

**AGENDA
CRAVEN COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
MONDAY, NOVEMBER 21, 2011
8:30 A.M.**

CALL TO ORDER

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

APPROVE MINTUES OF NOVEMBER 7, 2011

1. TAX RELEASES AND REFUNDS: Ronnie Antry, Tax Administrator
2. REQUEST TO SET CLOSEOUT PUBLIC HEARING - JAMES CITY
FY08 COMMUNITY REVITALIZATION PROJECT: Don Baumgardner,
Planning Director
3. AIRPORT REQUEST: Tom Braaten, Airport Director
4. REQUEST FOR RESOLUTION IN SUPPORT OF ROADWAY
IMPROVEMENTS IN THE INDUSTRIAL PARK: Jack Veit, County Manager
5. BUDGET AMENDMENTS AND ORDINANCE UPDATE: Rick Hemphill,
Finance Director
6. APPOINTMENTS
 - A. Deferred Appointments
 - B. Upcoming Appointments
7. RESOLUTION SUPPORTING LEGISLATION TO REQUIRE VOTER ID:
Commissioner Dacey
8. COUNTY ATTORNEY'S REPORT: Jim Hicks
9. COUNTY MANAGER'S REPORT: Jack Veit
10. COMMISSIONERS' REPORTS

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Manager
5. BUDGET AMENDMENTS AND ORDINANCE UPDATE: Rick Hemphill,
Finance Director

Audit Report for FY 2010-2011: Lou Cannon, McGladrey & Pullen

Agenda Date: November 21, 2011
Presenter: Ronnie Antry
Agenda Item No. 1
Board Action Required: Yes

TAX RELEASES AND REFUNDS

Craven County Tax Administrator, Ronnie Antry, will present the routine requests for tax releases and refunds contained in Attachment #1 for the Board's approval.

Board Action: A roll call vote is needed to approve tax releases and refunds

Agenda Date: November 21, 2011
Presenter: Don Baumgardner
Agenda Item No. 2
Board Action Required: Yes

**REQUEST TO SET CLOSEOUT PUBLIC HEARING FOR JAMES CITY FY08
COMMUNITY REVITALIZATION PROJECT**

The Planning Department requests that the Board set a closeout public hearing for the James City FY08 CDBG Community Revitalization Project at 7:00 PM on 12/05/11. Final program activities are underway and the County is required to hold a public hearing prior to submitting the closeout documents to the NC Department of Commerce.

Board Action: Set public hearing as requested

Agenda Date: November 21, 2011
Presenter: Tom Braaten
Agenda Item No. 3
Board Action Required: Yes

AIRPORT REQUEST

Coastal Carolina Regional Airport is fortunate to have been chosen by Federal Express for one of its select few distribution centers in North Carolina to be located aboard an airport. The Federal Express distribution center at Coastal Carolina Regional Airport provides a significant benefit for businesses and individuals residing in Craven County. Currently, Coastal Carolina Regional Airport Authority leases land to Express Properties, the entity which constructed the Federal Express distribution center. Federal Express recently requested that the County and the Airport execute a Subordination and Non-Disturbance Agreement to ensure their continued operations at the distribution center in the event of a default by Express Properties. In other words, if Express Properties fails to comply with their obligations to the County and the Airport under the existing land lease, then Federal Express would still be able to step into a direct lease with the County or the Airport so long as commercial operations continue at the airport. In the unlikely event that the County and/or the Airport decide to discontinue commercial airport operations, then the lease could be terminated. The attorneys for all parties have approved the Agreement as it is being submitted.

Board Action: Approval of agreement

Agenda Date: November 21, 2011
Presenter: Jack Veit
Agenda Item No. 4
Board Action Required: Yes

**REQUEST FOR RESOLUTION IN SUPPORT OF ROADWAY IMPROVEMENTS IN
THE INDUSTRIAL PARK**

County Manager, Jack Veit, will present the resolution shown as Attachment #4 at the request of the Economic Development Commission, and the North Carolina Department of Transportation.

Board Action: Consider adoption of resolution

Agenda Date: November 21, 2011
Presenter: Rick Hemphill
Agenda Item No. 5
Board Action Required: Yes

BUDGET AMENDMENTS AND ORDINANCE UPDATE

Craven County Finance Director, Rick Hemphill, will present the following budget amendments and ordinance update for the Board's approval.

