

***WARREN COUNTY
BOARD OF COMMISSIONERS***

October 19, 2016

6:00 PM

Board Work Session

***WARREN COUNTY
ARMORY CIVIC CENTER
COMMISSIONERS' MEETING ROOM
WARRENTON, NC***

October 19, 2016
6:00 pm - Work Session
Agenda

- 1. Moment of Silence**
- 2. Department Head Report to the Board (5 minutes)**
Soil & Water Conservation – Larry West, District Director, or Gary Holtzmann
Information Technology – Ernie Burgess, IT Administrator
- 3. Request for No Wake Zone – Bobby Harrell for Lake Gaston Estates Property Owners Association & NC Wildlife Officer Sgt. Richard Creech**
- 4. Armory Use for MLK Celebration – Larry Jones & Com. Tare Davis**
- 5. H.O.P.E. Rural Health Care Initiative – Jane Ball-Groom & Dr. D. Hawkins-Russell**
- 6. Proposed Amendments to Warren County Municipal Solid Waste Ordinance – Marshall Brothers, Public Works Director**
- 7. Proposed Real Property Surplus Auction Policies & Procedures – Jamie Wilkerson, County Attorney**
- 8. Adjourn Work Session**

October 19, 2016
Work Session Agenda

Item # 2

Department Heads Report to the Board

(5 minutes)

Soil & Water Conservation

Larry West, District Director or Gary Holtzmann

Information Technology

Ernie Burgess, IT Administrator

October 19, 2016
Work Session Agenda

Item # 3

**Request for No Wake Zone on Hubquarter
Creek in the area of Lake Gaston Estates**

- - -

**Bobby Harrell for Lake Gaston Estates
Property Owners Association
&
NC Wildlife Officer Sgt. Richard Creech**

Lake Gaston Estates Property Owners Association request the approval for the permitting of and placement of "SWIM AREA" buoys and a "NO WAKE" buoy on Hubquarter Creek Lake Gaston, Warren County, NC in the area of Lake Gaston Estates Community. (Please see the attached map.)

This request is made as we have great concerns to mitigate hazards to boater and swimmer's safety in and around this above stated area.

Please see the additional attached correspondence from North Carolina Wild Life concerning this matter. Please note that in the communication it states the marina and boat ramp were closed at some point. However, the marina closed but the boat ramp stayed in use and was relocated to the opposite side of the marina to accommodate the new owner's needs in the future development of this property.

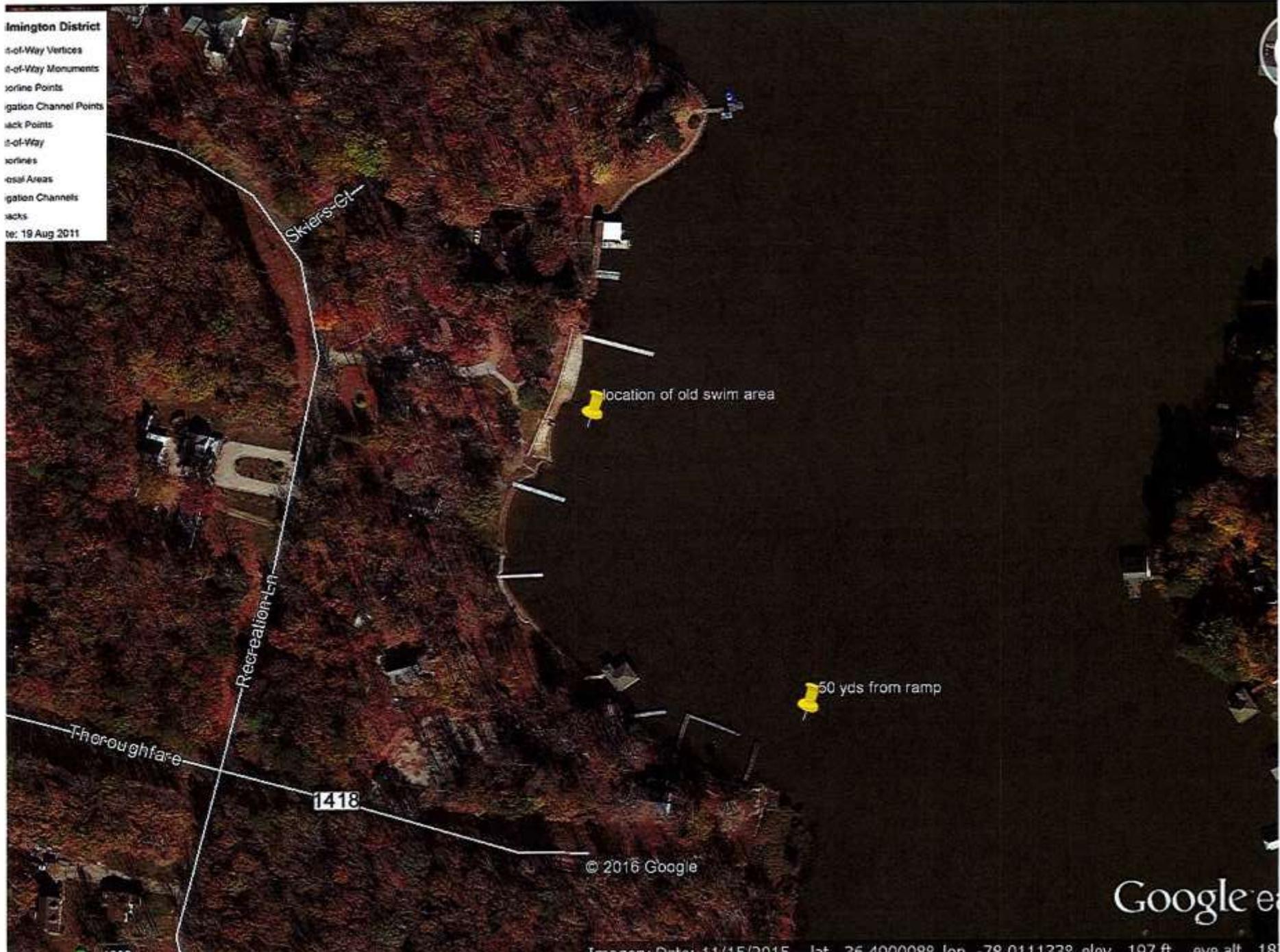
Please except this letter as a formal request to put in place or put pack in place the "NO WAKE" and "SWIM AREA" buoys that have been in place since 1994. The designated swim area has been in place since the 1970's. Again this request is made as we have great concerns to mitigate hazards to boater and swimmer's safety in and around this above stated area.

Respectfully Submitted, Lake Gaston Estates Property Owners Association

Imington District

- 4-of-Way Vertices
- 3-of-Way Monuments
- shoreline Points
- irrigation Channel Points
- back Points
- 2-of-Way
- shoreline
- canal Areas
- irrigation Channels
- docks

date: 19 Aug 2011



Skivers Ct

Recreation Ln

Thoroughfare

1418

© 2016 Google

Google

Imaging Date: 11/15/2015 lat 36.4000098 lon -78.0111238 elev 107 ft eye alt 18'

From: SVC_WRC.NoWakeZoneCoordinator [<mailto:nowakezonecoordinator@ncwildlife.org>]

Sent: Tuesday, July 26, 2016 12:07 PM

To: AngelenakDunlap@warrencountync.gov

Cc: Creech, Richard T <richard.creech@ncwildlife.org>

Subject: RE: No wake zone

Dear Ms. Kearney-Dunlap,

I did talk with Mr. Harrell about the buoys at Hubquarter Creek. I also spoke with the Enforcement Officer who asked that the markers be removed.

