

# **MINUTES**

## **City Council Public Works & Utilities Committee**

**Wednesday, November 2, 2022 – 3:30 PM**  
City Council Chambers

Members Present: Maurice Jones, Chair, Council Member  
Mac Morrow, Vice-Chair, Council Member  
Wilson Hooper, City Manager  
Emory Owen, WWTP Director  
Dennis Richardson, WTP Director  
Wesley Shook, Acting Public Works Director

Staff Present: Aaron Winans, WWTP  
Denise Hodsdon, Executive Assistant

### **A. Welcome and Call to Order**

Committee Chair Maurice Jones called the meeting to order at 3:30 pm.

### **B. Certification of Quorum**

Executive Assistant Denise Hodsdon certified that a quorum was present.

### **C. Approval of Minutes from August 9, 2022 Meeting**

Motion by Mr. Morrow, seconded by Mr. Owen to approve the minutes of the August 9, 2022 meeting as presented. The motion carried unanimously.

### **D. Proposed Amendments to Solid Waste Management Ordinance**

Mr. Hooper noted that these are just housekeeping changes to clarify a few things in the ordinance. However, the solid waste industry is changing and in the months to come we will need to have a more detailed conversation about our solid waste collection model, whether it is adequate, whether the fees are adequate, and whether there is a way to do it more efficiently.

Mr. Shook explained the amendments as proposed in the attached copy are recommendations of former Public Works Director David Lutz. He noted that neither he nor the former Director were aware of Section 58-8(e) *Parking of pickup vehicles at private residences* and the recommendation is to remove that section. Mr. Hooper said that other municipalities do that for a fee. He said we may rather have folks dump their miscellaneous things with us in our truck than out on the sidewalk. We

can create a fee that would ensure that we didn't lose money providing that service if we wish to keep that section in the ordinance. It was decided that Staff would come back with more information as to how that work.

Staff will also come back with some clearer language regarding the proposed associated fee increase in Section 58-6(c) for the Committee's review at the next meeting.

#### **E. Wastewater Treatment Plant Upgrades**

Mr. Hooper noted that you have to think about wastewater capacity in two ways: 1) physical capacity – how many gallons the plant can accommodate and treat; and 2) chemical capacity – how effectively the various chemical processes used to treat the wastewater work to bring the treated water to an acceptable standard. In both cases, our plant is reaching the point where, if left alone, it is no longer going to meet the state standard in either area in the foreseeable future. Therefore we need to start planning an upgrade now. It is not to the point of urgency yet, but the process takes 6 to 10 years.

Mr. Hooper explained that State statute requires that once you reach 80% capacity, you have to start planning your upgrade. We were at 75% but have done some things with I&I that brought us down some. However, our consulting engineers are telling us that we need to start being thoughtful about the permits we issue because each one will take us closer to the 80% limit.

Mr. Hooper noted that the purpose of today's presentation is to request permission to start applying our staff resources to working on this project. The first step is to initiate the process described in the statute to contract with an engineer to do a formal evaluation of our future needs which will in turn give us a magnitude of the cost and also help us find funding. Following discussion, there was consensus to move forward.

#### **F. Land Transfer for NCDOT Projects**

Mr. Hooper informed the Committee that the State is asking for us to sell them some of our Wastewater Treatment Plant property to accommodate the Wilson Road roundabout project. There is a possibility that we might need some of that property to expand our plant in the future. He has not signed off on the transfer of property yet as he is waiting for NCDOT to assure us that the road won't interfere with any expansion that we might need to do. He is meeting with them in the next few days and hopefully get some resolution.

NCDOT is also asking for a permanent easement across the pump station property so they can access the base of the bridge they will be building across the field. He said it is not so much the pump station itself, but other underground utilities that might be

in that area, so we want to get some answers from them about whether the easement will prevent us from accessing our own utilities.

The last thing they are asking for is a deed for a right-of-way to extend a cul-de-sac to accommodate the expansion of Oskar Blues. He said that property has no other higher and better use and is of nominal value.

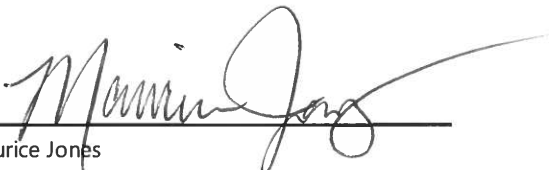
He hopes to get answers from NCDOT next week and bring all of these to Council for approval on November 21<sup>st</sup>.

