

Cleveland County Board of Commissioners
October 6, 2020

The Cleveland County Board of Commissioners met in a regular session on this date, at the hour of 6:00 p.m. in the Commission Chamber of the Cleveland County Administrative Offices.

PRESENT: Susan Allen, Chairman *teleconference*
Ronnie Whetstine, Vice-Chair *teleconference*
Johnny Hutchins, Commissioner
Doug Bridges, Commissioner
Deb Hardin, Commissioner
Brian Epley, County Manager
Tim Moore, County Attorney *teleconference*
Phyllis Nowlen, Clerk to the Board
Chris Green, Tax Assessor
Kerri Melton, Assistant County Manager
Elliot Engstrom, Outside Council

CALL TO ORDER

Chairman Allen called the meeting to order and stated, “*In an effort to mitigate the potential spread of COVID-19, both myself and Commissioner Whetstine will be participating electronically this evening. Commissioner Hutchins will be the acting chair for tonight’s meeting.*” Commissioner Bridges provided the invocation and led the audience in the Pledge of Allegiance.

****Clerk’s Note: a roll call vote was completed on each action item due to two Board members participating via teleconference.**

AGENDA ADOPTION

ACTION: Commissioner Bridges made the motion, seconded by Commissioner Hardin and unanimously adopted by the Board to, ***approve the agenda as presented.***

CITIZEN RECOGNITION

Julie Waseman – Mountainside Drive, Kings Mountain – thanked the Commissioners and staff for the hard work and due diligence that was put in to approve the Mountainside Drive road paving assessment program last year. Ms. Waseman advised, if it were not for programs such as these, roads would continue to be dilapidated and an eye sore in the county. She concluded by thanking the Commissioners for their foresight and vision to continue to improve and beautify Cleveland County.

Benjamin Schaeffer, 1403 Lackey Street, Shelby – spoke about his concerns regarding COVID-19 and the county’s plan to slow the spread of the virus, the administration of services to the public and the county’s course of action to help mitigate the financial hardships that are being felt throughout the community. Mr. Schaeffer voiced his concerns of the county’s plan to ensure the Centers for Disease Control and the North Carolina Department of Health and Human Services guidelines for COVID-19 are being followed in the upcoming election.

CONSENT AGENDA

APPROVAL OF MINUTES

The Clerk to the Board included the Minutes from the *September 15, 2020 regular meeting*, in board members packets.

ACTION: Commissioner Bridges made a motion, seconded by Commissioner Allen, and passed unanimously by the Board to, *approve the minutes as written.*

SHERIFF'S OFFICE: BUDGET AMENDMENT (BNA #014)

ACTION: Commissioner Bridges made a motion, seconded by Commissioner Allen, and unanimously adopted by the Board to, *approve the following budget amendment:*

<u>Account Number</u>	<u>Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
010.438.4.310.00	16738-Sch Safety	Public Safety/Federal Govt Grants	\$30,800.00	
010.438.5.210.00	16738-Sch Safety	Public Safety/Federal Govt Grants	\$30,800.00	

Explanation of Revisions: *Budget allocation in \$30,800 in funds received from the North Carolina Department of Public Safety to equip officers with additional life saving equipment and training supplies. The equipment and supplies will help to facilitate a more robust training experience, such as active school shooters, and to provide officers with equipment that can be used immediately to save lives should they be needed.*

BOARD ELECTIONS: BUDGET AMENDMENT (BNA #015)

ACTION: Commissioner Bridges made a motion, seconded by Commissioner Allen, and unanimously adopted by the Board to, *approve the following budget amendment:*

<u>Account Number</u>	<u>Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
010.418.4.340.00		Board of Elections/NC Comm Fund Grant	\$59,500.00	
010.418.5.210.00		Board of Elections/Departmental Supply	\$4,300.00	
010.418.5.122.00		Board of Elections/Salaries-Wages-P/T	\$55,200.00	

Explanation of Revisions: *Budget allocation for \$59,500 to receive grant funds from the North Carolina Community Foundation for Election assistance. Funds will primarily be used to cover operating expenses and Part-Time employee salary expenses for the 2020 election.*

REMOVAL OF SERVICE WEAPON FOR RETIRED MAJOR JOEL SHORES

Sheriff Alan Norman requested retiring Major Joel Shores be presented his departmental service weapon. Major Shores retired on October 1, 2020 after twenty-nine years of full-time service with the Cleveland County Sheriff's Office. The service weapon requested to be removed from inventory is a Glock 9mm, Model 17, serial number BDKT-802 and County asset number 201254.