There is no Rule in the North Carolina Administrative Code that allows for the buoys to be placed at that location in Hubquarter Creek. I went back through the archives and found that way back in 1993, before there was a NC Administrative Code, there was a marina and swim area there. On April 13, 1994 someone from this agency called Richard Grassi of the Lake Gaston Estates Homeowners Association and explained how to place buoys and swim ropes. Keep in mind though that this was never a codified Rule.

The marina closed at some point. We were told that the ramp was no longer in use. We have a map that shows the area circled with a note that says "obsolete and not in rule." This is why the Officer asked that the markers be removed. At this point the Wildlife Resources Commission would have to receive an application for consideration of approving of any regulatory markers there and then go through the regulatory process according to the North Carolina Administrative Procedure Act .

Since this agency receives applications from the county or municipality with jurisdiction over the waters, I can request on Warren County's behalf that Enforcement again investigate the area to see whether sufficient hazards to boater safety exist to warrant rulemaking. I will give you their recommendation and at that point the County may decide whether to proceed with a public hearing and application for consideration by the 19-member Wildlife Resources Commission.

The only statutory criteria that we can use for rulemaking are to mitigate hazards to boater safety. Noise, erosion and prevention of property damage cannot be used to create a no wake zone. Roped swim areas sometimes appear in Rules but they usually are submitted to the County by organizations such as camps, marinas, or community associations where there is a lot of swim activity near hazardous boating activity. Then the County goes through the application process to have roped swim areas established in the NC Administrative Code.

Would you like for our Enforcement Division look at the area? If you will please let me know the specifics of the request, such as whether you are asking about a roped swim area, no wake zone near the ramp, or something else, that will be helpful. While the County is named the responsible party for purchase, placement and maintenance of no wake and swim markers, the County may designate an association or individual to be responsible for the markers if the Rule is adopted.

I am attaching the flow chart showing the new policy for applying to the NC Wildlife Resources Commission for a no wake zone. We hope the new policy will expedite the process and prevent unnecessary applications if the county does not wish to proceed. Also attached is a map I created showing the ramp and the old location of a swim area.

Please don't hesitate to contact me at 919-707-0013 or at my email at betsy.haywood@ncwildlife.org if I can answer more questions.

Sincerely,

Betsy Haywood // Commission Liaison // No Wake Zone Coordinator

Director's Office

NC Wildlife Resources Commission

Mailing Address: 1701 Mail Service Center

Raleigh, North Carolina 27699-1701

Office: 919-707-0013 // Fax: 919-707-0020

ncwildlife.org

From: Creech, Richard T [<mailto:richard.creech@ncwildlife.org>]

Sent: Tuesday, October 13, 2015 11:03 AM

Subject: No wake zone

1. The county is responsible for placing the buoys. They are usually attached to a square block of concrete around 24"x24".
2. They only get replaced if they are damaged or stolen, which shouldn't be often.
3. The public will usually call NC Wildlife or the county and the county is responsible for maintaining and replacing.
4. I know Brunswick county VA. has some no wake buoys that they maintain.
5. As far as the county department not sure it would be up to the county to determine that.

Richard Creech
Sergeant // Law Enforcement Division

NC Wildlife Resources Commission
Mailing Address: 1720 Mail Service Center
Raleigh, North Carolina 27699-1720
office: 800-662-7137 // cell: 252-886-3614

No Wake Zones in North Carolina

Definition and Statutory Authority

A "No Wake Zone" is an area within which vessels are required to travel at idling speed – slow speed that creates no appreciable wake. North Carolina General Statute §75A-15 authorizes the N.C. Wildlife Resources Commission to establish water safety rules solely in the interest of mitigating water safety hazards. Rules promulgated for placement of waterway markers establishing No Wake Zones also may be subject to approval by the U.S. Army Corps of Engineers, U.S. Coast Guard, and in coastal counties by the Division of Coastal Management of the N.C. Department of Environmental Quality.

Where to Find No Wake Zone Rules

No Wake Zone rules promulgated by the WRC are codified in the North Carolina Administrative Code (NCAC). No Wake Zones that have been promulgated by rulemaking may be found in the [NCAC](#) under Title 15A, Subchapter 10F.0300 (Motorboats and Water Safety). Rules are listed by county and occasionally by municipality. Mapped No Wake Zones can be viewed in the interactive Boating Access Area Locator in the [Where to Boat](#) Section.

Applying for a No Wake Zone - *Flowchart*

The N.C. Wildlife Resources Commission is charged with promulgating water safety rules. By statute, No Wake Zones may be established in public trust waters only to mitigate hazards to boating safety. Hazards to boating safety may include known navigational hazards; narrow shallow waters; areas of obstructed vision; structures in the area such as dams, spillways, flood control structures, trestles and power lines, and fueling docks; designated recreational or swimming areas; congested areas with high traffic; a history of accidents, and public vessel access areas.

The statutory authority of the WRC does not allow enacting a no wake zone to mitigate erosion, noise, and property damage. There is no North Carolina statute that establishes no wake zones around docks and piers.

Please note that the N.C. Wildlife Resources Commission must have concurrence from the U.S. Army Corps of Engineers (USACE) to enact a no wake or restricted vessel zone, or to place a structure in federal waters managed by USACE.

Coastal counties are subject to requirements under the Coastal Area Management Act (CAMA). The applicant shall be responsible for obtaining necessary CAMA permits from the [Division of Coastal Management](#) before the installation of any no wake marker in coastal waters.

Beginning the Process

Contact a No Wake Zone Coordinator

Before a county or municipality begins the application process, the county or municipality must contact the No Wake Zone Coordinator at (919)707-0013 or at nowakezonecoordinator@ncwildlife.org. Provide the No Wake Zone Coordinator with the county or municipality name, name and location of the body of water, accurate directions or GPS coordinates to get to the site, and indicate the clear statutory hazards to boating safety that may exist and that you believe require regulation of that area of the waters.

Agency law enforcement staff will conduct an investigation of the area for a preliminary determination whether statutory authority and sufficient safety hazards may exist to warrant proceeding with rulemaking. At that point, typically within 30 days of the request for investigation, the county or municipality will be notified of the results of the investigation and staff's recommendation based on the statutory authority of the WRC. The county or municipality may then decide whether to begin the application process under the requirements of the N.C. Administrative Procedure Act (G.S. 150B-20). The application begins the petitioning process for final action by the N.C. Wildlife Resources Commission.

The 19-member N.C. Wildlife Resources Commission receives and considers the written rule-making petition (application) in an official meeting. If the WRC grants a rule-making petition, it must inform the applicant who submitted the rule-making petition of its decision and must initiate rule-making proceedings. If the WRC denies a rule-making petition, it must send the county or municipality that submitted the petition a written statement of the reasons for denying the petition. Denial of a rule-making petition is a final decision of the N.C. Wildlife Resources Commission.

How to Apply

Notice for Local Public Hearing and Official Resolution

After the preliminary investigation and before submitting an application to the N.C. Wildlife Resources Commission for a proposed rule, the local governmental unit first must advertise and hold a public hearing about the No Wake Zone proposal. The hearing date, time and location must be advertised in a newspaper that is likely to be read by the local citizenry. The public hearing must occur prior to the adoption of a resolution that formally requests the N.C. Wildlife Resources Commission to take action on the proposal.

No Wake Zone Application (Form D-1)

The N.C. Wildlife Resources Commission accepts the formal Application for Rulemaking (**Form D-1**) from the local governmental unit with territorial jurisdiction over the waters in question.

