



# Gaston County

Gaston County  
Board of Commissioners  
www.gastongov.com

## County Attorney

## Board Action

File #: 17-348

Commissioner Philbeck - County Attorney - To Amend 2009-391 and Enable Monies Associated with the Voluntary Demolition Program to be Used for Nuisance Abatement Purposes

### STAFF CONTACT

Charles Moore - County Attorney - 704-866-3194

### BUDGET IMPACT

No additional county funds; nuisance abatement activities will be funded by way of an existing program.

### BUDGET ORDINANCE IMPACT

N/A

### BACKGROUND

In 2009, Gaston County passed Resolution 2009-391, creating the Voluntary Demolition Program ("Program"). The Program is funded each fiscal year. The purpose of the Program is for a property owner who owns a derelict or unsafe structure to enable Gaston County to demolish the property. The property is secured by a Deed of Trust and the property owner has the ability to reimburse the County over time for the demolition. The Program has been used several times since its inception.

In an effort to improve and beautify the County, Gaston County Staff is seeking funds to allow the County to abate various nuisances. Examples of such nuisances can include following: tall grass, junked vehicles as defined by County Ordinances, stagnant water, solid wastes, and improperly secured buildings. Currently, Gaston County has no budgetary line item to abate such nuisances, making it difficult to engage in such activities.

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DO NOT TYPE BELOW THIS LINE

I, Donna S. Buff, Clerk to the County Commission, do hereby certify that the above is a true and correct copy of action taken by the Board of Commissioners as follows:

NO.	DATE	M1	M2	Brown	Fraley	Grant	Hovis	Keigher	Philbeck	Worley	Vote
2017-243	10/24/2017	TP	DG	A	A	A	A	A	A	A	U

### DISTRIBUTION:

Laserfiche Users

A=AYE, N=NAY, AB=ABSENT, ABS=ABSTAIN, U=UNANIMOUS

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**Commissioner Philbeck - County Attorney - To Amend 2009-391 and Enable Monies Associated with the Voluntary Demolition Program to be Used for Nuisance Abatement Purposes**  
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Enabling monies associated with the Voluntary Demolition Program to be used for Nuisance Abatement Purposes will provide the County with adequate funding to effectively abate such nuisances. The costs associated with the nuisance abatement will be charged to the property owner in the form of a property tax lien. Ultimately, Gaston County will be reimbursed of the initial expenditures by way of property tax payments by the property owner or tax foreclosure.

Gaston County Staff intends to first use the program to abate tall grass nuisances because it is relatively inexpensive for the County to hire a contractor to abate the nuisance and also because the nuisance can be abated quickly. If successful, Gaston County will expand the program to other types of nuisance properties. In the future, a dedicated line item to cover this expenditure might be established.

**POLICY IMPACT**

Enabling monies for the Voluntary Demolition Program to be used for nuisance abatement purposes should improve and beautify Gaston County.

**ATTACHMENTS**

Resolution 2009-391; Amendment to Voluntary Demolition Program

# GASTON COUNTY BOARD OF COMMISSIONERS BOARD ACTION

## REQUESTED ACTION:

To Consider Adoption of Voluntary Demolition Guidelines

**COMMISSION SPONSOR:** Tracy L. Philbeck

**STAFF CONTACT:** David L. Williams, Planning Director, (866.3473 - david.williams@co.gaston.nc.us)

## **BACKGROUND:**

Pursuant to North Carolina state law, property owners are responsible for the upkeep of their buildings. Several situations have been brought to the county's attention via complaints regarding "unsafe structures" determined to be beyond disrepair, and foreclosing on the property is undesirable. In some cases, the property owner of the structures cannot afford the upfront costs of demolition, however, are willing to volunteer demolition of their structure, and pay the total costs of removal over a period of time. Therefore, as an option to both remove the unsafe structure and provide some relief to a property owner, staff has devised some Demolition Guidelines on a voluntary basis to assist property owners in removal of said structure. The purpose of these Guidelines is not to give a gift to any property owner; rather, it is designed to uphold the integrity of the neighborhood so property values won't be depressed due to one unsafe building. Therefore, staff is requesting approval of these Guidelines, attached, and transfer of funds for this process. If guidelines are approved, in subsequent years, request will be made to the Board of County Commission to consider the appropriation of funds for this Procedure. Final determination to demolish a structure will be based upon criteria stipulated through the Guidelines and availability of funds. These guidelines do not nullify any existing County Minimum Housing Codes, and demolition is strictly on a voluntary basis.


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## **POLICY IMPACT:** \*


**FISCAL IMPACT ANALYSIS:** Funding request each budget year.

Is Item Included in Current Budget? Yes ☐ No ☐ N/A ☒

See Attached Budget Change Request for Recommended Sources of Funds, if Applicable.



Wilson L. Bradley, III  
Finance Director



Bryant Morehead  
Budget Administrator



Recommends Approval  
Jan Winters, County Manager

**ATTACHMENTS:** Guidelines and Budget Change Request

DO NOT TYPE BELOW THIS LINE

I, Martha M. Jordan, Clerk to the County Commission, do hereby certify that the above is a true and correct copy of action taken by the Board of Commissioners as follows:

NO. DATE M1 M2 CARPENTER PHILBECK KEIGHER LOFTIS PRICE TORBETT FRALEY VOTE

2009-391 12/10/2009 JT DL

U

**DISTRIBUTION:** David Williams, Planning/Zoning; DocuWare Users

To Consider Adoption of Voluntary Demolition Guidelines  
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Special note, if the number of delinquent collections or the number of voluntary demolitions exceed our expectations, we will return to the BOC to get an appropriation of fund balance so that both programs do not need to stop for lack of funds.