ACTION: Commissioner Bridges made the motion, seconded by Commissioner Allen, and unanimously adopted by the Board, *to approve the request to remove the service weapon from County inventory and issue to Major Joel Shores.*

REMOVAL OF SERVICE WEAPON FOR RETIRED DEPUTY CHRISTOPHER COOK

Sheriff Alan Norman requested retiring Deputy Christopher Cook be presented his departmental service weapon. Deputy Cook retired on October 1, 2020 after twenty years of full-time service with the Cleveland County Sheriff's Office. The service weapon requested to be removed from inventory is a Glock 9mm, Model 17, serial number BDKT-794 and County asset number 201176.

ACTION: Commissioner Bridges made the motion, seconded by Commissioner Allen, and unanimously adopted by the Board, *to approve the request to remove the service weapon from County inventory and issue to Deputy Christopher Cook.*

TAX ADMINISTRATION: SCHEDULES, STANDARDS AND RULES FOR 2021 REVALUATION (Schedule Public Hearing for October 20, 2020)

Tax Administration is requesting a Public Hearing be set for Tuesday, October 20, 2020. North Carolina General Statute requires the County Assessor to submit to the Board of Commissioners, the proposed Schedules, Standards, and Rules to be used in the 2021 Revaluation. Final adoption will be scheduled for the Commissioners meeting on November 17, 2020.

ACTION: Commissioner Bridges made a motion, seconded by Commissioner Allen, and unanimously adopted by the Board to, *approve scheduling the public hearing as requested.*

PLANNING DEPARTMENT: CASE 20-10 REQUEST TO REZONE PARCEL 24441 AT 107 SANDY POINT DRIVE FROM GENERAL BUSINESS (GB) TO MANUFACTURED HOME PARKS (RM) (Schedule Public Hearing for November 17, 2020)

The Planning Department is requesting a Public Hearing be set for Tuesday, November 17, 2020 to hear rezoning Case 20-07. Claudia Borders is requesting to rezone Parcel 24441, at 107 Sandy Point Drive, from General Business (GB) to Manufactured Home Parks (RM). The surrounding zoning districts are General Business (GB) and Residential (R) to the north along Cherryville Road, as well as Manufactured Home Parks along Sandy Point Drive. Surrounding uses are primarily residential, with mostly single-family dwellings nearby.

ACTION: Commissioner Bridges made a motion, seconded by Commissioner Allen, and unanimously adopted by the Board to, *approve scheduling the public hearing as requested.*

PUBLIC HEARINGS

PLANNING DEPARTMENT: CASE 20-07; TEXT AMENDMENT TO ALLOW CHILD CARE INSTITUTIONS IN RESIDENTIAL (R) DISTRICTS

Commissioner Hutchins called County Manager Brian Epley to the podium to present case 20-07; Text Amendment to allow Child Care Institutions in Residential (R) Districts. Jay Westmoreland has requested an amendment to the Cleveland County Unified Development Ordinance (UDO) to allow Child Care Institutions in the Residential District (R) with a Conditional Use Permit (CUP). Currently, Child Care Institutions are compliant only in the General Business zoning district with a CUP. This amendment would allow this use in the Residential (R) zoning district as well. Child Care Institutions includes foster home facilities and orphanages with over ten children. Group Homes with less than ten children are already compliant in the Residential district with a CUP. Approving this amendment would bring the use in line with the similar use of Group Homes.

Child Care Institution

Sec. 12-21. – Definitions

Child Care Institution. A residential child facility utilizing permanent buildings located on one site for ten (10) or more foster children.

Sec. 12-124. – Table of Permitted Uses

Table of Permitted Uses										
	NAICS	RA	RR	R	RM	NB	GB	CP	LI	HI
HEALTH CARE AND SOCIAL ASSISTANCE										
Child Care Institution	62399			C			C			

The Planning Board recommended approving the requested amendment with a CUP with the following standards; a ten-acre minimum lot size with the addition of one acre per child over ten children. Planning staff recommends approving the requested amendment with a CUP and a minimum lot size of 1.5 acres per residential structure associated with the child care institution. By requiring a CUP, the Board of Adjustment can evaluate each individual case and the surrounding area, and apply any conditions that may be needed to help the use be compatible. Conditions can include:

- lot size
- facility size
- landscape screening
- property line setbacks.

The following PowerPoint was present to the Board.