The application packet consists of the following:

1. A completed form **D-1** that names the county and body of water, clearly defines the area to be marked as a No Wake Zone, and describes hazards to water safety that may warrant establishment of a No Wake Zone. Per G.S. 150B-20, if a rule-making petition requests the agency to create or amend a rule, the applicant must submit the proposed text of the requested rule change and a statement of need for the requested rule change.
2. A certified resolution that formally requests the N.C. Wildlife Resources Commission to undertake rulemaking for purposes of establishing a no wake zone for the purpose of mitigating hazards to water safety.
3. One copy of a map showing the area to be marked. The map must be sufficiently clear that a person who is unfamiliar with the area can locate the area that is intended to be designated a no wake zone. Landmark names and GPS coordinates are helpful.
4. A cover letter. The cover letter includes reference to the newspaper in which the public hearing was advertised and the date and location of the public hearing. The cover letter includes the estimated number of markers required to mark the zone and must state whether the markers will be purchased by local or state governmental unit or by a designee. This information is important because the WRC must report the state or local fiscal impacts of a rule to the Office of State Budget and Management for review.

Mail the application packet to:

N.C. Wildlife Resources Commission
Attn: Betsy Haywood, No Wake Zone Coordinator
1701 Mail Service Center, Raleigh, NC 27699-1701

Rulemaking

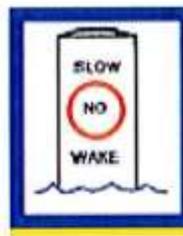
The agency will submit a fiscal note for review by the Office of State Budget and Management for approval by the N.C. Wildlife Resources Commission and seek approval from the WRC to proceed with rulemaking. A Notice of Text of the proposed rule will be published in the *North Carolina Register* and opens the proposal for additional public comment before final adoption by the N.C. Wildlife Resources Commission. The Notice of Text for the rule proposal and contact name and address to submit public comment are published for at least sixty days in the *North Carolina Register* and on the N.C. Wildlife Resources Commission website at www.ncwildlife.org. After the comment period closes the rule proposal is presented at an official meeting of the N.C. Wildlife Resources Commission for final adoption.

Following adoption of the rule by vote of the N.C. Wildlife Resources Commission the rule is submitted to the Rules Review Commission (RRC) for approval. If the RRC approves the rule for clarity, necessity, and statutory authority, it usually becomes effective on the first day of the month following that approval when it is codified in the N.C. Administrative Code.

Every proposed rule is subject to adoption by the WRC, fiscal review by the Office of State Budget and Management, and final determination by the Rules Review Commission (RRC) as to clarity and statutory authority of the Rule. A Rule may not be codified in the N.C. Administrative Code without final review by the RRC.

Some Additional Requirements

The U.S. Coast Guard requires completion of a Personal Aids to Navigation (PATON) application prior to securing buoys or markers to the bottom of United States waters. There is no charge for a PATON application; however, fines may be levied for placement of an unauthorized PATON. It is the responsibility of the applicant to contact the U.S. Coast Guard Aids to Navigation Officer at (757)398-6229 for information about requirements for the PATON application.



Is it Legal? Is it Enforceable?

Enforcement of No Wake Zones is limited to those areas that have been established by federal and state rulemaking or legislation **and that are properly marked**. No Wake Zones must display regulatory signs or buoys that conform to the standards of the U.S. Aids to Navigation (ATONS). A No Wake marker that does not conform to US ATONS standards or that has been placed in public trust waters without authorization is subject to removal.

An unmarked No Wake Zone is not enforceable.

The N.C. Wildlife Resources Commission, a local unit of government, or its designee is responsible for the purchase, placement and maintenance of No Wake markers. The designee may obtain technical assistance regarding marker purchase and placement from the Land and Water Access Section of the N.C. Wildlife Resources Commission at (919)707-0150.

No Wake Zones in Federally Maintained Waters

The N.C. Wildlife Resources Commission does not have statutory authority to establish No Wake Zones within *Federal* waters such as the Atlantic Intracoastal Waterway (AIWW). The U.S. Army Corps of Engineers (USACE) maintains the AIWW with Federal funds in support of interstate commercial navigation traffic. With rare exceptions USACE does not concur with establishment of No Wake Zones along the open reaches of the AIWW. No Wake Zone signage placed on private property along the AIWW, and without the concurrence of USACE does not mark a legitimate No Wake Zone and is not enforceable. For questions about No Wake Zones in Federal waters contact the **USACE Wilmington District**.

No Wake Zones Established by Marine Commissions in Some Inland Waters

The Lake Norman Marine Commission and Lake Wylie Marine Commission oversee the application process for No Wake Zones on those lakes. Contact the Lake Norman Marine Commission at (704)564-6333 or by e-mail at lmnc@lmnc.org. Lake Wylie Marine Commission information may be found at <http://www.lakewyliemarinecommission.com> or by mail at P. O. Box 35008, Charlotte, NC 28235.

For more information about No Wake Zones please contact Betsy Haywood at (919)707-0013 or by e-mail, nowakezonecoordinator@ncwildlife.org

APPLYING FOR A NO WAKE ZONE

REQUEST INVESTIGATION

The local unit of government contacts No Wake Zone Coordinator to request investigation of area to determine whether statutory authority may exist for establishment of a no wake zone. Coordinator requests that Enforcement provides a recommendation to the NWZ Coordinator about whether sufficient safety hazards exist to meet the statutory authority of the WRC to enact a no-wake zone in public trust waters.

RESULTS OF INVESTIGATION

NWZ Coordinator provides the local unit of government with the recommendation of Enforcement as to whether a no wake zone is necessary.

DECISION TO APPLY

Local unit of government receives a recommendation to proceed.

OR

The local unit of government receives a recommendation that a no wake zone may not be statutorily necessary. The local unit of government still may decide to apply for final decision by the Wildlife Resources Commission.

OR

PETITION FOR RULEMAKING

If the local unit of government decides to proceed with rulemaking, the petitioning for rulemaking begins.

- Applicant advertises and holds a public hearing to gauge the public's interest in a no wake zone
- Submit certified Resolution to WRC
- Submit D-1 application form and map

The Local unit of government decides not to proceed.

No further action.

OSBM REVIEW

Upon receipt of application, No Wake Zone Coordinator submits a fiscal note for review by the Office of State Budget and Management. The agency must provide an analysis of the fiscal impact of any Administrative Rule (OSBM has 60 days to review).

CONSIDERATION BY THE NCWRC

The application for rulemaking and fiscal note review are considered by the NCWRC in official meeting.

OR

NCWRC APPROVES

NCWRC approves promulgating rulemaking for the proposed no wake zone by submitting Notice of Text in the NC Register for at least 60 days with an open comment period.

After the 60 day open comment period, the WRC, in official meeting, considers public comments and provides final adoption of the no wake zone rule.

NCWRC DENIES

NCWRC denies the applicant's request for no wake zone rulemaking. Denial by WRC is final.

No further action.

RRC REVIEW

The adopted rule is sent to the Rules Review Commission for consideration of the rule at their next meeting (30 to 60 days) for:

- statutory authority
- clarity
- necessity
- compliance with procedures

RULE BECOMES EFFECTIVE

With approval by RRC, the rule becomes effective on the first of the month following the meeting of the RRC and is codified in the North Carolina Administrative Code.

Rulemaking procedures must comply with requirements of the N.C. Administrative Procedure Act, NCGS 150B. Implementation timelines may vary due to regulatory reviews.

October 19, 2016
Work Session Agenda

Item # 4

Armory Use for ML King, Jr. Celebration
Saturday – January 14, 2017

- - -

Larry Jones,
MLK Committee Chairperson
&
Commissioner Tare Davis

WARREN COUNTY ARMORY CIVIC CENTER RENTAL AGREEMENT

Warren County Manager's Office

P.O. Box 619

Warrenton, NC 27589

252-257-3115 (P)

252-257-5971 (F)

Name of Applicant(s): Larry M. Jones, Jr.