#### **G. Set Date for Next Meeting**

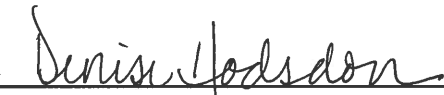
The next meeting of Public Works & Utilities Committee was set for Wednesday, December 7, 2022.

#### **H. Adjourn**

There being no further business, the meeting was adjourned at 4:34 pm.

X   
Maurice Jones  
Chair, Council Member

Minutes Approved: December 7, 2022

X   
Denise Hodsdon  
City Clerk

## Chapter 58 SOLID WASTE MANAGEMENT<sup>1</sup>

### Sec. 58-1. Definitions.

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

*Ashes* means the residue from the burning of wood, coal, coke or other combustible materials.

*Director* means the public works director.

*Garbage* means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

*Refuse* means all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, and solid market and industrial wastes.

*Rubbish* means nonputrescible solid wastes (including ashes) consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, rubble, crockery and similar materials.

(Code 1980, § 17-80)

Cross reference(s)—Definitions generally, § 1-2.

### Sec. 58-2. Management and control of collection services; appeals.

- (a) All garbage and other refuse accumulated in the city shall be collected, conveyed and disposed of by the city under the control of the city manager, and under the supervision of the director of public works. The director shall have the authority to make regulations concerning the days of collection, type and location of waste containers, and such other matters pertaining to the collection, conveyance and disposal as he shall find necessary, and to change and modify the regulations after due notice as required by law, provided such regulations are not contrary to the provisions of law.
- (b) Any person aggrieved by a regulation of, or fee charged by, the director shall have the right of appeal to the city manager, who shall have the authority to confirm, modify or revoke any such regulations or fee.

(Code 1980, § 17-2)

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<sup>1</sup>Cross reference(s)—Burning trash or other material within the fire district, § 30-2; health and sanitation, ch. 38; unlawful deposit of human waste, § 38-42.

State law reference(s)—Authority to regulate garbage and trash, G.S. 160A-303.1; public enterprise for the collection and disposal of solid waste, G.S. 160A-311 et seq.; littering, G.S. 14-399; removal of junk vehicles, G.S. 160A-303, 20-137.6 et seq.

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### **Sec. 58-3. Refuse to be collected only by city; exceptions.**

All refuse accumulated in the city shall be collected, conveyed and disposed of by the city. No person shall collect, convey over any of the streets or alleys of the city, or dispose of any refuse accumulated in the city, except as follows:

- (1) *Actual producers.* This section shall not prohibit the actual producers of refuse, or the owners of premises upon which refuse has accumulated, from personally collecting, conveying and disposing of such refuse, provided such producers or owners comply with the provisions of this chapter and with any other applicable provisions of law.
- (2) *Outside collectors.* This section shall not prohibit collectors of refuse from outside of the city from hauling such refuse over city streets, provided such collectors comply with the provisions of this chapter and with any other applicable provisions of law.

(Code 1980, § 17-81)

### **Sec. 58-4. Separation of different types of refuse.**

Garbage, ~~ashes~~ and rubbish shall each be placed and maintained in separate containers. Rubble, wood, tree trimmings, hedge clippings and similar material shall not be placed with other refuse for routine or regular collection.

(Code 1980, § 17-82)

### **Sec. 58-5. Containers.**

- (a) *Required; maintenance; specifications.* Refuse containers shall be provided by the owner, tenant, lessee or occupant of the premises served and shall be of a type approved by the public works director. Containers shall be maintained in good condition and shall be kept in a clean, neat and sanitary condition at all times. Any container that does not conform to the provisions of this chapter or that may have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof shall be promptly replaced upon notice. The public works director shall have the authority to refuse collection services for failure to comply herewith. City collection personnel shall exercise due care in the handling of containers and the city shall not be liable for any damage to containers resulting from handling the containers unless it can be shown that the personnel were negligent or careless in the handling thereof, and in such cases the liability of the city shall extend only to replacement of the container with one in good condition of like material and capacity. The following types and numbers of containers are prescribed for use in the collection of waste material:
  - (1) *Residential containers.* The standard small container, normally used at residences, shall be made of metal or substantial plastic equipped with suitable handles and tight-fitting covers, shall be watertight and shall have a capacity of not more than 32 gallons. These containers may be used for any waste material, ~~except that ashes may only be placed in metal containers.~~ Care shall be taken to ensure that the weight of the contents shall be such that the container, with contents, can readily be handled by one adult person.
  - (2) *Dumpsters.* Commercial dumpster containers shall be of steel construction, of up to four-cubic-yard capacity and of such design and construction as to facilitate mechanical unloading by collection equipment operated by the city. Sub-grade dumpsters may be **installed** of steel or polyethylene construction **for private hauler service and maintenance**; the public works director may require the