October 6, 2020

Code Text Amendment- Case 20-07
BRIAN EPLEY, COUNTY MANAGER

Types of Code Amendments

- 1. Text Amendments – Changes language in the Code
- 2. Map Amendments – Changes the zoning district map

Table of Uses

	RA	RR	R	RM	NB	GB	CP	LI	HI
Health Care and Social Assistance									
Nursing Care Facility	Z		Z	Z	Z	Z	Z		
Family Care Home	Z	Z	Z	Z	Z				
Residential Mental Health Facility						C	C	C	
Assisted Living Facility	Z		Z	Z	Z				
Group Home	C	C	C	C					
Child Care Institution/Orphanage			ADD C				C		

Definition

Child Care Institution- A residential child care facility utilizing permanent buildings located on one site for ten (10) or more foster children

Conditional Use Permit

- ▶ Issued by the Board of Adjustment after an evidentiary hearing.
- ▶ Board bases decision on 4 criteria.
- ▶ Can apply reasonable conditions if necessary to help the proposed use be compatible with the surrounding area

County Zoning Map

Red – General Business
White - Residential



Recommendations

Planning Board – Recommends approving the requested amendment. They also recommend adding a requirement of a 10 acre minimum lot size, plus an additional acre per child over 10 children.

Planning Staff – Recommends approving the requested amendment, with a minimum lot size of 1.5 acres per residential structure associated with the child care institution. The Board of Adjustment can review each individual application and evaluate if any additional conditions should be applied for compatibility. Conditions can include: lot size, facility size, landscape screening, and property line setbacks.



Options

- Approve petition as submitted
- Deny
- Approve with modifications

Commissioner Hutchins opened the Public Hearing at 6:24 pm for anyone wanting to speak for or against Case 20-07; Text Amendment to allow Child Care Institutions in Residential (R) Districts. (*Legal Notice was published in the Shelby Star on Friday, September 25 and Friday, October 2, 2020*).

Wes Westmoreland, 849 W. Marion St., Shelby – spoke in favor of the Planning Staff’s recommendation for Case 20-07. Mr. Westmoreland began by thanking the Planning Board for their hard work on this case. The Planning staff’s recommendation is very reasonable and is a practical solution to protecting property owners in the county. Requiring a CUP will allow them to look at each project specifically. He also thanked the Board for their consideration on this case.

Hearing no further comments, Commissioner Hutchins closed the Public Hearing at 6:53pm.

Commissioner Hutchins opened the floor to the Board for discussion and questions. Commissioner Allen stated, “*as a member of the Cleveland County Social Services Advisory Board, I think the proposed code text amendment would be beneficial to the foster care children in the community. This would allow for a more home-based setting rather than an institution setting.*” Commissioner Bridges echoed Commissioner Allen’s comments regarding foster home settings. Commissioner Hutchins agreed, stating this would be a great benefit for Cleveland County’s children who are currently in foster care.

ACTION: Commissioner Hardin made the motion, seconded by Commissioner Bridges, and unanimously adopted by the Board, *to approve the Text Amendment to allow Child Care Institutions in Residential (R) Districts to include Planning Staff’s recommendation of approving the requested amendment with a Conditional Use Permit and a minimum lot size of 1.5 acres per residential structure associated with the child care institution. The Board of Adjustment can evaluate each individual proposal and its surrounding area, and apply any conditions that may be needed to help the use be compatible. Conditions can include: lot size, facility size, landscape screening, and property line setbacks.*

PROJECT CHIPPY

Commissioner Hutchins again recognized County Manager Brian Epley to present the incentive agreement for Project Chippy. Over the last decade, Cleveland County has had great success in growing economic

development and expanding the tax base for the community. Project Chippy has interest in constructing a new manufacturing facility in Cleveland County to support future growth of their business. The company is interested in purchasing and developing a greenfield site in the county. They anticipate that they will create approximately 129 new, permanent, full-time jobs with an anticipated annual average wage of \$41,969, and make a net new capital investment of at least \$24,000,000 in real and personal property and other assets. The jobs will be diverse. The company will not only be offering wages that exceed the existing county average, but also an attractive benefits package.

It is always the county’s goal to promote new manufacturing careers to Cleveland County residents. Due to COVID-19, Cleveland County’s unemployment rate has increased over the last year. Therefore, this is a great opportunity to connect unemployed and underemployed citizens in the community with a great career. The new investment of \$24,000,000 in real and personal property will generate new tax revenue for Cleveland County. The property that the company is contemplating purchasing is situated in a location that makes it highly visible to existing industries, property owners, and through traffic. The company will be constructing a modern manufacturing facility and adding landscaping and parking, which will result in enhanced curb appeal for this location. The Bureau of Economic Analysis (BEA) annual input-output tables have calculated that for every \$1.00 that manufacturers like Project Chippy spend in a community, an additional \$1.48 in other local services and production will be generated as a result. Because manufacturing has so many substantial links with so many other sectors throughout the economy, its output stimulates more economic activity across society than any other sector. While the jobs that this company is creating is important, the company’s true impact on the community will be much broader and more dynamic.

Staff is recommending approval for a 60% County Incentive Grant (0.0057% tax rate) for five years for this project. Per North Carolina General Statute § 158-7.1 local governments may offer economic development incentive payments to companies to increase the tax base and for job creation. The following PowerPoint was present to the Board.