Applicant Address: 225 Stagecoach Road City: Warrenton

State: NC Zip Code: 27589 Email: larrymjonesjr@gmail.com

Telephone: (252) 382-4180 Cell Phone: _____ Fax: _____

Organization Name: Warren County MLK Committee

Address: Same As Above Website: _____

City: '' State: '' Zip Code: ''

Is the Organization Non-Profit? N/A

Non-Profit Organizations must include proof of Non-Profit status to receive the Group II Rate. Only Non-Profit Organizations will be allowed to charge admission or sell tickets to an event held at Warren County Armory Civic Center.

Type of Event: Give a brief description of the event, including whether or not you will charge admission or require attendees to purchase a ticket in advance. Please note that only Non-Profit Organizations are allowed to charge admission or require the purchase of tickets to an event held at the Warren County Armory Civic Center. _____

Martin L. King Jr. Commemorative Unity Banquet

Event Date: Saturday, Jan. 14, 2016 Room Selection: C

If using Room C, will you be using the stage? Yes If so, will you need access to the Wheelchair Lift? No

Estimated Attendance: 225

Arrival Time: (For set-up/decorating) 8:00 A.M.

Event Start Time: 5:00 P.M.

Event End Time: 9:00 P.M. Must be Midnight or earlier. (All events must end no later than Midnight.)

Departure Time: 11:00 P.M. Building must be cleaned and vacated no later than 1:00a.m.

Will you be serving alcohol free of charge to attendees? NO

If serving alcohol, will attendance include individuals under the age of 21? _____

Will you be selling alcohol? NO

(Events including alcohol may require a North Carolina Alcoholic Beverage Control Commission temporary permit. Please see the "Alcohol" section of this agreement to determine if a permit is necessary for your event. If a permit is necessary, a copy must be on file in the Warren County Manager's office no less than 48 hours prior to the event. Only non-profit organizations will be allowed to sell alcoholic beverages. **Brown bagging is prohibited.** All organizations and individuals serving/selling alcohol must provide proof of liability insurance coverage.)

NOTICE: A Criminal Background Check will be conducted on each person wishing to rent the Warren County Armory Civic Center. The outcome of the Criminal Background Check could determine your ability to rent the facility.

Groups Permitted to Use the Warren County Armory

Group I – This group is defined as Warren County Government sponsored events. There is no charge for this group.

Group II – This group includes other Governmental Agencies, School Partnerships, and non-profit organizations. Group II users must use the facility for the purpose of representing their organization. All rules and regulations apply. A recognized organization or company official must sign the rental agreement. Rental fees must be paid with organization or company funds by organization or company check. Proof of non-profit status is required at the time this agreement is signed.

Group III – Any person, organization, or association not covered in Group I or Group II. All rules and regulations apply to these users.

49. If any damage occurs during an event, the applicant must notify a representative of Warren County, such as the Deputy/Deputies on duty, immediately. If you are unable to notify someone at the time the damage occurs, you must do so not later than 9:00 a.m. on the next business day. Failure to give notification of damage will result in both forfeiture of your Cleaning/Damage Fee, and your right to use the facility in the future. *af*

Cancellation & Default

50. The applicant forfeits all monies used to confirm a Rental Agreement if they fail to cancel more than 30 days in advance of the event date. *af*

51. The applicant may forfeit all monies and use of the facility if the balance is not paid 2 weeks prior to the event. *af*

52. The facility must be cleaned and vacated by 1:00am. *af*

53. The Warren County Board of Commissioners and the Warren County Manager reserve the right to cancel an approved request or revoke the right of the use of the Warren County Armory Civic Center to any group or individual when: *af*

- a. Said group or individual has shown sufficient disregard for the Rules and Regulations set forth in this document.
- b. It is deemed necessary for the concern of the health, safety, and welfare of the applicant, guests, or the general public.
- c. It is in the best interest of the Warren County Armory Civic Center.

If the Warren County Board of Commissioners or the Warren County Manager cancels an approved request, the applicant forfeits monies paid to the Warren County Manager's Office. *af*

54. In cases of event cancellation or postponement due to inclement weather, or other situation(s) beyond our control, the Warren County Manager's Office will work with the applicant to secure the next available date for use of the facility. *af*

55. Each event requires a new Rental Agreement. *af*

It is the duty of the applicant to maintain order and decorum when using the facility, and to inform group members, affiliates, caterers, and guests of the Rules and Regulations of the Warren County Armory Civic Center. Failure to comply with any or all of the Rules and Regulations could result in forfeiture of all monies paid for the rent of the facility, including the Cleaning/Damage Fee, and could also result in forfeiture of the right to rent the facility in the future.

By signing this agreement, applicant acknowledges that he/she has read and understands the terms set forth in this Rental Agreement, and that he/she assumes the role of "Responsible Party".

Warren County MCK Council

Organization _____

[Signature]
Applicant _____

September 22, 2016
Date _____

WARREN COUNTY _____

Linda Worth, Warren County Manager _____

_____ Date

A copy of the signed, approved Rental Agreement will be provided to the Applicant.



WARREN COUNTY BOARD OF COMMISSIONERS

602 WEST RIDGEWAY STREET
POST OFFICE BOX 619
WARRENTON, NORTH CAROLINA 27589

September 27, 2016

Larry M. Jones, Jr.
Warren County MLK Committee
225 Stagecoach Rd.
Warrenton, NC 27589

RE: Armory Rental

Dear Mr. Jones:

Upon review of your completed Rental Agreement for the Warren County Armory Civic Center Room C, the County Manager has approved your request to rent the facility on January 14, 2017; the rental fee is \$800.00 per day, and the Cleaning/Damage Fee is \$300.00, for a total amount of \$1,100.00. At this time, a payment of \$400.00 is due and the full balance must be paid no later than two weeks prior to your event.

A portion of the Cleaning/Damage Fee is refundable provided that the building is cleaned and there is no damage to the building or its contents. A refund of \$200.00 will be issued to you following your event once the building has been inspected by the County Maintenance Department with notification to this office that the building was left in a satisfactory condition. Please refer to the Cleaning/Vacating Checklist provided to you with the Rental Agreement for important information concerning cleaning the building.

Originally you requested a fee waiver for your rental. According to the policy, your organization must have non-profit status as determined by the IRS, and the event must be open to the public and free of charge to qualify for a fee waiver. Because your organization does not have non-profit status, and because you are selling tickets for this event, you do not qualify for a fee waiver. A copy of the policy was provided for you by email on Thursday, September 22, 2016.

By signing the Warren County Armory Civic Center Rental Agreement, you agree to follow all of the rules and regulations set forth in the agreement. Failure to adhere to the rules and regulations can result in forfeiture of monies paid and future rights to rent the facility.

It is the responsibility of the renter to contact Warren County Sheriff's Department to arrange for security at (252)257-3364.

Barry Richardson, Chairman
Bertadean Baker, Vice Chairman
Jennifer Jordan
Tare Davis
Victor Hunt

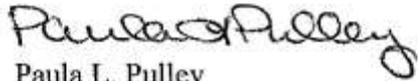
Linda T. Worth
County Manager

Angelena Kearney-Dunlap
Clerk to the Board

Phone: (252) 257-3115
Fax: (252) 257-5971
www.warrencountync.com

If you have any questions concerning your rental please feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads "Paula L. Pulley". The signature is written in a cursive style with a large, looping initial "P".

Paula L. Pulley
Executive Assistant
Warren County Manager's Office

Enclosures

WARREN COUNTY ARMORY CIVIC CENTER FACILITY USE FEE EXEMPTION POLICY

A. *Purpose.* To establish a uniform facility use fee exemption policy for the Warren County Armory Civic Center to the benefit of the County, its citizens, and the staff responsible for facility use oversight.

B. *Basic policy.* The Warren County Board of Commissioners desires to maintain standard policies and procedures designed to accommodate fair consideration of all requests for facility use fee exemptions from the organizations, agencies and groups identified in this Policy.

