency Statement and Small-Scale Rezoning Analysis and zoning map amendment petition to be approved and adopted.

This ordinance duly adopted by the Board of Commissioners of the County of Granville, North Carolina, this the 6th day of May, 2019.

BOARD APPROVED DETERMINATION OF COST FOR FIELDSTONE WEST SUBDIVISION

Barry Baker, Planning Director, stated that on June 5, 2017, Granville County Commissioners approved a “Final Assessment Resolution for Street Improvements to Fieldstone West Subdivision” and on April 2, 2018, Asphalt Experts, Inc. was selected as the road paving contractor after a bidding process. The scope of work included:

Fieldstone West Subdivision: Grading, Ditch/Shoulder repair, Seeding/Mulching, Erosion Control, Signing Modification, Asphalt Patching, and Resurfacing on Belmont Circle, West Stone Drive, and Stoneway Court.

The total cost of the Fieldstone West Subdivision road repair project was \$108,334.05 (cost assessment sheet is attached detailing total costs was included in the agenda). He noted that the costs for Fieldstone West Subdivision included in the contract acceptance agenda item in April 2, 2018 was \$126,484.47 (including AMT fees but not including legal and publishing/advertising costs). The subdivision also has a road bond balance of \$30,201.64 that may be deducted from the cost and the subdivision has 35 lots. The roads in the subdivision have been accepted for maintenance by the Department of Transportation (DOT). He said the recommendation was to accept the determination of costs for Fieldstone West Subdivision in the amount of \$78,132.41 (amount after deducting \$30,201.64 road bond balance) and call for the preliminary assessment roll public hearing to be held on June 17, 2019 after following all due process.

Upon a motion by Commissioner Timothy Karan, seconded by Commissioner Edgar Smoak, and unanimously carried, the Board approved accepting the determination of costs for Fieldstone West Subdivision in the amount of \$78,132.41 (amount after deducting \$30,201.64 road bond balance) and called for the preliminary assessment roll public hearing to be held on June 17, 2019 after following all due process.

FISCAL YEAR 2019-2020 BUDGET PRESENTED TO THE BOARD

County Manager Felts thanked the Board for the opportunity to officially present the fiscal year 2019-20 budget document. He then referred to the budget binders and presented the following budget message to introduce and summarize the budget:

This binder contains the County's recommended annual budget as required by North Carolina General Statute 159 and the *Local Government Budget and Fiscal Control Act*. Two general units comprise the document. The first unit is the continuation budget for all funds necessary to carry out the services authorized by the Granville County Board of Commissioners. This portion contains both the financial information and the narrative descriptions of each program in all funds for which the Board is responsible. In addition to the financial information, the continuation budget section also contains statistical information about the County, financial planning models and a fee manual. The fee manual describes the user fees that attempt to recover some or all of the costs of services from the direct beneficiaries of the services, rather than taxpayers. The second unit contains detailed information on approximately 49 service expansions proposed by departments and outside agencies. These are "new and different" programs or activities that expand or decrease the current level of service to the Granville County citizens and taxpayers. The budget is balanced and prepared in accordance with the policies and procedures outlined in the *Local Government Budget and Fiscal Control Act*.

The Process

While budgeting is an ongoing process, the budget preparation season officially begins at the Board's planning retreat. During the planning sessions the Board Members discuss the current programs and provide staff guidance to what should be included in the service expansion process. The County Manager then informs department managers of program ideas that the Board would like to see proposed in the new budget.

Section II of the budget contains the budget calendar. Departments and outside agencies were reminded in late January to begin thinking about service expansions. The instructions and formal notification for the continuation budget requests were sent out in February and service expansions were to be returned by mid-March. Individual departmental meetings were held in late March and early April to review the budget requests and finalize the expenditure requests. The revenue and expenditures were finalized at the end of April, after another full review of revenues, expenditures and projected fund balance. Department managers did an excellent job of critically reviewing and evaluating each expenditure in their budget.

Goals

This budget is a product of the Board's vision of what Granville County will strive toward in the coming year. The values communicated during individual budget work sessions, monthly meetings, and in the annual planning retreat are as follows:

- Continue to rely on financial plans and systems in the preparation of the proposed budget;
- Conservatively estimate revenues and expenditures to avoid expectations of performance that are not realistic;
- Create an atmosphere where efforts to "spend down" during the fiscal year are discouraged;

- Present a budget that maintains the current level of programs and services provided by County departments to the public without a reduction unless those reductions are caused by State or Federal reductions.
- Present a budget that re-evaluates all expenditures in order to offset any projected losses in revenues so that in light of the current economic conditions a tax increase is not needed for general government operations, but allows for policy review and potential service reductions or expansions based on other policy directives.
- Present a budget that does not supplant funding cuts by the State or Federal governments, but instead reduces those programs and informs the public of the associated impacts.

Overview of the Budget

The recommended budget reflects both the strength of the County from a financial perspective and the significant challenges that the Board faces. Much of the work in preparing the budget focused on critically evaluating all revenues and expenditures in an effort to adjust to the current and predicted economic conditions.

Sources of Revenues for the recommended fiscal year 2019-20 budget:

Property Taxes – 61%
 Sales & Other Taxes – 17%
 Intergovernmental & Restricted Funds – 16%
 License & Fees – 4%
 Investment Income & Other – 3%

- ⇒ The fiscal year 2019-20 recommended budget maintains the prior year's tax rate of \$0.84 for each \$100 of assessed valuation.
- ⇒ The estimated tax base of \$4,946,048,430 for fiscal year 2019-20 is projected to provide revenues of \$41,102,256 based on the current tax rate with a 98.93% collection rate. The tax collection rate compared to last year dropped slightly by 0.12%.
- ⇒ **Sales and Other Related Taxes** are expected to increase 6%. Sales tax revenues continue to improve and forecasts report continued growth over the next few years.
- ⇒ **Licenses, Fees, and Other Revenues** are expected to increase by 6.9%. This is mostly due to reimbursements for School Resource Officers and fees driven by the economy; such as Inspections, Planning, and Register of Deeds fees.
- ⇒ **Restricted and Intergovernmental Revenue** is expected to increase by 5% primarily due to additional Federal and State funding associated with added positions in the social services department. This category changes the most throughout the year based on the availability of grants during the year.
- ⇒ **Fund Balance** is appropriated in order to maintain current levels of County provided programs and services without an increase in the tax rate. The budget recommends appropriating \$2,313,755 in available fund balance (3.4% of the general fund expenditures). Total recommended revenues, including appropriated fund balance, are \$67,725,492. Based on the fiscal year 2019-20 recommended budget, the fund balance is projected to be 30% of expenditures as of June 30, 2020 which is just within the County's targeted range of 30% - 35%.

General Fund

The majority of the general governmental activities are accounted for in the General Fund. Some key budget drivers are:

- ⇒ The employer portion of retirement contribution increased from 7.75% from 8.95%.
- ⇒ This budget reflects a \$300 annual increase to employer paid health insurance premiums per employee and a \$120 annual increase to employees for health insurance.
- ⇒ The recommended budget increases the EMS subsidy to Granville Health System by \$50,000 and increases the contribution to the District Health Department by \$75,000 in accordance with the multi-year funding agreements approved in prior years.

⇒ Granville County places a high value on education, and education funding in the recommended budget includes an increase in public school operational funding of \$923,900, which represents a 6% increase over last year's funding level.

Overall the County's general operating expenditures increased \$3,245,997 which is 5% over the fiscal year 2018-19 amended budget. Of departments that had increases, they were mostly due to increases in wages, health insurance premiums, retirement contributions, debt service.