Project Chippy – Economic Development Incentive



2019-2020 Announcements

Company Name	Classification	Growth Type	Year	Announced Jobs	Capital Investment
Ames Copper Group	Manufacturing	Expansion	2020	46	\$ 50,000,000.00
IMA Contractors	Manufacturing	Expansion	2020	47	\$ 775,000.00
Ridley Fixtures	Manufacturing	New	2019	25	\$ 3,000,000.00
Fab-Tech	Manufacturing	New	2019	50	\$ 1,300,000.00
Curtiss Wright	Manufacturing	Expansion	2019	80	\$ 1,000,000.00
Greenbeck Fan Corporation	Manufacturing	Expansion	2019	403	\$ 60,000,000.00
				531	\$ 116,075,000.00

Tax Rate History



Unemployment Rate



Project Chippy Summary:

1. County Agrees to:
 1. 5 Year Agreement – 60% of Taxes Paid @ .57 cents
 - A. Grant Term Year 1 - 7/1/22
- Company Agrees to:
 1. Create 129 new full time jobs
 2. Average annual wage \$41,969
 3. \$24,000,000 in net new tax base investment

Provisions in compliance with Local Government Incentive Proposal – N.C.G.S. 158-7 (local development act)

Presentation Footer

Presentation Footer

QUESTIONS ??

Commissioner Action:

- Approve or Deny proposed incentive agreement for project Chippy

Presentation Footer

Commissioner Hutchins opened the Public Hearing at 6:31 pm for anyone wanting to speak for or against the incentive agreement for Project Chippy. (*Legal Notice was published in the Shelby Star on Friday, September 25, 2020*).

Hearing no comments, Commissioner Hutchins closed the Public Hearing at 6:32pm.

Commissioner Hutchins opened the floor to the Board for discussion and questions. Commissioner Bridges and Commissioner Hutchins commented on the success Cleveland County has had in continuing to grow economic development businesses in the community.

ACTION: Commissioner Bridges made the motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board, *to approve the incentive agreement for Project Chippy.* (copy found on Page _____ of Minute Book _____).

REGULAR AGENDA

MOUNTAINSIDE DRIVE

Commissioner Hutchins called Kerri Melton, Assistant County Manager to the podium to present the Preliminary Assessment Roll for Mountainside Drive. The county has been working on this project since July 2018 which was when a petition from the property owners on Mountainside Drive was validated. In September and October 2019, the Assessment Resolution and contract was approved and paving was completed. The next step in completion of the Mountainside Driving project is the Preliminary Assessment Roll which sets a public hearing date, list properties to be assessed, states the amount each property will be assessed, and describes the basis of the assessment.

The assessment process requires two public hearings be held. At the first hearing on September 3, 2019, the Preliminary Assessment Resolution identified the lots to be assessed, being all of the properties adjoining Mountain Side Drive. The resolution was adopted, and the paving bid was awarded to B&N Grading Inc. The paving is complete and the North Carolina Department of Transportation has approved the addition of Mountain Side Drive for the state highway system for maintenance. A second public hearing will need to be held on October 20, 2020, to confirm the amount to be assessed against each lot. The Board may cancel, increase, or reduce the assessment on each property as may be needed to comply with the basis of assessment, which is an “equal rate per lot” per North Carolina General Statute § 153A-195. The final costs are itemized as follows:

B&N Grading Inc.	Paving	\$198,171.00
Cleveland County	Administrative Fee 0.415 Miles	\$2,191.20
	Total Cost	\$200,363.20
	Cost per Lot (24 lots)	\$8,348.42

The following PowerPoint was present to Commissioners.

October 6, 2020

Cleveland County
NORTH CAROLINA

Mountain Side Drive Paving Assessment
KERRI MELTON, ASSISTANT COUNTY MANAGER

TIMELINE

Cleveland County
NORTH CAROLINA

- July 2018 Petition received and validated
- August 2019 Public Hearing noticed mailed
- September 2019 Assessment Resolution adopted and contract awarded
- October 2019 Paving completed
- August 2020 NCDOT Board of Transportation accepted road
- **October 6, 2020 Preliminary Assessment Roll adopted**
- October 9, 2020 Public Hearing notices mailed
- October 20, 2020 Final Assessment Roll to be adopted
- October 23, 2020 Tax Bill mailed to property owners

PURPOSE

Cleveland County
NORTH CAROLINA

- Sets the public hearing date for October 20, 2020
- Lists each property to be assessed
- Lists each property owner
- States amount each property is being assessed (\$8,348.42)
- Describes the basis of the assessment (equal rate per lot)
- Describes the repayment terms of 5 years at 3.25% interest