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customer use a private hauler to collect the waste in such dumpsters due to city collection capabilities. Dumpsters may be used for garbage, refuse or rubbish.

- (3) *Disposable containers.* Disposable containers shall be made of either metal, plastic, wood, cardboard or paper, all of which shall be removed with the contents thereof. These containers together with the contents thereof shall be of such weight that they can readily be handled by one adult person and shall be of sufficient strength to withstand failure when being picked up and placed in the collection vehicle.
- (4) *Number of containers.* Residential and noncommercial business customers shall be limited to four standard small containers per dwelling unit or business per collection. If more than four containers are used on a regular basis, the collection fee shall be doubled. For multifamily residential buildings having more than four units, a commercial dumpster container shall be provided in lieu of the standard small containers. Commercial customers requiring more than four standard small containers on a regular basis shall be required to use a commercial dumpster container.
- (b) *Use.* No person shall place any refuse in any street, alley or other public place, or upon any private property, whether or not owned by such person, within the city except in proper containers for collection or under express approval granted by the director; nor shall any person throw or deposit any refuse in any stream or other body of water.
- (c) *Placement.* Refuse containers shall be placed for collection at ground level and directly accessible from the street or alley from which collection is made. Residential refuse containers shall be placed at curbside prior to collection, **no later than 7:30 AM** and shall be removed within reasonable time thereafter. A suitable permanent location, satisfactory to the director, may be established for containers of commercial customers.

(Code 1980, §§ 17-83—17-85; Ord. No. 2021-35 , § 1(Exh. A), 8-16-21)

### **Sec. 58-6. Frequency of collection.**

- (a) Refuse shall be collected **twice once** each week under normal circumstances.
- (b) Hotels, restaurants and such other businesses and institutions as deem it necessary may enter into an agreement for a greater frequency of collection.
- (c) Where necessary to protect the public health, the director shall have the authority to require that more frequent collection be made **with an associated fee increase per the public works director.**

(Code 1980, § 17-86)

### **Sec. 58-7. Refuse quantity.**

- (a) The director shall collect a reasonable accumulation of refuse of each patron during each collection period for the standard charge. The director shall have the authority to refuse to collect unreasonable amounts, or to make additional charges for such amounts.
- (b) Only material placed in approved containers shall be picked up. Refuse placed on the ground or scattered about in the immediate vicinity of the container shall not be picked up unless, in the opinion of the public works director, pickup by city personnel is warranted due to delays in the service or other factors which are strictly the responsibility of the city.

(Code 1980, § 17-87)

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## Sec. 58-8. Special refuse problems.

- (a) *Contagious disease refuse.* The removal of wearing apparel, bedding or other refuse from homes or other places where highly infectious or contagious diseases have prevailed shall be performed under the supervision and direction of the county health department. Such refuse shall not be placed in containers for regular collection.
- (b) *Construction debris; tree limbs, trunks, etc.* Rubbish resulting from any construction, remodeling, wrecking or repair of any building or other real estate improvement shall be removed by the producer of such rubbish, or by the owner of the premises upon which rubbish has accumulated, at his own expense, subject to the provisions of section 58-9. These restrictions shall apply to the removal of limbs, trunks, stumps, etc., of any trees or shrubs removed or trimmed by landscape gardeners, tree surgeons or other parties engaged to carry on such work.
- (c) *Inflammable or explosive refuse.* Highly inflammable or explosive materials shall not be placed in containers for regular collection but shall be disposed of as directed by the director at the expense of the owner or possessor thereof.
- (d) *Free curbside pickup service.* Rubble, wood, tree trimmings, hedge clippings and debris resulting from cleaning of property may be placed at curbside for collection ~~during the first Thursday through Saturday period of each month.~~ The director shall collect a reasonable amount of such rubbish at no charge, but he shall have the authority to refuse to collect heavy or bulky items that cannot be handled readily by two adult persons. It shall be unlawful for any person to place or allow to be placed any tree trimmings or shrubbery trimmings on any street or sidewalk so as to obstruct the free passage of vehicles or pedestrians.
- (e) *Parking of pickup vehicles at private residences.* The city manager or his designee may authorize city vehicles to be parked at private residences to facilitate the collection of brush that would otherwise be collected under other provisions of this section. The city manager is directed to develop a written policy to provide for the implementation of this subsection. The policy is to be kept on file in the office of the city clerk and at the public works department. **Not aware of this policy???? / Remove this section????**