The following is a brief summary of the functional areas of the County's general operating budget and Other Funds.

General Government – 6%

(Board, Administration, HR, IT, Finance, Auditing, ROD, Elections, Tax Administration, and General Services)

General County Government activities decreased 3.9% from the current amended budget.

Human Services Departments – 22%

(Social Services, Veteran Services, Senior Services, and Health & Medical Services)

The Health and Human Services area of the budget averaged a 6% increase.

Community Services – 10%

(Library, CES, Recreation, Parks, Inspections, Planning, Addressing, Economic Development, and Construction Administration)

Community Services averaged a 3.1% increase. Most of this increase relates to County facility maintenance projects.

Education – 37%

(VGCC & GCPS)

Education funding increased \$818,503 or 3.4%. Vance-Granville Community College funding remains level with the prior year and funding to the Granville County Public School System increases \$958,070 (operating & capital). Education related debt service decreased \$139,567.

Public Safety – 19%

(Sheriff, Detention, Emergency Communications, Emergency Management, Animal Control, Fire Services, and Forestry support)

The Public Safety functional area showed the largest net increase of \$1,003,569 or 8.4%. The majority of this increase is related to the debt service associated with the new Law Enforcement Center, Detention Center, and Animal Shelter. Fire Services includes a 3% increase to the Volunteer Fire Departments.

Area Projects & Other Appropriations – 6%

The amount budgeted for Special Appropriations remained fairly flat when adjusted for one-time funding to the Tar River Land Conservancy and a reduction in programmed funding for KARTS capital improvements.

Non-departmental expenditures show a 16% increase from the fiscal year 2018-19 amended budget which results from funding for employee performance based pay adjustments and from a \$250,000 set aside to assist with possible broadband/connectivity projects.

Contingency

The Contingency appropriation is \$290,000 consistent with prior years funding levels.

Other Annually Budgeted Funds include:

Emergency Telephone System Fund (ETSF)

The Fund expenditures are budgeted at \$377,887.

R.H. Thornton Library Memorial Fund

This fund is budgeted at \$20,000.

Solid Waste Management – MSW Landfills

The budget provides \$1,640,700 for operation of the County's municipal solid waste (MSW) landfill. Tipping fees for the landfill are recommended to remain at \$37/ton.

Solid Waste Management - Convenience Centers

The budget for the operation of the convenience centers is \$1,446,050.

Stormwater Management

The budget establishes the Stormwater Management Operations fund to primarily provide services related to the State mandated Falls Lake rules. The fund is budgeted at \$353,462.

Service Expansion Section

The service expansion portion of the budget consists of expenditures that generally “change” something about the operation. Examples include new positions, new equipment (not just replacement), new programs, acceptance of various grants, and initiatives to address employee compensation and cost of living adjustments. Funding all service expansions will require more than \$8 million dollars in additional General Fund revenue. The Board may wish to consider other sources of revenue to fund these additional services if approved. Some of the initiatives may appropriately be considered for partial funding, future funding, or be incorporated into an overall plan, such as the capital improvement program or recreation master plan.

So in Summary ...

This recommended budget continues current operations and maintains the Ad Valorem tax rate at the prior year’s level, in accordance with the Board’s directive at the annual planning session. The local and state economies in fiscal year 2019-20 and the actions of the State and Federal governments will be important factors in the performance of this budget.

The Granville County Board of Commissioners has prepared for tough times by managing its resources well and has acted responsibly in its efforts to maintain services. The County will continue to provide critical services to those in need and do so at the proposed tax rate unless actions by the State or Federal governments force changes that are beyond its control.

Department managers continue to do an outstanding job of compiling their departmental budget requests to meet the County’s mission of providing its residents with an array of services to enhance their quality of life, through a responsive, effective and efficient local government. They deserve many thanks and tremendous admiration. Granville County employees are truly special people who care about their community and take pride in providing services that make life better for others.

Putting together a budget is a tremendous effort. The Finance Department, under the leadership of Steve McNally, did an outstanding job putting together this year’s budget document. I also want to state how much I appreciate the efforts of the County Administration staff for making sure that the business of the County continued while several of us were heavily engaged with budget meetings. I would like to offer a very special thanks to Debra Weary and Patrice Wilkerson for their support.

I look forward to providing the Board a more detailed review of the Recommended Budget and Service Expansion items during a Budget Workshop. I would like to respectfully recommend that the Board consider scheduling a budget workshop for the morning of May 14th and authorize County Staff to advertise for a Public Hearing on the proposed budget for May 20th.

Again, thank you for the opportunity to present the 2019-2020 recommend budget.

Upon a motion by Commissioner Edgar Smoak, seconded by Commissioner David T. Smith, and unanimously carried, the Board approved scheduling the public hearing on the proposed budget for May 20, 2019 and scheduling a budget work session for the morning of Tuesday, May 14th.

AFTER HOLDING PUBLIC HEARING, BOARD APPROVED ECONOMIC DEVELOPMENT INCENTIVE AND RESOLUTION FOR DILL AIR CONTROLS

Chairman Jay stated that the purpose of the public hearing was to obtain the views of the public on aiding and encouraging the location or expansion of industrial facilities in Granville County specifically as follows: the expansion of a manufacturing company to Granville County to expand its existing facility.

At this point, Chairman Jay declared the public hearing open and recognized Harry Mills, Economic Development Director, to provide an overview of the project.

Harry Mills, Economic Development Director, 310 Williamsboro Street, Oxford, NC, thanked the Board for the opportunity to present Project Pickle. He said that NCGS 158-7.1 requires a public notice that was completed prior to the public hearing. He said that Project Pickle is the expansion of a manufacturing industrial facility to expand its existing facility. The company will invest approximately \$1,624,500 and employ potentially 23 new employees. He noted that the company name is Dill Air Controls. The maximum cost of the County-funded improvements will be up to \$14,375 in accordance with the County's funding policy to serve as the 5% match towards a North Carolina Department of Commerce Building Reuse Program grant of \$287,500. He recommended a \$14,375 incentive for the required match and approval of the associated resolution.

Chairman Jay asked those wishing to speak to come to the podium and give their name and address for the record.

With no one wishing to speak, Chairman Jay closed the public hearing.

Upon a motion by Commissioner David T. Smith, seconded by Commissioner Edgar Smoak, and unanimously carried, the Board approved the economic development incentive for Dill Air Controls up to \$14,375 to serve as the 5% match for the Building Reuse Program and the associated resolution as follows:

AUTHORIZING RESOLUTION BY GOVERNING BODY OF THE APPLICANT

North Carolina Department of Commerce Building Reuse Program

WHEREAS, in June 2004, the North Carolina General Assembly passed House Bill 1352, authorizing funds to stimulate economic development and job creation in distressed areas through constructing critical water and wastewater facilities, addressing technology needs, renovation of vacant buildings, and implementation of research and demonstration projects; and,

WHEREAS, in July 2007, the General Assembly passed House Bill 1473 to expand the Economic Infrastructure Fund and to provide funding to facilitate economic transitions in rural communities; and,

WHEREAS, The North Carolina Department of Commerce’s Rural Economic Development Division’s Building Reuse Program was created to spur economic activity and job creation by assisting in the productive use of buildings in rural areas; and,

WHEREAS, the County of Granville is engaged in activities to assist in the productive use of buildings, specifically the renovation of the building for Dill Air Controls located at 1500 Williamsboro Street, Oxford NC that will increase the number of jobs in the area; and,

WHEREAS, the County of Granville requested grant assistance from the North Carolina Department of Commerce’s Rural Economic Development Division’s Building Reuse Program;

NOW, THEREFORE, BE IT RESOLVED, BY THE COUNTY COMMISSIONERS OF THE COUNTY OF GRANVILLE:

That the County of Granville will provide 5% match of the \$14,375 grant award for the project.