Cleveland County
NORTH CAROLINA

BEFORE

Cleveland County
NORTH CAROLINA

AFTER

Cleveland County
NORTH CAROLINA




Preliminary Assessment Roll

Pursuant to NCGS 153A-205(c), the Cleveland County Board of Commissioners will hold a Public Hearing on October 20, 2020 at 6:00 p.m. in the Commissioners Chambers located at 311 East Marion Street, Shelby, NC, to confirm the Assessment Roll for the paving of Mountain Side Drive. Each lot is assessed equally and the owners of the following lots will be responsible for their share of the total project costs:

OWNER	PARCEL #	ASSESSMENT
Helen A Ogle	11526	\$8,348.42
William E Rice Jr	11568	\$8,348.42
Jonas Hansen & Nicole Hansen	11585	\$8,348.42
Jon David Moore & Kimberly C Moore	11569	\$8,348.42
Michael Eugene Brown & Cynthia Brown	41651	\$8,348.42
Michael Eugene Brown & Cynthia Brown	41048	\$8,348.42
John Michael Ward & Lisa Ward	41650	\$8,348.42
Eric P McCray & Dana Michael Walters	71871	\$8,348.42
Kenneth Wayne Mauney & Janet W Mauney	11571	\$8,348.42
Michael Shane Wray	11572	\$8,348.42
Ralph Lloyd Watkins & Rebecca Watkins	11573	\$8,348.42
Arthur Camacho & Sandra Walker Coleman	70803	\$8,348.42
Sandra Walker Coleman	11575	\$8,348.42
Katherine Hardison	60605	\$8,348.42
Benjamin E West & Kiyoko M West	11576	\$8,348.42
Georgia R West	11577	\$8,348.42
Paul Edward Smith & Celeste Heather Smith	11578	\$8,348.42
Amy Hanon Pruet	11579	\$8,348.42
John A Schena II	11580	\$8,348.42
Bobby Warren Brendle	70407	\$8,348.42
Julie A Cleveland	11583	\$8,348.42
Aloysius Joseph Krieger Jr & Mary Rose Krieger	11587	\$8,348.42
Karen H Hargett	11570	\$8,348.42
CDL Housing LLC	11563	\$8,348.42

After the Public Hearing and Confirmation of the Assessment Roll, property owners will have ten (10) days to appeal this assessment to Superior Court. The Tax Collector will then record the Notice of Confirmation with the Register of Deeds on November 9, 2020. Property owners will have until December 9, 2020 to make payments without interest. On December 10, 2020 any outstanding balance will be charged three point twenty-five percent (3.25%) interest annually. Assessments are collected in the same manner as property taxes, and payable within five years.

Adopted this 6th day of October, 2020.



ACTION

- Approve or deny adoption of the Preliminary Assessment Roll

ACTION: Commissioner Hardin made the motion, seconded by Commissioner Bridges, and unanimously approved by the Board, *to adopt the Preliminary Assessment Resolution and schedule the public hearing for October 20, 2020.*



Preliminary Assessment Roll

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Adopted this 6th day of October, 2020.

Susan K Allen
 Susan Allen, Chairwoman
 Cleveland County Board of Commissioners

LANDFILL ORDINANCE

Commissioner Hutchins called County Manager Brian Epley to the podium to present the Landfill Ordinance. North Carolina General Statute § 153A-136 authorizes the County to regulate the storage, collection, transportation, use, disposal, and other disposition of solid waste. The County already regulates solid waste and operates a sanitary landfill. Currently, these functions are housed in the Health Department, but for administrative ease it would be better for solid waste to be its own standalone county department. The Solid Waste Director would report to the County Manager, similar to Communications, Building Inspections, Finance and the Planning Department.

In addition to moving certain powers and duties from the Public Health Board/Health Director to the Board of Commissioners/County Manager, this transition would also involve changing landfill employees from Health Department employees to county general employees. The proposed ordinance states that the County Manager shall continue to consult with the Health Director and Public Health Board as to any solid waste issues that impact public health. This change would continue to promote a high level of customer service and aligns with Cleveland County being high performing organization.

There are challenges with solid waste being a subdivision of the Health Department to include vision and purpose. The landfill currently has thirty-six employees and operates on a \$10.69 million dollar budget. This past year the landfill had an operating surplus budget of \$950,000. Mr. Epley reminded Commissioners that in 1989 the county acquired roughly nine hundred acres and there has been a tremendous effort over the years to implement long-term planning and sustainability. The following PowerPoint was presented to Board members.