C. *Non-discrimination policy.* The Armory Civic Center is available for the use and enjoyment by all persons without discrimination on the basis of race, national origin, sex, religion, age or disability.

D. *User fees.* User fees are established by the Warren County Board of Commissioners and are included in the Warren County Armory Civic Center Rental Agreement.

E. *User fee exemptions.* The following organizations *may* be exempted from the payment of user fees upon approval of a Facility Use Fee Waiver Application by the Warren County Board of Commissioners.

Requests for exemption must be submitted to the Warren County Board of Commissioners through the Warren County Manager or her/his designee. Exemption requests shall be presented for consideration at the next regularly scheduled meeting of the Board of County Commissioners. Exemptions granted for one-time usage, shall be in the form of a Resolution adopted by the Warren County Board of Commissioners. However, any exemption granted for on-going or long-term usage shall be granted with the stipulation that the County Manager shall have full oversight and determination of on-going usage based on the entity's compliance (or non-compliance) with County policy governing for such usage.

1. Military or military-affiliated organizations located within Warren County or serving the citizens of Warren County that provide in-kind services to Warren County Government *may* be considered for exemption from user fees **once yearly**. Those organizations granted exemption from user fees are not exempt from cleaning and damage fees which are non-refundable.
2. American Legion Posts, Veterans of Foreign Wars of the United States (VFW) Posts, and other like organizations located within Warren County that serve veterans residing in Warren County *may* be considered for exemption from user fees for the use of Meeting Room A or B within the Armory Civic Center, once per month for their regular monthly business meetings for a 12-month period. At the end of each 12-month period, a user fee exemption application must be submitted

for consideration for an additional 12-month fee exempt usage period. However, such fee-exempted usage is *not* absolute. Monthly meeting dates must be requested and confirmed in advance so as not to conflict with other regular or specially scheduled events/activities in the Armory Civic Center. In addition, the County reserves the right to cancel and/or reschedule any such meeting which may interfere with County business or stifle the County's ability to create revenue. Further, although such organizations *may* be exempted from user fees, these organizations must pay a non-refundable cleaning and damage fee deposit of \$180 for each 12-month period of fee-exempted usage. The cleaning and damage fee deposit will be used, if necessary, for after meeting clean-up or to repair damages to the facility attributable to the user group. If the cleaning cost or damages to the facility are more than \$180, the organization will be charged the difference and cannot utilize the facility again until the difference is paid. Security is required for all meetings and/or events and must be arranged by the user group with the Warren County Sheriff's Department. Upon securing security for its meeting/event, the user group must notify the County Manager's Office in writing of such arrangements. In addition, if there is any charge for such security, the user group shall be solely responsible to pay such charge/s.

3. Governmental agencies located within Warren County who wish to sponsor community events open to the general public that are free of admission charges are exempted from the payment of user fees and deposits. However, these agencies are not exempted from paying cleaning and damage fees which are non-refundable.
4. For the purpose of fund raising or holding a community event: national, state, regional or local organizations associated with educational issues or causes involving the Warren County Public Schools or Vance-Granville Community College may, **once yearly**, use the Armory Civic Center for an event that is open to the public and is free of admission charges shall be exempt from user fees. These organizations are not exempt from cleaning and damage fees which are non-refundable.
5. Non-profit organizations defined by the Internal Revenue Code as 501(c) (3) and Internal Revenue Code 501(c) (8) located within Warren County or serve the citizens of Warren County that are associated with health and/or human services issues or causes may use the Armory Civic Center for an event open to the public and free of admission **once yearly** for the purpose of fund raising or holding a community event shall be exempt from user fees. These organizations are not exempt from cleaning and damage fees which are non-refundable.
6. Fee exemptions **will not** be granted for events scheduled on dates on or around County recognized holidays. A list of County recognized holidays can be secured from the Office of the Clerk to the Board of County Commissioners.

F. *Contracts.* All users of the Armory Civic Center are required to submit a fully executed the Warren County Armory Civic Center Rental Agreement prior to their use of the

facility. The Rental/Use Agreement can be down loaded from Warren County's Official Website at www.warrencountync.com.

G. The Agreement includes an indemnity clause holding Warren County (and any and all of its directors, employees, staff, and /or agents) harmless from any and all liability caused by or arising out of or in the course of the user group's use of the premises--whether by the negligence of the user (and/or any of its guests and invitees) or that of the County. Some groups may be required to provide proof of liability insurance as determined by staff on a case-by-case basis, or as required by the Armory Civic Center Rental Agreement.

H. *Reservations.* All users are required to reserve the use of the Armory Civic Center through the Warren County Manager's Office. Reservations are to be approved by the Warren County Manager or her/his designated representative. Reservations for events exempted from user fees must be requested a minimum of eight (8) weeks in advance of the requested usage. Exceptions may be granted by the County Manager or her/his designee.

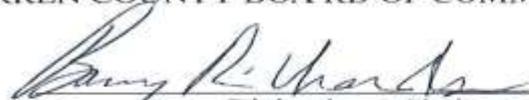
I. *Cancellation & Revocation.* The Warren County Board of Commissioners and the Warren County Manager reserve the right to cancel an approved request or revoke the right of the use of the Armory Civic Center to any organization, agency or group when :

1. Said organization, agency or group has shown sufficient disregard for the Rules and Regulations set forth in the Rental/Use Agreement.
2. It is deemed necessary for the concern of the health, safety, and welfare of the applicant, guests, or the general public.
3. It is in the best interest of the Armory Civic Center.

In the event of event cancellation or postponement due to inclement weather, or other situation(s) beyond the County's control, the Warren County Manager's Office will work with the applicant to secure the next available date for use of the facility. However, each new event date shall require a new Rental Agreement.

Revised and adopted this the 4th day of May 201 5.

WARREN COUNTY BOARD OF COMMISSIONERS


Barry Richardson, Chairman

ATTEST:


Angelena Kearney-Dunlap
Clerk to the Board



October 19, 2016
Work Session Agenda

Item # 5

H.O.P.E. Rural Health Care Initiative

Ms. Jane Ball-Groom
&
Dr. Demaura Hawkins-Russell

**Information regarding the
H.O.P.E. Rural Health Care Initiative
will be presented at the meeting by**

**Ms. Jane Ball-Groom
&
Dr. Demaura Hawkins-Russell**

October 19, 2016
Work Session Agenda

Item # 6

**Proposed Amendments to Warren County
Municipal Solid Waste Ordinance**

- - -

Marshall Brothers
Public Works Director

**WARREN COUNTY
MUNICIPAL SOLID WASTE ORDINANCE**

Draft 10/13/16

SECTION I: PURPOSE AND STATUTORY AUTHORITY

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

SECTION II: DEFINITIONS

The following definitions apply in the interpretation and enforcement of this ordinance:

- A. Board - Board of Commissioners of Warren County.
- B. Bulky waste - Large items of solid waste such as furniture, ~~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.
- C. Collection - The act of removing solid waste (or materials that have been separated for the purpose of recycling) to a transfer station, processing facility, or disposal facility.
- D. Commercial solid waste - All types of solid waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities, excluding residential and industrial waste.
- E. **Commingled Recycling** - This is "mixed" recycling which accepts a wide range of materials that reduces the amount of disposal garbage and does not require sorting. Paper, metals, plastic, etc., can be disposed of in one container. Only clean recyclables may be placed in the **Commingled Container.**
- F. Construction and demolition waste - Solid waste resulting solely from construction, remodeling, repair or demolition operations on buildings, or other structures, but does not include inert debris, land-clearing debris, yard debris, or used asphalt, asphalt mixed with dirt, sand, gravel, rock, concrete, or similar non-hazardous material.
- G. Department - The Department of Environment and Natural Resources.
- H. **Electronic Recycling:** Personal computers, monitors, LCD screen/flat screen monitors, VCRs, radios, stereos, DVD players, microwaves, power supplies, rechargeable batteries, vacuums, banking equipment, telephones, pagers, networking equipment, laptops, keyboards, mice, power cables, medical equipment (non-hazardous), printers, copy machines, fax machines, cell phones, transformers, scanners, portable electronic devices, servers, hubs, ink cartridges, toner cartridges, remote modems, projectors, cameras, televisions, and all electronics with a power cord.