That the County of Granville will provide for efficient administration, implementation, and operation/maintenance of the grant.

That the County Manager is hereby authorized and directed to furnish such information as the North Carolina Department of Commerce may request in connection with the grant application and project; to make assurances as contained above; and to execute such other documents as may be required in connection with the application and grant.

That the County of Granville has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to the grants pertaining thereto.

AFTER SECOND READING, BOARD APPROVED SOLID WASTE ORDINANCE REVISIONS

County Manager Felts stated that this was the second time that the Solid Waste Ordinance revisions was on the agenda. At the first reading on April 15, 2019, it received approval, but requires two consecutive approvals.

Upon a motion by Commissioner Timothy Karan, seconded by Commissioner Edgar Smoak, and unanimously carried, the Board approved the second reading of amendments/revisions to the Solid Waste Ordinance. Chapter 38 – Solid Waste Management of the Code of Ordinances, County of Granville, North Carolina, is hereby amended to read as follows:

Chapter 38 - SOLID WASTE MANAGEMENT¹¹

Footnotes:

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Cross reference— Buildings and building regulations, ch. 14; environment, ch. 26; utilities, ch. 44.

State Law reference— Regulation of explosive, corrosive, flammable or radioactive substances, G.S. 153A-128; regulation of solid wastes, G.S. 153A-136; authority to regulate the removal and disposal of trash, garbage, etc., G.S. 153A-132.1; special provisions for solid waste collection and disposal, G.S. 153A-291 et seq.

ARTICLE I. - IN GENERAL

Secs. 38-1—38-30. - Reserved.

ARTICLE II. - LITTER[2]

Footnotes:

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State Law reference— Authority to regulate the removal and disposal of litter, G.S. 153A-132.1.

Sec. 38-31. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Litter means any discarded or abandoned, used or unconsumed substance or waste, including but not limited to garbage, trash, refuse, debris, rubbish, lawn and garden waste, newspaper, magazines, glass, metal, plastic or paper containers or other packaging, construction debris, motor vehicle parts, furniture, oil, and dead animals.

(Ord. of 8-18-1986, § 1)

Cross reference— Definitions generally, § 1-2.

Sec. 38-32. - Dumping.

- (a) No person, firm, organization, private corporation, governing body, or agents or employees of any municipal corporation shall scatter, spill, place, dump, deposit, drop, throw, discard, leave, cause or permit the scattering, spilling, placing, dumping, depositing, dropping, throwing, discarding or leaving of litter upon any public or private property not owned by him in this county unless:
- (1) The property has been designated by the county as a public landfill site for the disposal of litter, the site is currently being maintained by the county as a public landfill and the litter is deposited at the landfill in accordance with current rules and regulations for dumping of litter.
 - (2) The litter is placed in a private receptacle or other container intended by the owner or tenant of that property for the deposit of litter.
 - (3) The litter is placed in a receptacle maintained and designated by the county for the deposit of litter; however, all litter shall be placed in the receptacles; and no furniture, large appliance (such as stoves, refrigerators, freezers, washers, dryers or the like), dead animals, hazardous substances (including oil and toxic chemicals) or construction debris shall be placed in the receptacles. All litter which is permitted to be dumped in public or private receptacles shall be dumped in the receptacles, and it is a violation of this article to dump litter around public or private receptacles or on top of full receptacles, so as to result in litter's falling outside the receptacles.
- (b) No person, firm, organization, private corporation, governing body, or agents or employees of any municipal corporation shall scatter, spill, place, dump, deposit, drop, throw, discard or otherwise dispose of litter from any motor vehicle or boat upon any public highway or road or into any river, lake, pond, stream or body of water in the county.
- (c) No person, firm, organization, private corporation, governing body, or agents or employees of any municipal corporation shall place, throw, leave or abandon on any road in the county any glass bottle or fragments, or any broken glass or crockery of any kind, nails, tacks, brickbats, or any article or object liable to injure or puncture the tires of automobiles, motorcycles, bicycles or the rubber tires of other vehicles.

(Ord. of 8-18-1986, § 2)

Sec. 38-33. - Trailer parks and places of business.

- (a) The owner, person or organization in control of any property which is held out to the public as a place for assemblage, the transaction of business, recreation or as a public way and including but not limited to restaurants, shopping centers, fast-food outlets, convenience stores, hotels, motels, industrial establishments, apartment buildings, housing projects, construction sites, loading and unloading docks, gas stations, trailer parks, and hospitals and clinics shall at all times keep the premises clean of all litter thrown or left on the premises and shall take measures, including, if necessary, daily cleanup of the premises to prevent litter from drifting or blowing to adjoining premises.

- (b) Receptacles of sufficient size and number shall be placed on all premises, public and private, for the disposition of litter. The receptacles shall be conspicuously identified as for the disposal of litter.

(Ord. of 8-18-1986, § 3)

Cross reference— Land development code, ch. 32.

Sec. 38-34. - Requirements as to containers used for garbage and trash.

- (a) Each of the persons or organizations described in section 38-33 shall provide sufficient containers for garbage and trash to store each invitee's, occupant's, tenant's or lessee's garbage and trash between collections.
- (b) Garbage and trash containers shall be watertight receptacles constructed of plastic, galvanized iron, tin or other suitable material, with a tightfitting lid or cover and with handles sufficiently strong for workers to empty conveniently. The container must not have any inside structures, such as inside bands and reinforcing angles or anything within the container to prevent the free discharge of the contents.

(Ord. of 8-18-1986, § 4)

Sec. 38-35. - Handbills, circulars and political advertisements.

No person, firm, organization, private corporation, governing body or its agents or employees shall place or deposit in or upon any motor vehicles, except in a manner that will prevent them from being scattered or blown about by the elements, any handbill, circular, pamphlet or poster. Additionally, all political, nonpartisan or civic club posters shall be removed from the rights-of-way of public highways and secondary roads within ten days from the date of the election, or event to which the poster refers, by the person responsible for its placement.

(Ord. of 8-18-1986, § 5)

Sec. 38-36. - Penalties for littering.

Any person convicted of a violation of any section of this article shall, upon conviction, be punished by a fine of not more than \$100.00 for the first offense. Any second or subsequent offense is punishable by a fine of not more than \$500.00.

(Ord. of 8-18-1986, § 6)

Secs. 38-37—38-70. - Reserved.

ARTICLE III. - USER FEES

Sec. 38-71. - Cost recovery fees authorized.

The costs of collection and disposal of residential solid waste in the county shall be recovered from the citizens through user fees.

(Ord. of 6-24-1992, § 1)

Sec. 38-72. - Solid waste collection fee.

There shall be an annual solid waste collection fee imposed to recover the costs of constructing and operating the waste convenience site system located throughout rural Granville County in accordance with the Granville County Fee Manual.

(Ord. of 6-24-1992, § 1.1)

Sec. 38-73. - Solid waste tipping fee imposed.

There shall be a solid waste tipping fee imposed on all users of the county owned and operated landfill facility.

(Ord. of 6-24-1992, § 1.3)

Sec. 38-74. - Amounts established by board of commissioners.