Amendments: Seized Property – Budget \$ 10,000 from Seized Property fund balance to be utilized in drug buys.

DSS Mandated Public Assistance – Funding of \$119,515 has been allocated to DSS for Low-Income Home Energy Assistance Program (LIEAP). Funding is 100 % Federal requiring no County match.

Health/Adult Primary Care – Additional \$42,802 in General Aid-to-County funds to be allocated to Craven Health Dept. Need to budget \$10,000 of that increase in Adult Primary Care program for lab supplies and contract with consultant.

Health/Family Planning – Additional \$42,802 in General Aid-to-County funds to be allocated to Craven Health Dept. Need to budget \$28,952 of that increase in Family Planning for contraceptives, medical and other supplies.

Health/Communicable Disease – Additional \$42,802 in General Aid-to-County funds to be allocated to Craven Health Dept. Need to budget \$3,850 of that increase to cover services provided by ECU Tuberculosis doctor last fiscal year (Dec 2010 – June 2011). Holdup by ECU attorneys resulted in payments being delayed to this fiscal year.

Health/Lead CDC Grant Program – The CDC awarded Craven County a \$50,000 per year grant for a period of 3 years. We originally budgeted \$40,000 for fiscal year 2012 as the start date of the program was September 1, 2011. Being that each grant year runs September 1 – August 31, we have now been advised by the State to budget \$41,667 this initial fiscal year, \$50,000 for fiscal years 2013 and 2014, and \$8,333 for fiscal year 2015. The additional \$1,667 for current fiscal year needs to be budgeted for postage and training.

Planning/CDBG FY 10 Contingency Infrastructure – Budget additional \$296,648 Community Development Block Grant (CDBG) funded by NC Community Investment and Assistance. A part of the Contingency Infrastructure grant had already been approved. Budgeting this remaining portion is needed to appropriate the total \$451,648 grant award. These funds are to be utilized for street, water and sewer improvements.

Ordinances: CDBG FY 10 Contingency Infrastructure

Board Action: A roll call vote is needed to approve budget amendments and ordinance update

Agenda Date: November 21, 2011
Presenter: _____
Agenda Item No. 6
Board Action Required: Yes

APPOINTMENTS

A. Deferred Appointments

Clean Sweep Committee
Industrial Facilities Pollution Control Financing Authority

B. Upcoming Appointments – December - March

A. DEFERRED APPOINTMENT(S):

NAME OF BOARD/COMMITTEE: Craven County Clean Sweep Committee

AUTHORIZATION: Bylaws

MISSION/FUNCTION: To eliminate littering and promote recycling through education and ordinance enforcement.

NUMBER OF MEMBERS:

25

TYPE:

Civic, neighborhood, municipal, industrial business, schools

QUALIFICATIONS (Special Skills, Professional Classifications, Affiliations, Limitations, etc.):

LENGTH OF TERMS: 3 Years

TERM(S) EXPIRING:

Felix Croom (Appointed 2008; not participating)
Dave Gardner (Appointed 1991; active member)
Janie Johnson (Appointed 2008; moved away)
Ivett Jones (Appointed 2003; not participating)
Jan Parker (Appointed 1997)
Pat Sager (Appointed 2008; active member)
Tim Tabak (Appointed 2008; resigned)
Thomas Wooten (Appointed 2001; not participating)

MEETING SCHEDULE: 3rd Wednesday of the months of March, June, September and December

COMPENSATION: No Yes Specify: _____

Attachments:

NAME OF BOARD/COMMITTEE: Industrial Facilities Pollution Control Financing Authority

AUTHORIZATION: Bylaws

MISSION/FUNCTION: _____

NUMBER OF MEMBERS:

7

TYPE:

Qualified electors

QUALIFICATIONS (Special Skills, Professional Classifications, Affiliations, Limitations, etc.):

LENGTH OF TERMS: 6 Years

TERM(S) EXPIRING:

Dell Ipock (Appointed 1999)

Gray Lancaster (Appointed 1999)

MEETING SCHEDULE: Annual Meeting on 2nd Tuesday in October; otherwise, as needed

COMPENSATION: No : Yes Specify: _____

ATTACHMENT(S):

December: Commissioners' Appointments

*Board of Equalization and Review (James Findley, Grover Lancaster, Al Otto, Bill Pope, Jimmy Smith, Jerry Stapleford, Drew Willis)