- J. Hazardous waste - Solid waste, or a 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 mortality or an increase in serious irreversible or incapacitating reversible illness; or
 - (2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.
- K. Incineration - The process of burning solid, semi-solid, or gaseous combustible wastes of an inoffensive gas and a residue containing little or no combustible material.
- L. Industrial solid waste - Solid waste generated by industrial processes and manufacturing.
- M. Inert debris - Solid waste that consists solely of material that is virtually inert and that is likely to retain its physical and chemical structure under expected conditions of disposal.
- N. Institutional solid waste - Solid waste generated by educational, health care, correctional, and other institutional facilities.
- O. Land-clearing debris - Solid waste that is generated solely from land-clearing activities.
- P. Landfill - 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.
- Q. Medical waste - Any solid waste that is generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining hereto, or in the production or testing of biologicals, but does not include any hazardous waste, radioactive waste, household waste as defined in 40 C.F.R. 261.4(b)(1), or those substances excluded from the definition of "solid waste" in this ordinance.
- R. Municipal solid waste - Solid waste resulting from the operation of residential, commercial, industrial, governmental, or institutional establishments that would normally be collected, processed, and disposed of through a public or private solid waste management service. Municipal solid waste does not include hazardous waste, sludge, or solid waste from mining or agricultural operations.
- S. Municipal solid waste management facility - Any publicly- or privately-owned solid waste management facility permitted by the Department that receives municipal solid waste for processing treatment or disposal.
- T. Pathological waste - Human tissues, organs, body parts, and the carcasses and body parts of any animals that were known to have been exposed to pathogens that are potentially dangerous to humans during research, were used in the production of biologicals or in **in vivo** testing of pharmaceuticals, or that died with a known or suspected disease transmissible to humans.
- U. Person - any individual, corporation, company, association, partnership, unit or local government, state agency, federal agency, or other legal entity.

- V. Putrescible - 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 animal carcasses.
- W. Processing - 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.
- X. Radioactive waste - Waste containing any material, whether solid, liquid, or gas, that emits ionizing radiation spontaneously.
- Y. Recycling - 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.
- Z. Refuse - Solid waste, other than garbage or ashes, from residences, commercial establishments, and institutions.
- AA. Regulated medical waste - Blood and body fluids in individual containers in volumes greater than 20 ml., micro biological waste, and pathological waste that has not been treated pursuant to rules promulgated by the Department.
- BB. Resource recovery - 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.
- CC. Sanitary Landfill - 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. Ch. 130A, Article O.
- DD. Scrap tire - A tire that is no longer suitable for its original, intended purpose because of wear, damage, or defect.
- EE. Septage - Solid waste that is a fluid mixture of untreated and partially treated sewage solids, liquids, and sludge of human or domestic origin that is removed from a septic tank system.
- FF. Sharps - Needles, syringes, and scalpel blades.
- GG. Sludge - Any solid, semi-solid, or liquid waste generated from a municipal, commercial, institutional, or industrial waste water treatment plant, waste supply treatment plant, or air pollution control facility, or any other waste having similar characteristics and effects.
- HH. Solid waste - Any hazardous or non-hazardous garbage, refuse, or sludge from a waste treatment plant, water supply treatment plant or air pollution control facility, domestic sewage and sludge generated by the treatment thereof 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, semi-solid, or contained gaseous material resulting from industrial, institutional, commercial, and agricultural operations, and from community activities. The term does not include:
- (1) Fecal waste from fowls and animals other than humans;
 - (2) Solid or dissolved material in (a) domestic sewage and sludge generated by treatment thereof in sanitary sewage collection, treatment, and disposal systems that are designed to discharge effluents to the surface waters; (b)

Irrigation return flows; and (c) waste water discharges and the sludge incidental to and generated by treatment which are point sources subject to permits granted under Section 402 of the Water Pollution Control Act, as amended (P.L. 92-500), and permits granted under G.S. 143-215.1 by the Environmental Management Commission. However, any sludge that meets the criteria for hazardous waste under RCRA shall also be a solid waste for purposes of this definition.

- (3) Oils and other liquid hydrocarbons controlled under Article 21A of Chapter 143 of the General Statutes. However, any oils or the liquid hydrocarbons that meet the criteria for hazardous waste under RCRA shall also be a solid waste for the purpose of this definition.
- (4) Any source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011).
- (5) Mining refuse covered by the North Carolina Mining Act, G.S. 74-46 through 74-68 and regulated by the North Carolina Mining Commission. However, any specific mining waste that meets the criteria for hazardous waste under RCRA shall also be a solid waste for the purpose of this definition.

II. Solid waste collector - Any person who collects or transports solid waste.

JJ. Solid waste convenience center – Any place owned, leased or operated by the county at which solid waste containers or recycling containers have been placed.

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

LL. Solid waste receptacle - Container used for the temporary storage of solid waste while awaiting collection.

MM. Source separation - Setting aside recyclable materials at their point of generation by the generator.

NN. Tire - A continuous solid or pneumatic rubber covering encircling the wheel of a motor vehicle as defined in G.S. 20-1.01 (23).

OO. Transfer station - A site at which solid waste is concentrated for transport to a processing facility or disposal site. A transfer station may be fixed or mobile.

PP. Used oil - Any oil that 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.

QQ. White goods - Inoperative and discarded refrigerators, ranges, water heaters, freezers, and other similar domestic and commercial large appliances.

RR. Yard trash - Solid waste consisting solely of vegetative matter resulting from landscaping maintenance.

SECTION III: 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 ordinance.
- 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 (7-day period).
- C. Garbage shall be stored only in a container that is durable, rust resistant, non-absorbent, watertight, and easily cleaned, with a close-fitting, fly-tight cover in place, with adequate handles or bails to facilitate handling. The capacity of the container may not exceed 32 gallons. Solid waste receptacles, as defined by this ordinance, 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 and 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 at a reasonable height above ground.
- 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, 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 landfill approved 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 than that has been approved by the Department.
- H. In addition to the methods listed in subsection G., above, 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 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 Sections IX.F.1 and 2 of this ordinance concerning vehicles and containers.
- M. All sharps shall be placed in a sealed, puncture-proof container prior to disposal.
- N. Open burning of solid waste is prohibited.

SECTION IV: LANDFILL MANAGEMENT

The county landfill may be used for the disposal of solid waste by county residents. The landfill shall be open during business hours as established by the Board. In emergencies, the landfill may be opened for additional hours as directed by the county manager or the manager's representative. Except when open during regular business hours, the landfill shall be kept locked, and entry shall not be permitted. Solid waste shall be disposed of at the landfill in the manner and according to procedures established by the Solid Waste Manager **Public Works Director**.

The Landfill Facility shall include the following disposal entities:

- A. Solid Waste Transfer Station - For the collection and shipping of appropriate waste to a disposal facility. **The operation of the Warren County Solid Waste Transfer Station is regulated by the North Carolina Department of Environment and Natural Resources, Solid Waste Section, and the United States Environmental Protection Agency. Therefore, the Public Works Director shall have the authority to determine what types of waste can be deposited at the solid waste transfer station in accordance with the most current county, state and federal rules and regulations governing such disposal.**

Hours of operation – Monday through Friday 7:00 AM to 4:00 PM
- B. Land Clearing and Inert Debris - Disposal area for inert materials. **This is a beneficial fill dumping area and we which can accept brick, block, concrete, and asphalt. No painted material is will be accepted.**
- C. White Goods Collection Area - For the collection and safe removal of chlorofluorocarbons from white goods.
- D. Scrap Tire Holding Areas - For the holding of scrap tires for eventual shredding and shipping to appropriate disposal facility.
- E. Recycling Facility **Depot** – Including aluminum, glass, used oil and other **Electronic** recyclable materials.