The amounts to be charged as solid waste collection fees, fines and tipping fees shall be established and adjusted as necessary by the board of commissioners and shall appear in the Granville County Fee Manual associated with this division.

The solid waste tipping fee shall be imposed by the solid waste department on all users of the County-owned landfill facility.

(Ord. of 6-24-1992, § 1.4)

Sec. 38-75. - Use of revenue.

The total revenue derived from the solid waste collection fees, fines and solid waste tipping fees shall be set to recover the full costs of solid waste collection and disposal in the county, to include the costs of siting and opening new solid waste convenience and disposal sites and closing old solid waste disposal sites.

(Ord. of 6-24-1992, § 1.5)

Sec. 38-76. - Billing.

The solid waste collection fees shall be billed annually on the ad valorem tax notices sent to county residences. The tipping fee amount shall be determined at the landfill site, through a weight measurement system or other approved method. Invoices shall be sent monthly by the county to the account holders or collected at the landfill.

(Ord. of 6-24-1992, § 1.6)

Sec. 38-77. - Collection fee customers.

The solid waste collection fee shall be imposed annually by the county tax collector on all residences (houses and mobile homes) within the county.

- (1) All residences (houses and mobile homes) within the county will be charged a solid waste collection fee (Use of Convenience Site Fee) at a rate as established by the Granville County Board of Commissioners and appearing in the Granville County Fee Manual. Separate rates will be established for residences which have a recognized solid waste collection service and residences which do not have a recognized solid waste collection service.

(Ord. of 6-24-1992, § 2)

Sec. 38-78. [RESERVED]—

Sec. 38-79. - Exemptions from solid waste user fees.

- (a) Certain categories of exemptions from the solid waste user fees may be developed and implemented within the authority of this article.
- (b) Exemption schedule:
 - (1) Any person owning houses or businesses which have been vacant or out of operation for at least 12 months prior to the annual January 1 property tax listing period who submits documentation from the electric utility provider that the house or business is no longer receiving active electrical service and is approved by the county assessor's office shall be exempt from the solid waste collection fee. It shall be the duty of the property owner to notify the assessor's office if and when the occupancy changes.

(Ord. of 6-24-1992, § 5)

Secs. 38-80—38-100. - Reserved.

ARTICLE IV. - COLLECTION AND DISPOSAL

Sec. 38-101. - Purpose and statutory authority.

The purpose of this article is to regulate the storage, collection and disposal of solid waste in the county. This article is adopted pursuant to the authority contained in G.S. 153A-121, 153A-132.1, 153A-136, 153A-274 through 153A-278, and 153A-291 through 153A-293, and 130A-309.09, 130A-309.09A, 130A-309.09B, and 130A-309.09D. Unless otherwise indicated, this article applies to both publicly owned and privately owned solid waste management facilities located in the unincorporated areas of the county.

(Ord. of 2-7-1994, § 1)

Sec. 38-102. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bulky waste means large items of solid waste such as household appliances, furniture, automobiles, large auto parts, trees, branches, stumps and other oversize wastes whose large size precludes or complicates their handling by normal solid waste collection, processing or disposal methods.

Collection means the act of removing solid waste from a point of generation to a central storage point or to a disposal site, and from a central storage point to a disposal site.

Commercial solid waste means solid waste generated by stores, offices, restaurants, warehouses and other nonmanufacturing activities, excluding residential, industrial and institutional wastes.

Construction and demolition waste means solid waste resulting solely from construction, remodeling, repair or demolition operations on buildings or other structures, but does not include inert, land clearing or yard waste debris or used asphalt mixed with dirt, sand, gravel, rock, concrete or similar nonhazardous material.

Department means the North Carolina Department of Environmental Quality.

Division means the state division of solid waste management.

Garbage means all putrescible wastes, including animal offal and carcasses, and recognizable industrial byproducts, but excluding sewage and human waste.

Hazardous waste means solid waste, or combination of solid wastes, that because of its quantity, concentration, or physical, chemical or infectious characteristics may:

- (1) Cause or significantly contribute to an increase in serious irreversible or incapacitating reversible illness; or
- (2) Pose a substantial present or potential hazard to human health or the environment even when properly treated, stored, transported, disposed of or otherwise managed.

Incineration means the process of burning solid, semisolid or gaseous combustible wastes to an inoffensive gas and a residue containing little or no combustible material.

Industrial solid waste means solid waste generated by manufacturing or industrial processes that is not hazardous waste regulated under subtitle C of CERLA. Such waste may include but is not limited to waste resulting from the following manufacturing processes:

- (1) Electric power generation;
- (2) Fertilizer/agricultural chemicals;
- (3) Food and related products/byproducts;
- (4) Inorganic chemicals;
- (5) Iron and steel manufacturing;
- (6) Leather and leather products;
- (7) Nonferrous metals manufacturing/foundries;
- (8) Organic chemicals;
- (9) Plastics and resins manufacturing;
- (10) Pulp and paper industry;
- (11) Rubber and miscellaneous plastic products;
- (12) Stone, glass, clay and concrete products;
- (13) Textile manufacturing;
- (14) Transportation equipment; and
- (15) Waste treatment.

This term does not include mining waste or oil and gas waste.

Inert debris means solid waste that consists solely of material that is virtually inert, such as brick, concrete, rock and clean soil.

Infectious waste means a solid waste capable of producing an infectious disease. The types of waste designated as infectious are microbiological waste, pathological waste, blood products and sharps.

Institutional solid waste means solid waste generated by educational, health care, correctional and other institutional facilities, excluding residential, commercial and industrial waste.

Land clearing debris means solid waste that is generated solely from land clearing activities such as stumps, trees, etc.

Landfill means a disposal facility or part of a disposal facility where waste is placed in or on land and that is not a land treatment facility, a surface impoundment, an injection well, a hazardous waste long-term storage facility or a surface storage facility.

Medical waste means any solid waste that is generated in the diagnosis, treatment or immunization of human beings or animals, in pertinent research, or in the production or testing of biologicals, but does not include any hazardous waste, radioactive waste, household waste as defined in 40 CFR 261.4(b)(1), or those substances excluded from the definition of "solid waste" in this section.

Municipal solid waste landfill unit means a discrete area of land or an excavation that is permitted to receive residential, commercial or industrial solid waste or a combination of such wastes, and is not a land application unit, surface impoundment, injection well or waste pile, as defined under 40 CFR 257. Such a landfill may be publicly or privately owned. A MSWLF unit may also be permitted to receive other types of nonhazardous solid waste. A MSWLF unit may be a new MSWLF unit, an existing MSWLF unit or a lateral expansion.

Open burning means the combustion of solid waste without:

- (1) Control of combustion air to maintain adequate temperature for efficient combustion;
- (2) Containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; and
- (3) Control of the emission of the combustion products.

Open dump means a solid waste disposal site that does not have a permit and/or does not comply with the rules set forth in this article.

Pathological wastes means human tissues, organs, body parts, secretions and excretions, blood and body fluids that are removed during surgery and autopsies, and the carcasses and body parts of any animals that were exposed to pathogens that are potentially dangerous to humans during research, were used in the production of biologicals or in vivo testing of pharmaceuticals, or that died with a known or suspected disease transmissible to humans.

Person means an individual, corporation, company, association, partnership, unit or local government, state agency, federal agency, or other legal entity.

Processing means any technique designed to change the physical, chemical or biological character or composition of any solid waste so as to render it safe for transport; amenable to recovery, storage or recycling; safe for disposal; or reduced in volume or concentration.