**This board does not have terms certain; however, an ending date is required for entry into the appointments database. (please reference County Manager's memo)*

Health Board (Paul Gaskins: initial appointment 2008; James Jackson: initial appointment 2008; Rosanne Leahy: initial appointment 2008; Trey Paul: initial appointment 2006; Reed Underhill: initial appointment 2008)

Havelock Library Board (Jacqueline Attaway: initial appointment 2011 to unexpired term)

New Bern Library Board (Molly Ritter: initial appointment 1993)

Vanceboro Library Board (Dorothy Bryan: initial appointment 1991)

January:

Craven Aging Planning Board (Dora Jones: initial appointment 2010)

February:

Craven Aging Planning Board (All are ex officio agency representatives)

Stephanie Allen (Legal Aid)

Carolyn Bland (Senior Tarheel Legislature)

Gwendolyn Bryan (County Manager)

Tonya Cedars (Eastern Carolina COG)

Clayton Gaskins (CarolinaEast)

Jim Harriett (DSS)

March:

Craven Aging Planning Board

Linda LeDrew: initial appointment 2010)

Board Action: The Board will need to consider necessary appointments

Agenda Date: November 21, 2011
Presenter: Commissioner Dacey
Agenda Item No. 7

RESOLUTION SUPPORTING LEGISLATION TO REQUIRE VOTER ID

Commissioner Dacey will present the resolution shown as Attachment #7.

COUNTY ATTORNEY'S REPORT

Regulation of Solid Waste Disposal at Convenience Centers and Curbside Recyclable Materials

Attachment #8 contains proposed amendments to Chapter 37, Article II of the Code of Ordinances. The primary purpose for these amendments is to better clarify the restrictions on scavenging from recycle bins once they are placed curbside. Each municipality within the County (except for the Town of Bridgeton) has signed an interlocal agreement with the County, whereby the County's regulations apply within the municipality. In addition to the County's contract with GDS whereby ownership of the materials are conveyed to GDS as part of the compensation for recycling collections, there has been an increase in citizens' complaints regarding scavenging at the curbside.

The secondary purpose of the amendments is to bring the Code into compliance with the actual solid waste collection and services currently provided by the County. Most of the proposed deletions are due to certain activities and sites that the County no longer conduct or operate.

A public hearing is not required to adopt these amendments, but the Board may conduct one all the same should it desire.

Agenda Date: November 21, 2011
Presenter: Jack Veit
Agenda Item No. 9

COUNTY MANAGER'S REPORT

Agenda Date: November 21, 2011
Presenter: _____
Agenda Item No. 10

COMMISSIONERS' REPORTS

CREDIT MEMOS SUBJECT TO BOARD APPROVAL ON 11/21/2011

TAXPAYER NAME	ACCT#/TICKET#	AMOUNT
ANDERSON, DOUG DID NOT OWN 1/1/2011	0068466 2007-0001083	115.26
ANDERSON, JOHN & ANDERSON, JAM DID NOT OWN 1/1/2011--SEE ACCT 90176	0077461 2011-0091642	203.47
ANDERSON, JOHN & ANDERSON, JAM DID NOT OWN 1/1/2011--SEE ACCT 90176	0077461 2011-0091564	38.94
BALLARD, EDDIE ONEAL & ALICE F DID NOT OWN 1/1/2011	0310100 2011-0002612	46.24
BRAUNINGER, DOUGLAS P & LAURA APPRAISAL ERROR CORRECTION	0780140 2011-0006253	107.36
COOPER, GRADY BRENT & NANCY DID NOT OWN 1/1/2011	0014904 2011-0012052	214.87
CRAYTON, W FRANK & DANA R DISCOVERED PROPERTY VALUE CORRECTION	0059534 2011-0091508	997.35
CRAYTON, W FRANK & DANA R DISCOVERED PROPERTY VALUE CORRECTION	0059534 2011-0091510	997.35
CRAYTON, W FRANK & DANA R DISCOVERED PROPERTY VALUE CORRECTION	0059534 2011-0091509	1,105.35
DAVENPORT, BERT DID NOT OWN 1/1/2011	0081593 2009-0091128	54.65
GASKINS, JAMES R DOUBLE BILLED--SEE ACCT 91581	2652300 2011-0091663	100.56
HARTMAN, JAMES H REBILLED ON SUPPLEMENT	3221598 2011-0090154	379.83
MARTIN, OLETHA J DID NOT OWN 1/1/2010	0089781 2011-0091676	498.30
MAYS, SUSAN HARGETT DWELLING VACANT SINCE 12-2008	0063526 2011-0037367	36.00