Solid Waste Management

CLEVELAND COUNTY BOARD OF COMMISSIONERS



SEPTEMBER 25, 2020



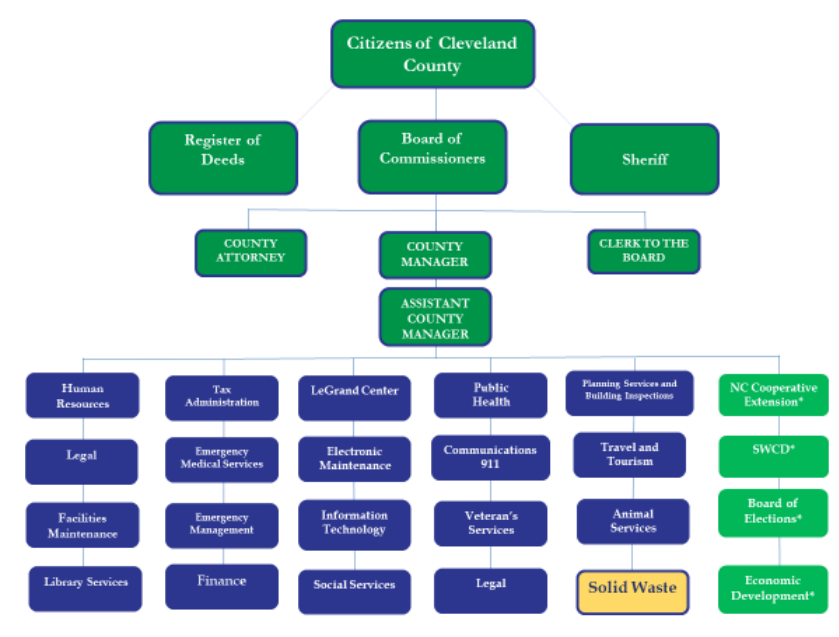
Department of Public Health

Personnel	
Full Time Employees –	36
Average Employee Age	42
Male Employees	32
Female Employees	04
Turn-Over -	(+/-) 08%
Budget	
Total Budget -	\$ 10,694,026
Debt Load -	\$ 0
Operating Surplus -	\$ 950,000
Liquidity Ratio -	57%
Solid Waste Highlights	
Remaining Mgt Life	(+) 75 Years
Post Closure Liability-	(-) \$23,900,000

Waste Management

- Solid Waste will operate as a department of the County, rather than a unit of the Health Department.
- Solid Waste director reports to the County Manager, similar to:
 - Building Inspections
 - Communications
 - Planning
 - Finance

BOARD OF COMMISSIONERS



• **Sec. 11-32. - Administration and enforcement of article.**
 The health director of the county or authorized representative shall administer and enforce the provisions of this article.

• **Sec. 11-39. - Same—Use of landfill.**

(a) The county sanitary landfill may be used for the disposal of solid waste by county residents or nonresident property owners. The landfill shall be open during business hours as established by the ~~health department~~. In emergency situations, the landfill shall be opened for additional hours as may be directed by the ~~health director~~ or authorized 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 a manner and according to the procedures required by the ~~health department~~.

• **There's a lot in the ordinance with Health director/ health Department, is someone working on changing the ordinance**

• **Questions?**

• **Actions Requested:**

- Adopt the ordinance by a unanimous vote of all members.

ACTION: Commissioner Hardin made the motion, seconded by Commissioner Bridges, and unanimously adopted by the Board, *to approve the following changes to the landfill ordinance.*

AN ORDINANCE MAKING CERTAIN CHANGES TO CHAPTER 11 OF THE CLEVELAND COUNTY CODE OF ORDINANCES

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF CLEVELAND IN REGULAR SESSION ASSEMBLED:

Section 1. Authority

The Cleveland County Board of Commissioners establishes this Ordinance pursuant to the authority granted by N.C.G.S. § 153A-136 and N.C.G.S. § 153A-94.

Section 2. Purpose and Intent.

The purpose of this ordinance is to place the County's solid waste department and functions under the supervision of the Board of Commissioners and County Manager rather than the Board of Public Health and Health Director. It is further the intent of this Board that the County Manager regularly consult with, and be advised by, the Board of Public Health or Health Director as to any solid waste issues that impact public health.

Section 3. Personnel Reclassification

Solid waste and landfill personnel shall hereafter be considered County General employees rather than Health Department employees. The County Manager and Human Resources Director shall take all action necessary to effectuate this change. Appendix H.2. of the Cleveland County Personnel Ordinance is hereby amended to reflect this change.

Section 4. Effective Date.

This Ordinance shall take effect when approved by the Board of Commissioners pursuant to N.C.G.S. § 153A-45.

Section 5. Code Amendments.

The following changes are hereby made to the Cleveland County Code of Ordinances. Additions are underlined in blue, while deletions are ~~struck through in red~~.

Sec. 11-28. - Definitions.

County Manager means the chief administrator of county government as defined in N.C.G.S. § 153A-82.

Sec. 11-32. - Administration and enforcement of article.