Putrescible means solid waste capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances from odors and gases, such as kitchen wastes, offal and carcasses.

Radioactive waste material means waste containing any material, whether solid, liquid or gas, that limits ionizing radiation spontaneously.

Recyclable corrugated cardboard means cardboard that consists of two outer layers of linerboard with corrugating medium between the two outer layers of linerboard, that is recyclable.

Recycling means the process by which solid waste or recovered materials are collected, separated or processed, and reused or returned to use in the form of raw materials or products.

Refuse means solid waste, other than garbage or ashes, from residences, commercial establishments and institutions.

Regulated medical waste means blood and body fluids in individual containers in volumes greater than 20 ml, microbiological waste and pathological waste that has not been treated pursuant to rules promulgated by the Department.

Resource recovery means the process of obtaining material or energy resources from discarded solid waste that no longer has any useful life in its present form and preparing the solid waste for recycling or energy generation.

Respondent means the person against whom an administrative penalty has been assessed.

Reuse means a process by which resources are reused or rendered usable.

Sanitary landfill means a facility for disposal of solid waste on land in a sanitary manner in accordance with the rules concerning sanitary landfills adopted pursuant to G.S. 130A-290 et seq.

Scrap tire means a tire that is no longer suitable for its original, intended purpose because of wear, damage or defect.

Septage means solid waste that is a fluid mixture of untreated and partially treated sewage solids, liquids and sludge of human or domestic origin which is removed from a septic tank system.

Sharps means needles, syringes and scalpel blades.

Sludge means any solid, semisolid or liquid waste generated from a municipal, commercial, institutional or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility or any other waste having similar characteristics and effect.

Solid waste means any hazardous or nonhazardous garbage, refuse or sludge from a waste treatment plant, water supply treatment plant or air pollution control facility, domestic sewage and sludges generated by their treatment in sanitary sewage collection, treatment and disposal systems, and other material that is either discarded or is being accumulated, stored or treated prior to being discarded, or has served its original intended use and is generally discarded, including solid, liquid, semisolid or contained gaseous material resulting from industrial, institutional, commercial and agricultural operations and from residential and community activities. The term does not include a fecal waste from fowls and animals other than humans or solid or dissolved material in domestic sewage and sludges generated by their treatment in sanitary sewage collection, treatment and disposal systems which are designed to discharge effluents to the surface waters; irrigation return flows; and wastewater discharges and the incidental sludges and generated by their treatment which are point sources subject to permits granted under section 402 of the Federal Water Pollution Control Act as amended (PL 92-500), and permits granted under G.S. 143-215.1 by the environmental management commission; except that any sludges that meet the criteria for hazardous waste under the Federal Resource Conservation and Recovery Act (PL 94-580) as amended shall also be a solid waste for the purpose of this definition; or oils and other liquid hydrocarbons controlled under G.S. 143-215.75 et seq.; except that any such oils or other liquid hydrocarbons that meet the criteria for hazardous waste under the Federal Resource Conservation and Recovery Act (PL 94-580) as amended shall also be a solid waste for the purposes of this article; any source special nuclear or byproduct material as defined by the Atomic Energy Act of 1954 as amended (42 USC 2011); or mining refuse covered by the North Carolina Mining Act, G.S. 74-46—74-68 and regulated by the state mining commission. However, any specific mining waste that meets the criteria for hazardous waste under the Federal Resource Conservation and Recovery Act (PL 94-580) as amended shall also be a solid waste for the purposes of this definition.

Solid waste collector means any person who collects or transports solid waste.

Solid waste container means a container used for the temporary storage of solid waste or recyclables while awaiting collection.

Solid waste container site means any place owned, leased or operated by the county at which solid waste containers have been placed.

Solid waste director means the county solid waste director or his authorized representative.

Solid waste disposal site means a location at which solid waste is disposed of by incineration, sanitary landfill or other approved method.

Solid waste management means purposeful, systematic control of the generation, storage, collection, transport, separation, treatment, processing, recycling, recovery and disposal of solid waste.

Solid waste management facility means land, personnel and equipment used in the management of solid waste.

Special wastes means solid wastes that can require special handling and management, including white goods, whole tires, used oil, lead-acid batteries, and medical wastes.

Transfer facility means a permanent structure with mechanical equipment used for the collection or compaction of solid waste prior to the transportation of solid waste for final disposal.

Used oil means any oil which has been refined from crude oil or synthetic oil and as a result of use, storage or handling has become unsuitable for its original purpose.

White goods means inoperative and discarded refrigerators, ranges, water heaters, freezers, and other similar domestic and commercial large appliances.

Yard waste means solid waste consisting solely of vegetative matter resulting from landscaping maintenance, such as leaves, grass, limbs, trimmings, etc.

(Ord. of 2-7-1994, § I)

Cross reference— Definitions generally, § 1-2.

Sec. 38-103. - General conditions.

- (a) All solid waste management in the county shall be in accordance and in compliance with solid waste management rules as set forth by the Department, as from time to time amended.
- (b) All solid wastes shall be stored, collected, transported, treated and processed, reclaimed, recycled and disposed of in a manner consistent with the requirements of this article.
- (c) The solid waste director or his authorized representative shall be charged with the responsibility for administration, supervision, execution and enforcement of regulations pertaining to management of solid waste.

(Ord. of 2-7-1994, § II)

Sec. 38-104. - Storage and disposal.

- (a) No owner, occupant, tenant or lessee of any property may deposit, store or permit to accumulate any solid waste on his property that is not stored or disposed of in a manner prescribed by this article.
- (b) The owner, occupant, tenant or lessee of any property shall remove or cause to be removed all solid waste from his property at least once each week (seven-day period).
- (c) Garbage shall be stored only in a container that is durable, rust-resistant, nonabsorbent, watertight and easily cleaned with a close-fitting, flytight cover in place with adequate handles or bails to facilitate handling. Solid waste receptacles may also be used for storage provided they meet the requirements of this subsection. The number of containers shall be adequate to store one week's accumulation of garbage. Each container shall be kept clean so that no odor or other nuisance condition exists.
- (d) Refuse shall be stored in a manner that will resist harborage to rodents and vermin and will not create a fire hazard. Regulated refuse under this subsection includes but is not limited to lumber, boxes, barrels, bottles, cans, tires, paper, cardboard, rags, old furniture, other bulky waste, and white goods. Useful materials, such as firewood and building materials, may be stored on the premises provided they are stored in a safe manner.
- (e) No owner, occupant, tenant or lessee of a building or dwelling, other than a licensed junk dealer, may place or leave, or cause to be placed or left, outside the building or dwelling any bulky waste for longer than 72 hours.
- (f) No owner, occupant, tenant or lessee of any building or dwelling may leave outside the building or dwelling, in a place accessible to children, any abandoned or unattended icebox, freezer, refrigerator or other receptacle that has an airtight door without first removing the door.
- (g) Solid waste shall be disposed of only in one of the following ways:
 - (1) In a sanitary landfill approved and permitted by the department.
 - (2) In an incinerator that has all required local, state and federal control permits.
 - (3) By any other method, including recycling and resource recovery, that has been approved by the Department.
- (h) In addition to the methods listed in subsection (g) of this section, refuse may be disposed of in solid waste receptacles provided by the county.
- (i) No person may discard, dispose, leave or dump any solid waste on or along any street or highway or on public or private property unless such solid waste is placed in a receptacle or at a location designated for the deposit of solid waste.
- (j) Construction wastes must be disposed of at disposal sites approved and permitted by the Department.
- (k) Regulated medical, hazardous and radioactive waste must be disposed of according to written procedures approved by the Department.