CREDIT MEMOS SUBJECT TO BOARD APPROVAL ON 11/21/2011

TAXPAYER NAME	ACCT#/TICKET#	AMOUNT
ORDIWAY, LEWIS F DOUBLE BILLED - SEE ACCT 79246	5484750 2011-0043668	118.13
SNEAD, BENJAMIN TILLMAN LATE LISTING CHARGED IN ERROR	6750200 2011-0053300	1.01
WETHERINGTON, ELIZABETH ANN MC CORRECTED BOAT VALUE	0076316 2011-0060916	41.55
WETHERINGTON, ELLEN T CORRECTED BOAT VALUE	0032886 2011-0060920	67.86
WORLEY, MILDRED P DID NOT OWN 1/1/11-SEE 8198450	0040514 2011-0091639	87.85
WORLEY, MILDRED P DID NOT OWN 1/1/22 - SEE 8198450	0040514 2011-0091699	682.94
	20 -CREDIT MEMO(S)	5,894.87

REFUNDS SUBJECT TO BOARD APPROVAL ON 11/21/2011

TAXPAYER NAME	ACCT#/TICKET#	AMOUNT
DICKIE, JAMIE KIRK DOUBLE BILLED-SEE ACCT 65549	0087326 2011-0015238	96.69
KOPECKY, GREGORY C MILITARY EXEMPTION	0074631 2011-0032811	122.75
MURPHY, KENNETH & CAROLYN DID NOT OWN BOAT 1/1/2011	5280765 2011-0041574	41.64
ORDIWAY, LEWIS F DOUBLE BILLED-SEE ACCT 79246	5484750 2010-0039242	122.44
ORDIWAY, LEWIS F DOUBLE BILLED-SEE ACCT 79246	5484750 2009-0042958	152.76
SINGLETON, NANCY E HRS DWELLING UNOCCUPIED	0086803 2011-0052348	36.00
	6 -REFUND(S)	572.28

**Division of Mental Health, Developmental Disabilities & Substance Abuse Services
Quarterly Fiscal Monitoring Report**

East Carolina Behavioral Health Area Program

for the period ending: June 30, 2011

of month in the fiscal year====> 12
(July = 1, August = 2, . . . , June = 12)