(Code 1980, § 17-88)

## Sec. 58-9. Collection by actual producers and outside collectors.

- (a) *Vehicles.* The actual producers of refuse or the owners of premises upon which refuse is accumulated who desire personally to collect and dispose of such refuse, persons who desire to dispose of waste material not included in the definition of refuse and collectors of refuse from outside of the city who desire to haul over the streets of the city shall use a watertight vehicle provided with a tight cover and so operated as to prevent offensive odors escaping therefrom and refuse from being blown, dropped or spilled.
- (b) *Additional rules and regulations.* The director shall have the authority to make such other reasonable regulations concerning individual collection and disposal, and relating to the hauling of refuse over city streets by outside collectors, as such director may find necessary, subject to the right of appeal as set forth in section 58-2.

(Code 1980, § 17-89)

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## Sec. 58-10. Refuse to become property of city.

Ownership of refuse material set out for collection ~~or deposited on the city dump~~ and delivery to the county landfill shall be vested in the city, and such material shall not be removed from ~~the a city dump collection vehicle~~ except by special permit approved by the city council and issued by the city clerk.

(Code 1980, § 17-90)

## Sec. 58-11. Fees; delinquent accounts.

- (a) *Establishment of fees for the collection and disposal of refuse.* Fees for the collection and disposal of refuse shall be set forth within the schedule of taxes, fees and charges of the annually adopted budget ordinance for the City of Brevard. The specific policies and procedures for the collection of such fees shall be established by the city manager.
- (b) *Applicability of fee.* The appropriate fee for collection and disposal of refuse shall be charged each occupied single, duplex or multifamily dwelling. Businesses which have a contract for refuse collection by a private contractor shall not be required to pay the city fee.
- (c) *Single and duplex family dwellings.* The fee for collection and disposal of refuse placed for collection adjacent to the side of the street or alley from which collection is made shall be as set forth in the schedule of taxes, fees and charges, and shall include the free pickup service provided for in section 58-8(d).
- (d) *Multifamily dwellings.* For each dwelling unit in a multifamily dwelling, i.e., three or more family dwelling units per building, the fee shall be as set forth in the schedule of taxes, fees and charges, provided, however, that this fee shall not include the free pickup service provided for in section 58-8(d). The regular fee provided for in subsection (f) of this section shall be charged for pickup of rubble, wood, tree trimmings, hedge clippings and debris resulting from cleaning of property at multifamily dwellings. Owners of multifamily dwelling buildings shall have the option of using a dumpster container at the regular commercial rate in lieu of individual unit garbage containers.
- (e) *Fee for commercial premises.* The fee for collection and disposal of refuse from nonresidential premises shall be as set forth in the schedule of taxes, fees and charges.
- (f) *Fee for special loads.* The fee for the collection and disposal of special loads of refuse shall be as set forth in the schedule of taxes, fees and charges.
- (g) *Delinquent accounts.* All accounts shall be considered delinquent if not paid by the 20th of the month following the month in which service is rendered. All delinquent accounts are subject to stoppage of service without notice. If the delinquent account is not paid within 30 days, the director shall cease all refuse collection for that account unless otherwise directed by the city manager. Service shall be resumed thereafter only upon payment of the accumulated fees for the period of collection and the period of noncollection unless the city manager specifically directs otherwise. The stoppage of services for nonpayment of collection charges shall be in addition to the right of the city to proceed for the collection of such unpaid charges in any manner provided by law for the collection of a claim of the city.

(Code 1980, § 17-91; Ord. No. 12-2011, § 5(Exh. E), 6-20-11, eff. 7-1-11)