- (l) Any person collecting and transporting solid waste generated on such person's property for disposal at an approved disposal site shall comply with section 38-107 concerning vehicles and containers.
- (m) All sharps shall be placed in a sealed, puncture-proof container prior to disposal.
- (n) It is anticipated that each person in the county will be offered collection service by a collector of solid waste. Any person not using a collector or choosing not to utilize such services, will be required, upon request, for cause or as a result of complaints received by the county, to explain and show to the division the method and means of disposal of his solid waste and where such refuse is being disposed.
- (o) No person shall dump or deposit yard waste, white goods, used oil, scrap tires or lead-acid batteries into any county-owned sanitary landfill. Any person found to have done so shall remove such waste immediately upon being requested to do so by a representative of the county. If the person depositing any such waste fails to remove it upon request of the county, the waste will be removed by county representatives and deposited in an appropriate waste management facility. The person who illegally deposited the waste shall be billed by the county for its cost in removing the waste from the sanitary landfill, for the cost of transporting the waste to an appropriate waste management facility and for the standard disposal fee for a load of the requisite size to accommodate the removal. In addition to any other penalties and remedies available under this article, any person depositing prohibited waste into a sanitary landfill of the county shall be subject to a \$100.00 civil penalty for the initial deposit and a \$50.00 per day civil penalty for each day the waste remains in the sanitary landfill after its removal has been ordered.

(Ord. of 2-7-1994, § III)

Sec. 38-105. - Licensing of solid waste collectors and operators of disposal facilities.

- (a) Except for municipalities located within the county, the Camp Butner Reservation, or a person hauling garbage, refuse, or solid waste generated on its property using its vehicles its owns or leases, the collection of garbage, refuse and solid wastes and recyclables in the county is governed by the terms and conditions of the solid waste collection franchise ordinance and agreement, as it may be in existence from time to time between the county and the franchisee. As of the effective date from which this article derives, the county is the only entity licensed to operate a solid waste disposal facility.
- (b) The board of commissioners shall regulate and govern the fees to be charged by operators of disposal facilities for such garbage, refuse, solid wastes and recyclables.
- (c) All commercial and industrial vehicles or containers used for the collection and transportation of garbage, refuse or recyclables shall be covered, leakproof, durable and easily cleaned. Open-body trucks or other vehicles used in collection and transportation of solid waste shall be covered with canvas or other substantial material to prevent contents from falling, leaking, spilling or being blown from the vehicle. If spillage or leakage should occur, the material shall be recovered immediately by the transporter and returned to the vehicle or container, and the area properly cleaned. Individuals transporting their own garbage, refuse or recyclables to a sanitary landfill or solid waste container using open-bodied pickup trucks shall take adequate measures to prevent the contents from leaking, spilling or being blown off the vehicle.

(Ord. of 2-7-1994, §

Sec. 38-106. – [RESERVED]

Sec. 38-107. - Municipal solid waste landfill management.

- (a) County-owned Municipal Solid Waste (MSW) landfill may receive solid wastes generated within the boundaries of Granville County (including the municipalities such as Oxford, Butner, Creedmoor, Stern, and Stovall) and surrounding counties (including Durham, Franklin, Person, Vance, and Wake Counties) as set out in the County's permit approved by the Department. Only persons residing in a household located in Granville County may use the convenience sites including the convenience area located at the MSW landfill. (b) In order to determine residency in the county, the landfill attendant is authorized to ask for identification. Anyone refusing to provide the information requested will be denied use of the convenience sites. Solid waste shall be disposed of at the landfill in the manner and according to procedures established by the county solid waste director or the director's representative.
- (c) The following wastes may not be disposed of in county-owned or -operated municipal solid waste landfills or any privately owned or publicly owned solid waste landfills located in unincorporated areas of the county:

- (1) Radioactive waste.
 - (2) Untreated regulated medical waste.
 - (3) Burning or smoldering materials, or any other materials that would create a fire hazard.
 - (4) Hazardous waste.
 - (5) White goods.
 - (6) Lead-acid batteries.
 - (7) Whole scrap tires.
 - (8) Used oil.
 - (9) Yard waste.
 - (10) Sewage plant sludge.
 - (11) Other items identified and authorized by the Department.
- (d) The following waste may be accepted on a conditional basis only:
- (1) Asbestos.
 - (2) Barrels.
 - (3) Sludges.
 - (4) Special wastes.

Conditionally acceptable wastes may be disposed of in accordance with Department regulations and policies promulgated by the Environmental Services Director and adopted by the board of commissioners. Generators of conditionally acceptable waste shall obtain prior approval from the Environmental Services Director or his/her designee at least three working days before transporting conditionally approved wastes to the landfill.

- (e) No person may loiter or rummage about the landfill or remove articles from the landfill.
- (f) No person may deposit material at any point in the landfill except where indicated by authorized agents of the county or by official signs.
- (g) No person may discharge firearms, fireworks or explosives on landfill property.
- (h) A disposal fee shall be charged to all commercial, industrial, institutional and governmental users of the landfill. The board shall adopt a schedule of fees from time to time which shall be effective until amended or replaced.
- (i) The board, at its discretion, may exempt the disposal of certain designated materials from the fee requirements.
- (j) No tires, lead acid batteries, used motor oil, white goods or yard waste shall be disposed of at the landfill. However, tires, lead-acid batteries, used motor oil, white goods, yard waste and other materials shall be accepted by waste reduction and recycling programs at the landfill; and a fee may be charged to all commercial, industrial, institutional, governmental and residential users.

(Ord. of 2-7-1994, § VI)

Sec. 38-108. – [RESERVED]

Sec. 38-109. – [RESERVED]

Sec. 38-110. – [RESERVED]

Sec. 38-111. – [RESERVED]

Sec. 38-112. - [RESERVED]

Sec. 38-113. - County solid waste convenience sites.

- (a) Solid waste containers are maintained at numerous sites throughout the county for the convenience of county residents. Solid wastes may be deposited in the solid waste containers only in accordance with the provisions of this article.
- (b) All solid wastes shall be deposited inside the solid waste container. No solid waste may be left at the solid waste disposal site outside the container.
- (c) Commercial, industrial and institutional solid wastes may be deposited in solid waste containers only upon the written authorization of the solid waste director.
- (d) The following wastes may not be deposited in solid waste containers:
 - (1) Hazardous wastes;
 - (2) Liquid wastes;

- (3) Regulated medical wastes;
 - (4) Radioactive wastes;
 - (5) Land clearing debris;
 - (6) Dead animals;
 - (7) Concrete;
 - (8) Herbicides;
 - (9) Pesticides;
 - (10) Burning or smoldering materials, or any other materials that would create a fire hazard;
 - (11) Yard waste;
 - (12) Scrap tires;
 - (13) White goods;
 - (14) Out-of-county waste;
 - (15) Sharps not properly contained;
 - (16) Sludges;
 - (17) Used oil;
 - (18) Lead-acid batteries;
 - (19) Asbestos; or
 - (20) Any other material designated by the division.
- (e) No person shall loiter and/or congregate on any container site property, and no vehicle shall be left unattended on such property.
 - (f) Solid waste containers shall not be used by licensed or unlicensed solid waste collectors as a means of disposal for solid waste collected from commercial, institutional, industrial or residential customers.
 - (g) No person shall remove any contents from solid waste containers.
 - (h) Only persons residing in Granville County may dispose of solid waste at a convenience site.