1. REPORT OF BUDGET VS. ACTUAL

ITEM	2009-2010		CURRENT YEAR			
	BUDGET	ACTUAL	BUDGET	ACTUAL	BALANCE	ANNUALIZED
	(1)	(2)	(3)	(4)	(5)	(6)
REVENUE						
Client Fees						
Medicaid - "Regular Fee-for-Service"	7,000,000	7,100,192	9,000,000	6,206,211	2,793,789	68.96%
Medicaid - CAP/MRDD	600,000	552,513	800,000	397,293	402,707	49.66%
Medicare	-	-	-	-	-	
Insurance	-	190	-	-	-	#DIV/0!
Other Local	359,600	536,368	319,622	506,752	(187,130)	158.55%
Appropriation of Fund Balance *	1,000,000	-	186,000	-	186,000	
Total Local Funds	8,959,600	8,189,263	10,305,622	7,110,256	3,195,366	68.99%
County Appropriations (by county):						
Beaufort County	173,599	173,599	173,599	173,599	-	100.00%
Bertie County	49,390	49,390	49,390	49,390	-	100.00%
Camden County			13,976	13,313	663	95.26%
Chowan County			3,200	4,232	(1,032)	132.25%
Craven County	272,629	276,138	274,827	276,638	(1,811)	100.66%
Currituck County			63,100	66,762	(3,662)	105.80%
Dare County			70,000	36,130	33,870	51.61%
Gates County	39,434	37,817	39,434	38,863	571	98.55%
Hertford County	84,390	85,011	84,250	85,277	(1,027)	101.22%
Hyde County			12,700	12,419	281	97.79%
Jones County	31,268	29,079	23,597	23,362	235	99.00%
Martin County			51,842	48,342	3,500	93.25%
Northampton County	81,614	83,614	81,614	83,614	(2,000)	102.45%
Pamlico County	39,194	35,184	35,293	35,907	(614)	101.74%
Pasquotank County			58,300	59,810	(1,510)	102.59%
Perquimans County			16,045	15,804	241	98.50%
Pitt County	747,050	754,752	608,000	606,811	1,189	99.80%
Tyrrell County			10,006	9,906	100	99.00%
Washington County			16,000	16,000	-	100.00%
Total County Funds	1,518,568	1,524,584	1,685,173	1,656,179	28,994	98.28%
Service Management Funds	5,635,408	5,782,980	7,550,143	7,189,228	360,915	95.22%
Service Delivery Funds	23,903,368	24,185,069	42,227,988	41,234,216	993,772	97.65%
All Other State/Federal Funds	2,703,795	2,316,856	1,384,388	1,344,334	40,054	97.11%
Total State and Federal Funds	32,242,571	32,284,905	51,162,519	49,767,778	1,394,741	
TOTAL REVENUE	42,720,739	41,998,752	63,153,314	58,534,213	4,619,101	92.69%
EXPENDITURES:						
Service Management	5,868,542	5,200,598	8,154,986	7,393,979	761,007	90.67%
Directly Provided Services						
Provider Payments	35,492,949	35,028,745	52,319,784	41,052,033	11,267,751	78.46%
All Other	1,359,248	959,796	2,679,044	2,201,723	477,321	82.18%
TOTAL EXPENDITURES	42,720,739	41,189,139	63,153,814	50,647,735	12,506,079	80.20%
CHANGE IN CASH BALANCE		809,613		7,886,478		
Beginning Unrestricted Fund Balance				9,140,358		
Current Estimated Unrestricted Fund Balance and percent of budgeted expenditures	21.40%	9,140,358	31.68%	20,004,516		

* "Appropriation of Fund Balance" represents the Area Program Fund Balance that has been incorporated as part of the Approved Budget. Actual Yr-To-Date should reflect Fund Balance utilized to date and an explanation needs to be provided for the specific uses of fund.

** annualized Revenue percentage less than 90% and Expenditure percentages greater than 110% must be explained on the attachment and submitted with the Fiscal Monitoring Report

2. CURRENT CASH POSITION:

	(1)	(2)	(3)	(4)	(5)	Receivables net of Allowance for Uncollectible Receivables
	30 DAYS	60 DAYS	90 DAYS	OVER 90 DAYS	TOTAL	
Accounts Payable (Accrual Method)		-			\$ 1,791,624	
Account Receivable (Accrual Method)		-			\$ 4,973,893	

Current Cash in Bank 25,814,723

3. SERVICE EXCEPTIONS: (Provided Based on System Capability)

Services authorized but not billed

* We certify (a) this report to contain accurate and complete information, (b) explanations are provided for any expenditure item with an annualized expenditure rate greater than 110% and for any revenue item with an annualized receipt rate of less than 90%, and (c) a copy of this report has been provided to each county manager in the catchment area*.

Area Director _____ date _____ Area Finance Officer _____ date _____ Area Board Chair _____ date _____
CC: County Manager for each county within the catchment area.

**LEGISLATIVE REQUEST - TO INTRODUCE A LOCAL BILL REQUIRING VOTER
IDENTIFICATION PRIOR TO VOTING IN LOCAL ELECTIONS**

WHEREAS, the Craven County Board of Commissioners is aware of the Governor Perdue's veto of legislation requiring voter identification to be presented when voting in local election; and,

WHEREAS, throughout our nation's history fair and free elections have been the benchmarks that sets the United States of America apart from nations around the world. Recently, citizens from many of those nations have been witnessed demanding more freedoms and more accountability from their respective governments. Many times elections are arranged to keep dictators in power or to replace one regime with another that is even more brutal; and,

WHEREAS, given the current political climate throughout our nation, many of our communities are anxious to ensure that one of our most basic and fundamental rights will continue to be protected. That right is being further diminished through illegal registrations, votes by convicted felons who have lost their right to vote, multiple votes by the same individual, and those who reside illegally within the United States. Requiring identification from those who are charting our communities' and nation's future is not unreasonable, and giving notice now will provide many months to allow those individuals to secure the required identification; and,

WHEREAS, some have advised this requirement would place an undue hardship on certain individuals in our communities. Currently, individuals cannot open bank accounts, nor can they send or receive money transactions without proper identification. Many pay their monthly bills with money orders purchased through local retail shops (Money Gram, Western Union, etc.). All of these require proper identification by the federal government to prevent illegal activity and retailers going through annual mandatory training to ensure compliance.