The following wastes **may not** be disposed of in the county Transfer Station:

- A. Burning or smoldering materials, or any other materials that would create a fire hazard;
- B. Hazardous waste;
- C. Lead-acid batteries;
- D. Liquid waste;
- E. Untreated regulated medical waste;
- F. Radioactive Waste;
- G. Scrap Tires; **unless they have been halved or shredded;**
- H. Used oil;
- I. White goods;
- J. Yard trash;
- K. Inert Debris.

The following wastes **may** be accepted on a **conditional basis** only (state regulations require that these wastes receive special treatment before they are placed in a landfill):

- (1) Asbestos – must be contained in heavy-duty double bags
- (2) Barrels – punctured with no liquids

The Solid Waste Manager **Public Works Director** or his designee shall have the right to refuse right of use of the Transfer Station or inert Debris Landfill to anyone who delivers waste to the station or landfill in a manner which makes it difficult to unload in a safe or sanitary manner.

SECTION V: SOLID WASTE CONVENIENCE CENTERS

A. Solid Waste Convenience Centers are maintained throughout the county on land owned or leased by the county for the convenience of county residents. Daily household trash/solid waste may be deposited in the receptacles only in accordance with the provisions of this ordinance.

B. The following wastes **may not** be deposited in containers at the Convenience Centers:

- (1) Asbestos;
- (2) Burning or smoldering materials, or any other materials that would create a fire hazard;
- (3) Commercial waste;
- (4) Construction waste;
- (5) Hazardous waste;
- (6) Industrial waste;
- (7) Institutional waste;
- (8) Lead-acid batteries (recycle only);
- (9) Liquid waste;
- (10) Radioactive waste;
- (11) Regulated medical waste;
- (12) Tires (recycle at Transfer Station);
- (13) Used oil (recycle only);
- (14) White goods (recycle only);
- (15) Yard trash;
- (16) Sludge; and
- (17) Barrels (Transfer Station only);

- C. All solid waste intended for disposal at Convenience Centers shall be deposited inside the container. No solid waste may be left outside the receptacle.
- D. No person may remove any item from a solid waste container, climb on or into a container, or damage any container.

SECTION VI: RECYCLING

G.S. 130A-309.09B requires counties with permits from the Department of Solid Waste Management facilities to implement recycling programs.

- A. Recycling – Each person who owns, leases, or manages a residence, residential unit, or place of business, industry, commerce, or other place providing goods or services, or institution, church, or school should remove recyclable materials from the solid waste generated and make them available for recycling.
- B. Ownership of Recyclable Materials
 - (1) After recyclable materials have been placed in designated containers at a convenience center designated by the County of Warren or its authorized agent, the recyclable materials shall become the property of the County of Warren or its authorized agent.
 - (2) No person, other than a county employee or the county's authorized agent, may remove recyclable material from a recycling collection center.

SECTION VII: AVAILABILITY FEE

- A. In accordance with G.S. 153A-292(b), an annual fee shall be imposed on all improved properties in the county that benefits from the availability of the convenience centers and landfill facility. This fee is to be imposed to recover the costs of operating the recycling/ convenience center system throughout the rural county and to recover the costs of siting, constructing, operating and maintaining solid waste sorting, reduction and disposal facilities. This fee shall be imposed on all dwelling units and individual businesses located in areas outside the incorporated areas of the county which do not have a Recognized Licensed Private Contractor. Said fee shall be determined annually by the Board of Commissioners and adopted as part of its Budget Ordinance.
- B. Exemptions
 - (1) Property owners who make a formal request to be exempt and are served by a licensed private contractor, who collects and disposes of solid waste but not recyclables in a private facility outside the county, or pays a tipping fee at the Transfer Station will be charged a Modified Availability/Household User Fee. Said fee shall be determined annually by the Board of Commissioners and adopted as part of its Budget Ordinance.
 - (2) Property that is not habitable or not in use during the fiscal year for activities which would generate solid waste.

- (3) Property owners within the municipalities of Norlina, Warrenton, & Macon whose solid waste is collected by the municipality which already pays a fee to the county for the availability and use of its disposal facility.

C. Certification

No exemption shall be granted without proper documentation by the property owner. Tax payers will have until December 1 to submit to the Tax Assessor's Office evidence for exemption(s) as follows:

- (1) Valid contract with a private hauler that disposes of solid waste collected outside of Warren County **or who pays a tipping fee at the Transfer Station**. The contract must have been effective on July 1 of the fiscal year in which the tax bill was issued.
- (2) ~~Documentation from electric power company normally serving that area certifying there is no service to property.~~ **Verification by the Tax Assessor's Office that there is no electrical service to the property.**

B. Billing

In accordance with G.S. 153A-292, property owners will be billed for the availability fee along with the annual property tax billing, will be payable in the same manner as property taxes, and in case of nonpayment, may be collected in any manner by which delinquent personal or real property taxes can be collected.

SECTION VIII: USER FEES

The following solid waste user fees **are** imposed by the County of Warren. The Board shall adopt a solid waste user fee scheduled **d** as a part of its annual Budget Ordinance:

- (1) Transfer Station Tipping Fee - A Transfer Station Tipping Fee shall be assessed per ton or **per** cubic yard if scales are not available or inoperable for all waste brought to the county landfill.
- (2) Inert Debris Tipping Fee - An inert debris tipping fee shall be assessed **per ton or per cubic yard** on all disposable inert debris, yard waste and land-clearing debris which is brought to the Landfill completely separate from any type of solid waste prohibited in the LCID Landfill.
- (3) **Availability/Household User Fee per annum for all households or businesses not subject to municipal taxation.**
- (4) **Modified Availability/Household User Fee per annum for households with a private contractor to cover recycling cost.**

SECTION IX. LICENSING OF SOLID WASTE COLLECTORS

- A. Every person, firm, and corporation engaged in the collection of garbage, refuse, solid wastes, and recyclables in Warren County, except for one's self, one's firm or corporation, shall first make application to and secure from the County **an annual solid waste collection privilege license which shall be in the sum of \$25.00 \$450.00 per year** per person, firm, or corporation **applying for a privilege license** for the collection of garbage, refuse, solid wastes, and recyclables. **The exemption to this would be the company which the county contracts with to operate the Transfer Station and Convenience Centers. The Board shall adopt a solid waste collection license fee as a part of its annual Budget Ordinance.**
- B. All licenses issued under this ordinance shall be for one year which shall be for the fiscal year beginning July 1, and ending June 30, except that licenses issued to collectors of garbage, refuse, solid wastes, and recyclables within a fiscal year shall only be for a period beginning on the date such license issued and ending the immediately following June 30.
- C. Applications for licenses to engage in the business of solid waste collector shall be filed with the ~~Solid Waste Manager~~ **Public Works Director** on a form approved by the ~~Solid Waste Manager~~ **Public Works Director**. The applicant shall furnish the following information:
 - (1) Name and address of the applicant and whether a sole proprietorship, corporation or partnership with disclosure of the ownership interests;
 - (2) A list of motor vehicle license tag numbers;
 - (3) Number of employees the applicant expects to use in the business;
 - (4) Experience of the applicant in solid waste collection;
 - (5) Planned routes and areas of the county the applicant expects to serve;
 - (6) Evidence of liability insurance;
 - (7) Name and location of the facility where collected waste is to be disposed.
- D. Before issuing a license pursuant to this section, the ~~Solid Waste Manager~~ **Public Works Director** shall inspect or cause to be inspected all facilities and equipment the applicant plans to use in the solid waste collection business.
- E. The ~~Solid Waste Manager~~ **Public Works Director** may issue the applicant a license only when he finds that the applicant's facilities, equipment, and proposed operating methods are in compliance with this ordinance and applicable rules of the Department and that the applicant will perform solid waste collection in an efficient and sanitary manner. A condition of the license shall be that the licensee shall serve every person who contracts with him for solid waste collection in such a manner that the licensee does not cause the person to be in violation of this ordinance.