(Ord. of 2-7-1994, §XII)

Sec. 38-114. – [RESERVED]

Sec. 38-117. - Grant of exclusive franchise to Waste Industries, LLC.

- (a) *Purpose and statutory authority.* The purpose of this section is to grant an exclusive right and franchise to Waste Industries, LLC, which shall hereafter be referred to as the franchisee, to commercially collect and dispose of those types of solid wastes described in subsection (c) below throughout the county except inside the corporate limits of any incorporated municipalities located within the county and within that portion of the Butner Reservation outside of the corporate limits of the Town of Butner. This section is adopted pursuant to the authority granted in G.S. 153A-136 and 153A-292, in addition to any applicable statute cited in section 38-101 of this Code, and pursuant to the procedure established by G.S. 153A-46.
- (b) *Definitions.* Except as otherwise set forth below or as context clearly indicates a different meaning, the words, terms and phrases used in this section shall have the meanings ascribed to them in section 38-102 of this Code.
- (c) *Grant of exclusive franchise.* The county hereby grants to Waste Industries, LLC, (the "franchisee") an exclusive franchise for the collection of solid waste throughout the county, except inside the corporate limits of any incorporated municipalities located within the county and within that portion of the Butner Reservation outside of the corporate limits of the Town of Butner, as follows:
 - (1) Collection of residential municipal solid waste (as defined below) and recyclable materials when such recyclables are placed into collection containers provided by franchisee thus transferring ownership of said recyclables from the customer to the franchisee.
 - (2) Collection according to individual agreements of commercial municipal solid waste (as defined below) and recyclable materials when such recyclables are placed into collection containers provided by franchisee thus transferring ownership of said recyclables from the customer to the franchisee.
 - (3) Special collection from residential and commercial units of bulky waste and construction and demolition waste according to individual agreements.

- (4) Operation and management of the manned county convenience sites.

Disposal of collected materials (other than recyclables) will be at the municipal solid waste landfill (Permit #39-01) physically located at 6584 Landfill Road, Oxford, NC, Granville County Disposal Site, except as may be mutually agreed between the county and franchisee with respect to specific commercial customer requirements.

Residential municipal solid waste shall mean municipal solid waste as defined in G.S. 130A-290 produced by dwellings within the county occupied by individuals comprising not more than four families, excluding bulky waste, yard waste, construction and demolition waste, dead animals of ten pounds or more, hazardous waste, or any other materials not permitted for disposal by the disposal facility.

Commercial municipal solid waste shall mean municipal solid waste as defined in G.S. 130A-290 produced by any commercial or industrial unit within the county, or by dwelling units occupied by more than four families, using front load or roll-off collection containers, excluding bulky waste, yard waste, construction and demolition waste, dead animals of ten pounds or more, hazardous waste, or any other materials not permitted for disposal by the disposal facility.

- (d) *Terms*. This franchise is governed by the terms and conditions of the "Exclusive Solid Waste Collection Franchise Agreement" (the "franchise agreement") entered into effective January 1, 2014, by and between the county and franchisee. The franchise agreement sets the rates that can be charged for services provided under the franchise and franchise agreement. The franchise agreement has an initial term of five years. The county and franchisee may by mutual consent extend the term of the franchise agreement for two additional one-year periods. The term of the franchise agreement shall not exceed a total of seven years.
- (e) *Violations; unlawful acts*. It shall be unlawful for any person or entity other than the franchisee to commercially collect or dispose of any solid wastes subject to the franchise agreement as described in subsection (c) above, except that neither this section, nor the franchise agreement, (i) regulates the collection or disposal of solid wastes inside the corporate limits of any incorporated municipalities located within the county and within that portion of the Butner Reservation outside of the corporate limits of the Town of Butner, or (ii) prohibits a resident or business from collecting or disposing of its own solid wastes otherwise subject to this section, generated by such producer if such resident or business uses its own vehicles.
- (f) *Criminal and civil penalties and other remedies*. Every person or entity convicted of a violation of any provision of this section 38-117 shall be punished by a fine of \$500.00, 30 days in jail or both such fine and imprisonment. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the county, including, but not limited to, the county manager and the solid waste director or his or her representative, and/or the franchisee may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.
- (g) *Enforcement*. This section may be enforced by the county, including, but not limited to, by the county manager, the solid waste director, his or her designee, and the sheriff's department.
- (h) *Franchise modification*. If any sentence, clause, phrase or regulation of this section 38-117 is contrary to state or federal law, or to the rules and regulations of the commission for public health, the department of environment and natural resources, or of any other applicable state or federal regulatory agency, presently in effect or hereafter placed in effect, then such sentence, clause, phrase or regulation of this section is amended to conform.

(Amend. (2) of 12-4-2006; Amend. of 12-2-2013)

BOARD APPROVED E-911 MOBILE COMPUTER AIDED DISPATCH (MDIS) SITE LICENSE PURCHASE

Trent Brummitt, 911 Center Manager, stated that the purpose of this agenda item was to consider the purchase of MDIS (Mobile Computer Aided Dispatch) site license. He explained that in preparation of more Granville County agencies coming on board with the Granville County Sheriff's Office Emergency Communications mobile CAD (Computer Aided Dispatch) system, we are requesting the purchase of a site license from the County's existing CAD vendor, Southern Software Inc. This site license will be a one-time purchase allowing an unlimited number of users to access mobile CAD at any given time. He said that

in the past, licenses were purchased on a per-user basis, but with the number of potential users that will be migrating to this system, the most cost-effective purchase would be a one-time site license agreement. He noted that funding will consist of \$36,558.00 E-911 restricted funds and \$3,500.00 general funds and that the Sheriff and 911 Center Manager recommend the purchase from the existing CAD (Computer Aided Dispatch) vendor Southern Software Inc.

Upon a motion by Commissioner Tony W. Cozart, seconded by Commissioner Edgar Smoak, and unanimously carried, the Board approved the MDIS site license purchase from the County's existing CAD vendor Southern Software Inc., in the amount of \$40,058.00 using E-911 restricted funding for \$36,558.00 of the cost and general funds for the remaining \$3,500.00.

BOARD DECLARED VEHICLES AS SURPLUS AND AUTHORIZED SALE

County Manager Felts said the purpose of this agenda item was to declare vehicles as surplus. North Carolina General Statutes require the Board of Commissioners to formally declare these items surplus prior to being offered for sale. Per Granville County's surplus procedures, all automobiles must be approved for sale or transfer by the Granville County Board of Commissioners prior to their sale or transfer. Consistent with years past, available cars are first offered to replace other County vehicles prior to being recommended for sell or transfer. He then asked the three items on the list in the agenda be removed as they had already been declared surplus: 2012 Dodge Charger, VIN# 1492; 2008 Dodge Charger, VIN# 6073; and 2008 Dodge Charger, VIN# 6075. He then read off the list of vehicles recommended for surplus and sale through online auction.

Upon a motion by Commissioner Edgar Smoak, seconded by Commissioner Tony W. Cozart, and unanimously carried, the Board declared the following vehicles as surplus and directed County staff to sell them through online auction:

**2013 Dodge Charger
VIN#9539**

Tick noise in engine, no power steering

**2006 Ford Expedition
VIN# 3739**

Engine problems

**2013 Dodge Charger
VIN# 9544**

Missing rear bumper

**2013 Chevrolet Tahoe
VIN# 1625**

Transmission problems

BOARD REAPPOINTED PATRICK TODD AVERETTE (DISTRICT 5) TO THE GRANVILLE COUNTY BOARD OF ADJUSTMENT

Upon a motion by Commissioner Timothy Karan, seconded by Commissioner Edgar Smoak, and unanimously carried, the Board reappointed Patrick Todd Averette (District 5) to the Granville County Board of Adjustment.