WHEREAS, before the introduction of one-stop voting and same day registration, the deadline to register to vote was 25 days prior to election day. This deadline was intended to give the county boards of election time to complete the administrative tasks required to maintain an accurate voter list by mailing out the legally required verification notices (voter cards) to ensure that registrants' addresses were valid. In turn, county boards are required by law to wait one month for any cards to be returned "undeliverable" if the addresses provided are not valid. The advent of one-stop voting and same day registration has rendered the verification process a nullity, as all elections will have been certified by the time the validation process is completed.

NOW, THEREFORE, BE IT RESOLVED THAT, the Craven County Board of Commissioners respectively requests that those who represent Craven County in the North Carolina General Assembly to introduce a local bill as soon as possible, with said bill being patterned after House Bill 351, "An Act to Restore Confidence in Government by Requiring that Voters Provide Photo Identification Before Voting", a bill which was adopted by both the Senate and House of Representatives and vetoed by the Governor. This bill would require voter identification in order to participate in future Craven County elections.

BE IT FURTHER RESOLVED that copies of this resolution shall be forwarded to Craven County's legislative delegation to the North Carolina General Assembly, and to the North Carolina Association of County Commissioners.

DRAFT

ARTICLE II. COLLECTION- DISPOSAL OF SOLID WASTE OF HOUSEHOLD GARBAGE AND TRASH AT CONVENIENCE CENTERS, AND OF RECYCLABLE SOLID WASTE MATERIAL

Sec. 32-27. Definitions.

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

~~*Compaction station site* means the compaction station site located at Hickman Hill Community on the United States Department of Agriculture, Forest Service land, and any compaction station site hereafter established and constructed by the county and designated by the county board of commissioners as such.~~

Convenience centers means an area designated by the county for receipt of solid waste and specified recyclable solid waste materials.

Disposal means the collection, storage, treatment, utilization, processing or final disposal of solid waste and recyclable solid waste material household garbage and trash.

~~*Disposal and collection facility* means the land, personnel, equipment or other resources used in the collection and disposal of household garbage and trash, including the various sites throughout the county where household garbage and trash collection containers and compaction station sites are situated, whether on public or private land.~~

~~*Household garbage and trash* means putrescible waste material, including animal and vegetable matter, and nonputrescible waste material resulting from private, noncommercial activity, and which is generated in the operation of a private dwelling or household, including, but not limited to, such household items as cans, bottles, paper, paper coverings, cartons, food scraps, clothing, rags and other materials of like or similar nature accumulated as waste and trash in or about a private household, excluding, however, animal offal and carcasses, recognizable industrial byproducts, sewage, human waste, leaves, trees, tree limbs, bushes, ashes, motor vehicle tires, fence wire, logs, poles and posts.~~

~~*Household garbage and trash containers* means the metal boxes of various sizes and colors owned by the county, situated at various locations throughout the county to be used for the purpose of collection of household garbage and trash.~~

~~*Manned site* means any disposal and collection facility or compaction station site where a person is placed by the county for the purpose of regulating the disposal of household garbage and trash, and solid waste coming to such collection facility or compaction station site.~~

Private citizen means any individual removing, disposing and transporting solid waste and recyclable solid waste material household garbage and household trash who does not receive remuneration for the handling of the same.

Recyclable solid waste material means those materials which are capable of being recycled and which would otherwise be processed or disposed of as solid waste. These items include, but are not necessarily limited to, newspaper (with inserts), aluminum cans and aluminum foil products, PETE and HDPE (#1 and #2) plastic containers including natural and pigmented containers such as blue, white and red colored plastics, clear, green and brown glass containers, corrugated cardboard (OCC) steel food cans, steel aerosol cans and steel paint cans.

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

Recycling container means a container provided by the county, a third-party granted a recycling franchise by the county, or their designees, for collection of specified recyclable solid waste materials or any container used by a residence or hand commercial establishment and clearly designated to contain such specified recyclable solid waste materials

Scavenger means any person who enters a convenience center or recycling container disposal and collection facility, compaction station site or household garbage and trash container for the purpose of examining and/or removing any items left therein.