If the Solid-Waste-Manager Public Works Director denies an applicant a license, the applicant may request a hearing, in writing, before the Solid-Waste-Manager Public Works Director county manager, within seven (7) business days from the date that the applicant was denied a license. The Solid-Waste-Manager Public Works Director county manager shall keep summary minutes of the hearing and at least one week after the hearing within seven (7) business days shall give the applicant written notice of his a decision either granting the license or affirming this the denial of the license. The applicant may appeal the Solid-Waste-Manager's Public Works Director's county manager's decision to the board of county commissioners by giving written notice of appeal to the county manager within two seven (7) business days of receipt of the Solid-Waste-Manager's Public Works Director's county manager's decision following the hearing. After a hearing on the appeal, the board shall either affirm the denial or direct the Solid-Waste-Manager Public Works Director to issue the license.

F. A licensee shall submit a quarterly report to the Solid-Waste-Manager Public Works Director containing the following information:

- (1) Number of customers added or deleted;
- (2) Changes in routes;
- (3) New and replacement equipment;
- (4) Any other information requested by the Solid-Waste-Manager Public Works Director and pertinent to the solid waste collection business.

G. A licensee must keep his/her solid waste account current; the account cannot be 60 days past due. If the account is 60 days past due, dumping privileges and/or licenses will be suspended until payment is made in full.

H. Vehicles and containers used for the collection and transportation of solid waste shall be covered, leak proof, durable, and easily cleaned. They shall be cleaned as often as necessary to prevent a nuisance and insect breeding and shall be maintained in good repair. Vehicles shall display in numbers at least three inches high the county license number of the licensee and the license sticker issued by the Solid-Waste-Manager.

Vehicles and containers used for the collection and transportation of solid waste shall be loaded and moved in such a manner that the contents will not fall, leak, or spill, and shall be covered to prevent the blowing of material. If spillage or leakage should occur, the material shall be recovered immediately by the licensee and returned to the vehicle or container, and then properly cleaned.

I. When the Solid-Waste-Manager Public Works Director finds that a licensee has violated this ordinance or the conditions of the license, the Solid-Waste-Manager Public Works Director shall give the licensee written notice of the violation, and inform him that if another violation occurs within thirty days, or in the case of a continuing violation, if it is not corrected within ten days, the license will be revoked. If another violation occurs within the thirty-day period, or if the continuing violation is not corrected within ten days, the Solid-Waste-Manager Public Works Director shall give the licensee written notice that the license is revoked. Upon receipt of the notice of revocation, the licensee shall stop collecting, transporting, or disposing of solid waste. The licensee must correct the violation within ten (10) business days of receipt of the notice. Failure to correct the violation within the allotted time shall result in a temporary suspension of the license for a period of thirty (30) days. The Public Works

Counties: 153A-45. Adoption of ordinances.

To be adopted at the meeting at which it is first introduced, an ordinance or any action having the effect of an ordinance (except the budget ordinance, any bond order, or any other ordinance on which a public hearing must be held before the ordinance may be adopted) must receive the approval of all the members of the board of commissioners.

If the ordinance is approved by a majority of those voting but not by all the members of the board, or if the ordinance is not voted on at that meeting, it shall be considered at the next regular meeting of the board. If it then or at any time thereafter within 100 days of its introduction receives a majority of the votes cast, a quorum being present, the ordinance is adopted.

October 19, 2016
Work Session Agenda

Item # 7

**Proposed Real Property Surplus Auction Policies
& Procedures**

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Jamie Wilkerson
Warren County Attorney

WARREN COUNTY REAL PROPERTY SURPLUS AUCTION
POLICIES AND PROCEDURES

(Working copy drafted by County Attorney 10/8/2016)

- I. Purpose and Authority: The purpose of this policy is to inform the public on the policies and procedures for purchasing surplus real property from Warren County. Surplus property is defined as property that is not necessary to carry out the duties of County Government. Authority is granted pursuant to N.C.G.S. §160A-270 which provides in part that, "When it is proposed to sell real property at public auction, the council shall first adopt a resolution authorizing the sale, describing the property to be sold, specifying the date, time, place, and terms of sale, and stating that any offer or bid must be accepted and confirmed by the council before the sale will be effective."

- II. Internet Auction Process: Warren County Government shall use online auctions as a method of disposing of surplus real property. The two sites used shall be GovDeals.com and PublicSurplus.com. NO bids will be accepted in the County Government office for any property prior to its listing on the Internet. All bids must be placed online via the corresponding website on which the property is listed.
 - a. Notice: The Clerk to the Board of Commissioners shall duly advertise upcoming online auctions by advertising the available properties in the local newspaper. The Advertisement will be published at least once and not less than thirty (30) days before the starting date of the online auction.

 - b. Requirements
 1. Each bidder must register with the auction website in order to place any bids on listed properties.
 2. The county is not responsible for registration issues.

 - c. Listing time: Surplus properties may be posted on the aforementioned auction websites up to two (2) times.
 - i. 1st posting-The property will be listed for thirty (30) days. If the property is not sold, then the property will be re-listed on the website for a second time.
 - ii. 2nd posting-The property will be listed for fourteen (14) days.

 - d. Winning Bidder: The individual with the highest bid at the conclusion of the online auction is the winning bidder. This individual shall submit payment according to the policy of the website on which the property is listed. Payment must be made within seven (7) business days following the conclusion of the auction.

- e. Failure to pay: If the winning bidder fails to make payment within the required time, the second highest bidder shall be notified, provided that individual's bid meets the minimum bid requirements.

III. County Manager Bid Awards

- a. Pursuant to NCGS §160A-270, the Warren County Board of Commissioners has authorized the Warren County Manager to award bid(s) for Board of Commissioners Auctioned Tax Foreclosed properties. The winning bid must be within a 20% variance in value as established by the Warren County Tax Office.

- i. Requirements

- 1. The property must have been offered on two prior occasions via online auction without receiving bids
 - 2. Notice of available foreclosed properties shall be posted on the courthouse bulletin board, the tax office, the Warrenton post office, and the Warren County Government website. The notice shall include the location for submission of bids.
 - 3. Bids must be submitted on the County bid form to the Clerk to the Board of Commissioners.
 - 4. The winning bidder will be notified within three (3) business days following the bid submission. Final payment must be made within seven (7) business days following notification from the Clerk.

- ii. Exception: If a bid is less than a 20% variance in value of the listed price, the bid shall be submitted to the Board of Commissioners for approval.

IV. Deed Process

- a. Quitclaim/Non-Warranty Deed: The winning bidder will be given a non-warranty deed for the property. Title to the property is not examined, and the property is purchased at the bidder's own risk. Deeds will only be drafted in the name of the person who actually purchased the property.
- b. Preparation: The deed shall be prepared by the County Attorney within four (4) to six (6) weeks after final payment is received. The fee for preparation of the deed will be determined by the County.

Contact the Warren County Manager's Office if you have questions.
Angelena Kearney-Dunlap, Clerk to the Board of Commissioners
E-mail: angelenakdunlap@warrencountync.gov
Telephone: (252) 257-3115 Fax (252) 257-5971
Address: 602 W. Ridgeway Street, PO Box 619, Warrenton, NC 27589

October 19, 2016
Work Session Agenda

Item # 8

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Adjourn Work Session