BOARD APPROVED FUNDING FOR JOE-TOLER ELEMENTARY STUDENT FUN DAY AT CAMP OAK HILL

County Manager Felts explained that Joe Toler Elementary will have a student Fun Day at Camp Oak Hill on Wednesday, May 15, 2019. The plans are to have some crazy fun with the children, including a firetruck shaving cream war, and lots of banana splits. The camp expect a total of 280 people (230 children, 35 teachers, plus staff/volunteers). The estimated cost was approximately \$10/person. The Camp requested any level of financial support that the County may be able to contribute and extended an offer to the Board of Commissioners to join the kids on May 15th for some or all of the Fun Day.

Commissioner Timothy Karan made a motion to fund the event and Commissioner Tony W. Cozart seconded the motion.

Commissioner Smoak asked if this was something the school system should pay for and his concerns that this may prompt other requests.

County Manager Felts said this request came after recent decisions to close the Joe Toler Elementary School and that this would be an opportunity for the community to start to heal. After comments from Commissioners Karan and Jay, Chairman Jay called for the vote.

When Chairman Jay called for the vote, the Board unanimously approved funding up to \$2,800 for the Joe-Toler Elementary School Fun Day on May 15, 2019.

BOARD APPROVED AUTHORIZING COLLECTION PROCEDURES FOR UNPAID STREET ASSESSMENTS

County Manager Felts stated the purpose of this agenda item was to inform the Board of outstanding assessments and provide information about collection process alternatives. He explained that Sharon Brooks-Powell, Tax Administrator, has informed us that several property owners in Montgomery Place and Falls Meadows subdivisions have failed to pay their assessments as required. Unless the Commissioners waive acceleration, the entire amount is now due and payable and if not paid the County can begin collection proceedings against them.

Commissioner Karan asked for statistics on the assessments.

Ms. Brooks-Powell stated that there were a total of 85 assessments; 11 with no payment; 36 paid in full; and 38 selected installments.

Commissioners Smoak and Smith emphasized that this has been a long and tedious process with others coming, so they need to proceed with collections. After clarification by the County Attorney and Ms. Brooks-Powell, the Board voted on the matter.

Upon a motion by Commissioner David T. Smith, seconded by Commissioner Edgar Smoak, and unanimously carried, the Board approved authorizing collection proceedings for unpaid street assessments.

BOARD TOOK NO ACTION ON DEBT SET-OFF MATTER REGARDING EMS BILLS

County Manager Felts explained that Granville County ceased EMS Services effective July 1, 2010. Outstanding County EMS billings were appropriately included in the North Carolina Debt Setoff system. The Debt Setoff system allows participants (counties) to collect outstanding debts from NC State Tax refunds and/or NC Lottery winnings of individuals if the tax refund or lottery winnings exceed \$50. A portion of the collections go to the debt setoff program with the larger portion coming back to the County and reducing the outstanding debt setoff balance of the individual by the portion provided to the County. A summary of remaining balances since 2010 were included in the agenda. According to General Statutes and the interpretation of the NC Debt Setoff program, there is no limitation on the number of years a debt of this kind can remain active in the Debt Setoff system. Mr. Felts said that recently an individual, who had their NC State Tax refund setoff, requested a copy of their EMS trip ticket from the County for an EMS service fee billed in 2009. The County was not able to retrieve a copy of this information to provide to the individual. The individual has a remaining balance of approximately \$486 and has requested the County consider removing the balance from the Debt Setoff system. Mr. Felts requested a policy decision from the Commissioners on how to treat the EMS Service fees currently in the Debt Setoff system. He noted that while the total amount collected from the Debt Setoff system for EMS Service fees has been declining annually, currently to-date the County has collected \$11,484 with 80% of these collections coming in the months of March and April.

When asked, County Manager Felts said there was no recommendation from the County Attorney or him. He said that the records are in storage and are often difficult to locate. Discussion ensued.

Granville County Board of Commissioners took no action regarding the collection of 2010 and earlier outstanding County EMS fees. This means that the debts will remain in the NC Debt Setoff System.

COUNTY ATTORNEY'S REPORT

County Attorney Wrenn stated that he had two attorney-client matters for closed session.

BOARD PRESENTATIONS

Commissioner Karan said he attended the ribbon cutting at Lake Rogers and encouraged the Board to check out the new shelter on Highway 56 in Creedmoor.

Commissioner Smoak reminded everyone of the Butner Chicken Pickin' the first weekend in June.

Commissioner Smith said that he and Chairman Jay attended a volunteer breakfast at the Senior Center that recognized 75 volunteers and thanked them for their service.

Chairman Jay said that he presented the Resolution of Recognition and Appreciation to the Hinshaw United Methodist Women. The ladies travelled from Winston Salem and he made the presentation at Central Regional Hospital.

BOARD APPROVED LETTER OF RECOGNITION TO PENN AVENUE BAPTIST CHURCH FOR THEIR 125TH ANNIVERSARY

Chairman Jay said that Penn Avenue Baptist Church will be celebrating their 125th anniversary and asked the Board to consider a letter of recognition or a resolution.

Upon a motion by Commissioner Tony W. Cozart, seconded by Commissioner David T. Smith, and unanimously carried, the Board approved sending a letter of recognition to Penn Avenue Baptist Church for their 125th anniversary celebration.

BOARD PRESENTATIONS CONTINUE

Chairman Jay thanked employees that participated in the recent litter pick-up event.

BOARD WENT INTO CLOSED SESSION

Upon a motion by Commissioner David T. Smith, seconded by Commissioner Sue Hinman, and unanimously carried, the Board went into closed session as allowed by G.S. 143-318.11(a)(3) and (5) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged; and to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in

negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract..

Upon a motion by Commissioner Edgar Smoak, seconded by Commissioner Tony W. Cozart, and unanimously carried, the Board returned to regular session.

BOARD APPROVED ELECTED OFFICIALS MEAL AND SOCIAL EVENT

County Manager Felts said that the County would like to host a meal and social for elected officials in Granville County and its municipalities.

Upon a motion by Commissioner Edgar Smoak, seconded by Commissioner David T. Smith, and unanimously carried, the Board approving hosting a meal and social gathering for elected officials of Granville County, Town of Butner, City of Creedmoor, City of Oxford, Town of Stem and Town of Stovall on June 18, 2019 from 5:30 p.m. to 7:30 p.m. at the Granville Athletic Park (GAP). **This was held at the Granville Expo Center due to bad weather.

BOARD APPROVED SPONSORSHIPS FOR GOLF TOURNAMENTS

County Manager Felts said he received requests for Granville County to sponsor holes at golf tournaments sponsored by the Chamber of Commerce and Crime Stoppers.

Upon a motion by Commissioner David T. Smith, seconded by Commissioner Edgar Smoak, and unanimously carried, the Board approved \$100 hole sponsorships for the Granville County Crime Stoppers Golf Tournament on May 18, 2019 and the Granville County Chamber of Commerce Golf Tournament on June 6, 2019.

COMMISSIONERS ADJOURN

Upon a motion by Commissioner David T. Smith, seconded by Commissioner Tony W. Cozart, and unanimously carried, the Board adjourned at 9:18 p.m.

Respectfully submitted,
Debra A. Weary, NCCCC, CMC
Clerk to the Board