The ~~health director~~County Manager of the county or authorized representative shall administer and enforce the provisions of this article.

Sec. 11-34. - Storage and disposal generally.

(3) Time limits.

- It shall be unlawful for any person occupying any dwelling or dwelling unit to place or leave outside of any building longer than thirty (30) days any dilapidated furniture, icebox, refrigerator, stove or other appliance, machinery, equipment, building material or other item which is either in a wholly or partially rusted, wrecked, junked, dismantled or inoperative condition which, in the opinion of the ~~health director~~County Manager, constitutes a potential public health hazard. In determining whether such a potential public health hazard exists, the County Manager shall consult with, and be advised by, the Health Director. This subsection shall not apply to a licensed junk dealer.
- It shall be unlawful for any person to store garbage of a perishable or offensive nature for more than one week in any type of container.
- If a potential public health hazard exists, the ~~health department~~County Manager shall give the occupant or owner written notice that, unless the potential hazard is removed within the time limit prescribed in the particular paragraph above (thirty (30) days or one week), then prosecution under this article will be instituted.

Sec. 11-39. - Same—Use of landfill.

(a) The county sanitary landfill may be used for the disposal of solid waste by county residents or nonresident property owners. The landfill shall be open during business hours as established by the ~~health department~~County Manager. In emergency situations, the landfill shall be opened for additional hours as may be directed by the ~~health director~~County Manager or authorized 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 a manner and according to the procedures required by the health department.

Sec. 11-42. - Demolition pits.

Anyone wishing to operate a demolition pit shall make a written request to the ~~health director~~County Manager, listing the name of the persons who will be using the pit, what type of solid waste is to be put into the pit, and to what use the land will be put when filled. Demolition pits shall be operated in accordance with the solid waste rules and regulations of the state department of human resources, division of health services, and shall be approved by the division of health services.

Sec. 11-43. - Closing of illegal dumps.

Any person having an illegal solid waste dump shall, upon notification by the ~~health director~~County Manager, take the following actions:

- Implement effective rat control measures for at least two (2) weeks after closing the dump to prevent rat migration to adjacent properties, if determined necessary by the ~~health director~~County Manager.

Sec. 11-62. - Authority to regulate service fees.

1 The board of commissioners shall establish and regulate all fees charged for the collection,
2 transportation and recycling of solid waste. A copy of the fee schedule shall be filed in the office
3 of the ~~health director and the~~ county manager.

4 ...
5
6 Sec. 11-66. - Application, issuance, revocation of license.

7 (a) *Application.* All applicants for licenses to collect, transport, dispose of or recycle solid
8 waste for any five-year period (with the first five-year period commencing on July 1, 1992)
9 shall file a written application with the ~~health director~~County Manager or authorized
10 representative on or before February 15 prior to the beginning of any five-year period in
11 question and shall furnish the following information:

- 12 (1) The name and address of the applicant, and whether the applicant is a sole
13 proprietorship, corporation or partnership, with disclosure of all ownership interests;
- 14 (2) A list of the equipment possessed, available or to be obtained by the applicant;
- 15 (3) The number of employees the applicant expects to use in the business;
- 16 (4) The experience of the applicant in solid waste collection;
- 17 (5) A balance sheet or equivalent financial statement prepared by a certified public
18 accountant or other person satisfactory to the ~~board of health~~Board of Commissioners,
19 as of the close of the applicant's last business year, showing the net worth of the
20 business. All financial data submitted in compliance with the requirements of this
21 subsection shall be confidential and shall not be regarded as public information;
- 22 (6) Planned routes and areas of the county the applicant expects to serve;
- 23 (7) A schedule of the fees the applicant plans to charge; and
- 24 (8) Any other information the ~~board of health~~Board of Commissioners may reasonably
25 request.

26 (b) *Five-year license.* Licenses shall be issued for a five-year period with the information
27 designated in subsection (a) of this section being presented to the ~~health director~~County
28 Manager or authorized representative on or before February 15 prior to the expiration of the
29 five-year period.

30 (c) *Selection of applicants; granting of licenses.* The ~~health director~~County Manager or
31 authorized representative shall bring before the ~~board of health~~Board of Commissioners, in
32 the month of March prior to the expiration of the five-year period, applications for licenses
33 and a review of existing licenses to collect, transport, dispose of and recycle solid waste for
34 the next five-year period following the meeting (commencing July 1). The board of
35 commissioners will grant to the applicants adjudged to be most suitable a license for the
36 collection of solid waste in designated areas.

37 (d) *Revocation.* The board of commissioners reserves the right to withdraw any license upon
38 satisfactory proof of the inability of the licensee or upon the failure of the licensee to
39 properly perform the duties covered by the license and contract in a proper and satisfactory
40 manner, after the licensee has been given an opportunity for a hearing before the board, by
41 written notice setting out the time and place of the hearing, at least ten (10) days before the
42 hearing.