**\*Policy Impact:** These Guidelines should have a positive impact for the County. First, they are very narrow in that County Staff will examine specific criteria to determine whether or not a property should qualify from this program. It is intended for these guidelines to be used as a last resort, as the County will still prefer the owner to make the necessary repairs

## GASTON COUNTY BUDGET CHANGE REQUEST

TO: Jan Winters COUNTY MANAGER  
4910 Planning & Development Services

FROM: \_\_\_\_\_  
Dept. # Department Name

\_\_\_\_\_  
Department Director's Signature Date

### TYPE OF REQUEST:

☐ Line Item Transfer Within Department & Fund

☐ Line Item Transfer Between Funds \*

☐ Project Transfer Within Department & Fund

☐ Additional Appropriation of Funds \*

☒ Line Item Transfer Between Departments\*

\* Requires resolution by the Board of Commissioners

\_\_\_\_\_  
Resolution # Date

ACCOUNT DESCRIPTION (As it appears in the budget)	ACCOUNT NUMBER	PROJECT	AMOUNT
	Fund - Dept - Subdept - Div - Acct - Subacct xx - xxxx - xxxx - xxxx - xxx - xxx	SUBPROJECT xxxxx - xxxxx	Whole Dollars Only (See Note Below)
Professional Services	10-4140-199-003		(\$10,000)
Professional Services	10-4910-4911-199-000		\$10,000

JUSTIFICATION FOR REQUEST: This budget change is necessary to fund the implementation of the Voluntary Demolition Program.

### APPROVAL SIGNATURES:

 12/14/09  
County Manager/Assistant County Manager Date

\_\_\_\_\_  
Budget Department Date

\_\_\_\_\_  
Finance Department Date

Note: Decreases in expenditures & increases in revenue accounts require brackets. Increases in expenditures & decreases in revenue do not require brackets. Please note that transfers between funds require interfund transfer accounts.

## **GASTON COUNTY** **VOLUNTARY DEMOLITION GUIDELINES**

### **Purpose and Scope:**

In response to neighborhood and community complaints concerning unsafe buildings which are unfit for human habitation and that cannot be repaired due to significant damage to the structure or have not been repaired or demolished due to the lack of means by the owners. Due to the impact that these structures have on neighboring properties and the increase of hazards such as fire, injuries and other calamities or conditions rendering such structures unsafe, dangerous, and detrimental to the health, safety, and welfare of the residents of Gaston County, who reside in proximity to these structures, thus the County proposes the following Guidelines and procedures to assist in the voluntary removal of these structures within the unincorporated zoning jurisdiction of Gaston County and the Extra Territorial Zoning Jurisdiction of municipalities:

- Selection of individuals, serving on the Voluntary Demolition Committee to administer the Guidelines, shall be designated by the County Manager.
- Application of Guidelines may only be used in situations in which there is a financial hardship. The owners of the property must be unable to afford the cost of demolition, and must provide documentation to support such financial hardship.
- Selection and prioritization of eligible structures is determined by the Volunteer Demolition Committee. Selection shall be based on the level of hazard, cost of the demolition, potential benefit to surrounding community and other pertinent factors.
- Initiation of demolition process requires that the Owners and the County sign an agreement which will be memorialized by a Deed of Trust that will be recorded at the Register of Deeds Office. The Deed of Trust will require the costs of the demolition to be paid to the County, in full, within a certain period of time, not to exceed ten (10) years, or when the property is conveyed or transferred by way of testament or intestacy.

These Guidelines will not supersede the statutory process for demolishing unsafe buildings as the County still has the ability to condemn and order unsafe buildings repaired or demolished, and this Voluntary Demolition Process does not prevent the County from exercising such power.

The number of structures that can be demolished under the Voluntary Demolition Process is limited by the cost of removal and available funds.

**GASTON COUNTY**  
**AMENDMENT TO VOLUNTARY DEMOLITION GUIDELINES**

On December 10, 2009, the Gaston County Board of Commissioners adopted Resolution 2009-391 which created the Voluntary Demolition Program as well as a fund to provide monies to implement such program. This Amendment retains the Voluntary Demolition Program, as well as the procedural requirements associated with it, but will allow monies associated with the Program to be used for Nuisance Abatement Purposes. Other than enabling monies for the Voluntary Demolition Program to be used for Nuisance Abatement Purposes, the Voluntary Demolition Program will continue as promulgated in Resolution 2009-319.

The term "Nuisance Abatement Purposes" includes nuisances as established in Section 7-8 of the Gaston County Code of Ordinances and includes, but is not limited, to the following: tall grass, junked vehicles, stagnant water, and solid wastes. The term "Nuisance Abatement Purposes" also includes boarding and securing improperly secured abandoned buildings or demolishing such structures absent a voluntary demolition agreement, provided such building is in violation of Article 18 of Chapter 153A of the North Carolina General Statutes, the State Building Code, or other similar laws or regulations.