Solid waste means any garbage, trash or other 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, and yard waste. "Solid waste" does not include hazardous waste, sludge, industrial waste managed in a solid waste management facility owned and operated by the generator of the industrial waste for management of that waste, or solid waste from mining or agricultural operations.

(Code 1984, § 13-21; Ord. of 9-1-1981, § I; Amd. 11-xx-11)

Sec. 32-28. Penalties.

(a) Violations of the provisions of this Article or failure to comply with any of its requirements, shall constitute a misdemeanor as provided in N.C.G.S. Section 14-4.

(b) Any act constituting a violation of the provisions of this Article or a failure to comply with any of its requirements, shall also subject the offender to a civil penalty of \$50.00, which includes administrative fees. If the offender fails to correct this violation within ten (10) days after being notified of said violation, the penalty may be recovered in a civil action in the nature of a debt.

(c) This Article may also be enforced by any appropriate equitable action authorized by law, including injunctive relief.

(d) Each day that any violation continues, regardless of the date of notice, shall be considered a separate offense for purposes of the penalties and remedies specified in this section.

(e) Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this Article.

(Code 1984, § 13-22; Ord. of 9-1-1981, § V; Amd. 11-xx-11)

Sec. 32-29. ~~Reserved. Enforcement by sanitation wardens.~~

~~(a) The county manager shall appoint persons to enforce the provisions of this Article. The county manager may employ sufficient personnel to be known as "sanitation wardens" to ensure compliance herewith.~~

~~(b) The provisions of this Article shall be enforced by the inspection of household garbage and trash containers, disposal and collection facilities and any compaction station site and by the observance of those persons who are seen to violate any of the provisions contained herein. The sanitation wardens are empowered to cause a warrant to be issued when in their opinion any of the provisions of this Article have been violated.~~

~~(c) In instances where the sanitation warden determines a first offense violation of this Article has taken place, a written notice or warning citation may be issued by the sanitation warden for each such violation, stating therein the violation found, the date and time of such violation, and the corrective measures to be taken, together with the time in which such correction shall be made, and any further violations will result in a warrant being issued. The warning citation so issued may be delivered by the sanitation warden in person to the violator or mailed by certified mail, return receipt requested, to the person so charged if he cannot be readily found.~~

~~(d) A copy of all such notices and warning citations issued shall be kept in a clearly marked file and shall be available for public inspection during regular business hours.
(Code 1984, § 13-23; Ord. of 9-1-1981, § IV; Amd. 11-xx-11)~~

Sec. 32-30. Scavenging.

~~It shall be unlawful for any person to enter any recycling container once placed curbside, or convenience center household garbage and trash container, disposal and collection facility or compaction station site (except for the purpose of the authorized disposal of disposing of authorized solid waste and recyclable solid waste materials household garbage and trash) and to rummage through the same site or containers for the purpose of scavenging and removing any items left therein.~~

~~(Code 1984, § 13-24; Ord. of 9-1-1981, § III; Amd. 11-xx-11)~~

Sec. 32-31. Convenience centers~~Containers; disposal and collection facilities; compaction station site.~~

~~(a) It shall be unlawful for any person other than a private citizen to use the convenience centers household garbage and trash containers located throughout the county for any purpose.~~

~~(b) It shall be unlawful for any person to dispose of any material at a convenience center in any other way or manner than as directed or authorized ~~place any materials, other than household garbage and trash in the household garbage and trash collection containers at any unmanned site.~~~~

~~(c) Private citizens and municipalities designated by the county commissioners are authorized to utilize any compaction station site and facility located in the county as directed by the compaction station operator.~~

~~(cd) The operator of the convenience center ~~compaction station~~ shall be the sole judge of any type of material left at the convenience center ~~compaction station site~~ for disposal, and it shall be unlawful for any person, including a private citizen, to leave any materials of whatsoever nature at the convenience center ~~compaction station site~~ after being informed and advised by the operator to remove the same; ~~provided, however, any materials and trash not accepted at the compaction station site by the operator and which can be lawfully disposed of under the laws of the state shall be accepted and received at the landfill established in the county.~~~~

~~(e) It shall be unlawful for any person to dispose of household garbage and trash, or any other materials, within 100 feet of a county household garbage and trash container other than inside the container, whether such container is located on public or private property.~~

~~(Code 1984, § 13-25; Ord. of 9-1-1981, § II; Amd. 11-xx-11)~~

Sec. 32-32. Ownership of recyclable solid waste materials.