43 (e) *Issuance of new license when license has been revoked or service terminated.* If a license
44 has been granted to a licensee for any one (1) or more areas and the licensee, for any cause,
45 ceases to perform the services required of it and it is determined that its license shall be
46 revoked; or if a licensee otherwise, for any cause, ceases to perform the services required by

1 the license and contract, the ~~board of health~~Board of Commissioners shall receive
2 applications for a new license for the area involved at its first meeting held subsequent to the
3 expiration of ten (10) days after the cessation of services or the surrender of the revoked
4 license. The board of commissioners shall grant the applicant who, in the judgment of the
5 board, is suitable, a license for the period commencing with the date of the meeting and the
6 last day of the then current five-year license period, said license shall be granted within sixty
7 (60) days from the ~~board of health~~Board of Commissioners receiving application as set forth
8 herein.

9 (f) *Investigation of facilities and proposed operation to be made prior to issuance.* Before the
10 county issues a license pursuant to this section, the ~~health director~~County Manager or
11 authorized representative or his duly authorized representative shall determine that all
12 facilities, equipment and proposed operating methods that the applicant plans to use in the
13 solid waste collection business are in compliance with this article and applicable regulations
14 of the division of health services.

15 ...
16
17 Sec. 11-71. - Same—Collection and transportation of waste.

18 ...
19
20 (f) The licensee shall submit a monthly report to the ~~health director~~County Manager or
21 authorized representative, which shall contain but not be limited to the following:

- 22 (1) The total number of residential customers and the number of residential customers
23 added and dropped;
- 24 (2) The total number of industrial customers and the number industrial customers added
25 and dropped;
- 26 (3) The number of complaints which are filed, organized in categories such as districts or
27 type of complaints, with a report on each complaint's final disposition;
- 28 (4) Changes in routes;
- 29 (5) New and replacement equipment;
- 30 (6) Any other information which the ~~board of health~~Board of Commissioners or the
31 licensee believes to be of importance;

32 ...
33
34 Sec. 11-97. - Definitions.

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

37 *Hazardous waste* means:

- 38 (1) Any solid, liquid or gas which has been classified as hazardous waste by the division
39 of health services of the state department of human resources or its successor, or by the
40 Environmental Protection Agency of the United States or its successor;
- 41 (2) Any solid, liquid or gas which, when burned or combined with any other solid, liquid
42 or gas, would be classified as hazardous waste as provided in subsection (1) of this
43 definition; or

- 44 (3) Any other solid, liquid or gas which the ~~board~~County Manager, in consultation with
45 the ~~Health Director~~, determines is detrimental to the public health, safety and general
welfare of the citizens of the county.

4 ...
5
6 Sec. 11-127. - Removal authorized; authority of ~~health department, health director~~County
7 Manager.

- 8 (a) All abandoned motor vehicles shall be removed for safekeeping to a storage area, subject
9 to the conditions set out in this article.
- 10 (b) The ~~county health department~~County Manager or his authorized representative shall have
11 control of all removal of vehicles pursuant to this article. The ~~health director~~County
12 Manager or his authorized representative is designated by the board of commissioners as the
13 official to direct the removal and storage of each vehicle.

14
15 Sec. 11-128. - Removal from privately owned premises.

16 No abandoned vehicle shall be removed from privately owned premises without the written
17 request of the owner, lessee or occupant of the premises, unless the vehicle has been declared by
18 the ~~health director~~County Manager to be a health or safety hazard. Before declaring a vehicle to
19 be a health or safety hazard, the County Manager shall consult with, and be advised by, the
20 Public Health Board of the Health Director.

21
22 --END--

COMMISSIONER REPORTS

Commissioner Hardin – visited Bethlehem Volunteer Fire Department with several other Board members to meet with the North Carolina Insurance Commissioner who was visiting the area. The Firefighters demonstrated their new search and rescue equipment that was acquired through grant monies.

Commissioner Bridges – also attended the Bethlehem Volunteer Fire Department. He also spoke about the upcoming election.

Commissioner Hutchins – spoke about COVID-19 and the safety protocols put in place to keep everyone safe and slow the spread of the virus.

ADJOURN

There being no further business to come before the Board at this time, Commissioner Hardin made a motion, seconded by Commissioner Bridges, and unanimously adopted by the Board, *to adjourn the meeting*. The next meeting of the Commission is scheduled for *Tuesday, October 20, 2020 at 6:00 p.m. in the Commissioners Chamber*.

*Johnny Hutchins, Commissioner
Cleveland County Board of Commissioners*

*Phyllis Nowlen, Clerk to the Board
Cleveland County Board of Commissioners*