Recyclable solid waste materials, once deposited in a recycling container and placed curbside, shall become the property of the County or its designee by contract.

(Amd. 11-xx-11)

Secs. 32-33--32-50. Reserved.

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ARTICLE II. DISPOSAL OF SOLID WASTE AT CONVENIENCE CENTERS, AND OF RECYCLABLE SOLID WASTE MATERIAL

Sec. 32-27. Definitions.

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

Convenience centers means an area designated by the county for receipt of solid waste and specified recyclable solid waste materials.

Disposal means the collection, storage, treatment, utilization, processing or final disposal of solid waste and recyclable solid waste material.

Private citizen means any individual removing, disposing and transporting solid waste and recyclable solid waste material who does not receive remuneration for the handling of the same.

Recyclable solid waste material means those materials which are capable of being recycled and which would otherwise be processed or disposed of as solid waste. These items include, but are not necessarily limited to, newspaper (with inserts), aluminum cans and aluminum foil products, PETE and HDPE (#1 and #2) plastic containers including natural and pigmented containers such as blue, white and red colored plastics, clear, green and brown glass containers, corrugated cardboard (OCC) steel food cans, steel aerosol cans and steel paint cans.

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

Recycling container means a container provided by the county, a third-party granted a recycling franchise by the county, or their designees, for collection of specified recyclable solid waste materials or any container used by a residence or hand commercial establishment and clearly designated to contain such specified recyclable solid waste materials

Scavenger means any person who enters a convenience center or recycling container for the purpose of examining and/or removing any items left therein.

Solid waste means any garbage, trash or other 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, and yard waste. "Solid waste" does not include hazardous waste, sludge, industrial waste managed in a solid waste management facility owned and operated by the generator of the industrial waste for management of that waste, or solid waste from mining or agricultural operations.

(Code 1984, § 13-21; Ord. of 9-1-1981, § I; Amd. 11-xx-11)

Sec. 32-28. Penalties.

(a) Violations of the provisions of this Article or failure to comply with any of its requirements, shall constitute a misdemeanor as provided in N.C.G.S. Section 14-4.

(b) Any act constituting a violation of the provisions of this Article or a failure to comply with any of its requirements, shall also subject the offender to a civil penalty of \$50.00, which includes administrative fees. If the offender fails to correct this violation

within ten (10) days after being notified of said violation, the penalty may be recovered in a civil action in the nature of a debt.

(c) This Article may also be enforced by any appropriate equitable action authorized by law, including injunctive relief.

(d) Each day that any violation continues, regardless of the date of notice, shall be considered a separate offense for purposes of the penalties and remedies specified in this section.

(e) Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this Article.

(Code 1984, § 13-22; Ord. of 9-1-1981, § V; Amd. 11-xx-11)

Sec. 32-29. Reserved.

(Code 1984, § 13-23; Ord. of 9-1-1981, § IV; Amd. 11-xx-11)

Sec. 32-30. Scavenging.

It shall be unlawful for any person to enter any recycling container once placed curbside, or convenience center (except for the purpose of the authorized disposal of solid waste and recyclable solid waste materials) and to rummage through the same for the purpose of scavenging and removing any items therein.

(Code 1984, § 13-24; Ord. of 9-1-1981, § III; Amd. 11-xx-11)

Sec. 32-31. Convenience centers.

(a) It shall be unlawful for any person other than a private citizen to use the convenience centers located throughout the county for any purpose.

(b) It shall be unlawful for any person to dispose of any material at a convenience center in any other way or manner than as directed or authorized.

(c) The operator of the convenience center shall be the sole judge of any type of material left at the convenience center for disposal, and it shall be unlawful for any person, including a private citizen, to leave any materials of whatsoever nature at the convenience center after being informed and advised by the operator to remove the same.

(Code 1984, § 13-25; Ord. of 9-1-1981, § II; Amd. 11-xx-11)

Sec. 32-32. Ownership of recyclable solid waste materials.

Recyclable solid waste materials, once deposited in a recycling container and placed curbside, shall become the property of the County or its designee by contract.

(Amd. 11-xx-11)

Secs. 32-33--32-50. Reserved.