Regular Session, April 15, 2013, 7:00 p.m.
Catawba County Board of Commissioners

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The Catawba County Board of Commissioners met in regular session on Monday, April 15, 2013 at 7:00 p.m. in the Robert E. Hibbitts Meeting Room of the 1924 Courthouse, 30 North College Avenue, Newton, North Carolina.

Present were Vice-Chair Barbara G. Beatty and Commissioners Lynn M. Lail, Dan A. Hunsucker and Randy Isenhower. Chair Katherine W. Barnes was absent.

Also present were County Manager J. Thomas Lundy, Assistant County Managers Dewey Harris and Mary Furtado, County Attorney Debra Bechtel and County Clerk Barbara Morris.

1. Vice-Chair Barbara G. Beatty called the meeting to order at 7:00 p.m. Vice-Chair Beatty noted that Chair Katherine W. Barnes was absent due to illness.

2. Commissioner Dan Hunsucker led the Pledge of Allegiance to the Flag.

3. Commissioner Randy Isenhower offered the invocation.

4. Commissioner Hunsucker made a motion to approve the minutes of the Board's Regular Meeting of April 1, 2013.

5. Recognition of Special Guests: Vice-Chair Beatty welcomed all and specifically recognized and welcomed students from the Bandys High School AP Government Class.

6. Public Comments for Items Not on the Agenda: None.

7. Presentation:
Cooperative Extension Director Jeff Carpenter, Agricultural Advisory Board Chair Clarence Hood and Agricultural Advisory Board Member Jeremy Lee presented an overview of a Farm & Food Sustainability Plan and requested the Board accept, as required by a North Carolina Agricultural Development & Farmland Preservation Trust Fund grant, the plan and the responsibility for ensuring implementation of the action items in the plan where lead responsibility has been specifically assigned to County departments or agencies.

Catawba County has a rich tradition of agriculture evidenced by the cow symbol on the County's seal, representing the farming community. The County's settlers came to this area due to an ideal climate and soil conditions which allowed them to raise crops to sustain their families. Today, agriculture in Catawba County generates $52 million in direct economic impact. Indirect economic impacts are even greater. To support this growing segment of the local economy, the County's Agricultural Advisory Board recommended that a Farm & Food Sustainability Plan be developed to identify ways to enhance agriculture and promote local foods. In March 2012, the Board endorsed a 20-member Working Committee to develop the Plan, comprised of individuals representing all phases of the agricultural "life cycle" (production, processing, distribution, preparation, and waste recovery) as well as education/outreach, medical, and food access/hunger relief and policy. `The Plan's main objectives were two-fold: 1) to sustain agricultural land in Catawba County with a focus on agricultural economic development in order to recruit younger farmers and provide tools for farm transitioning, and 2) to ensure local food sustainability by developing a robust "Farm-to-Fork" initiative, where local food producers link up with local food distributors and restaurants to ensure the availability of fresh, locally-produced food within the County.

The Committee began meeting in April 2012, starting with an overview of local agricultural statistics and national trends made possible through a North Carolina Agricultural Development & Farmland Preservation Trust Fund grant. The Committee sponsored a series of community workshops in July 2012. Over 100 people attended these meetings, providing over 800 ideas on encouraging trends, limitations and opportunities relative to enhancing agriculture and promoting local food. Over the next seven months, the Committee met to prioritize feedback received from the meetings, and develop guiding principles, strategies and specific action items. The Committee also identified community organizations that would either lead or serve in a supporting role in implementing the individual action items. Finally, the Committee prioritized each of the action items into short (0-2 years), mid (2-5 years) and long-range (5+ years) timeframes for implementation.

Upon completing the draft recommendations, Committee members reached out to the community organizations tasked with implementing specific action items to discuss the action items and to secure commitment from them for ownership of implementation responsibility. Meetings were conducted with the superintendents of the County's three public school systems, the Catawba Valley Community College president, managers of the County's municipalities, and leadership of the Economic Development Corporation, Chamber of Commerce, Western Piedmont Council of Governments and Farm Bureau. This step helped ensure broad-based community support for the Plan and commitment from those entities to either take the lead or be responsible for assisting in implementing the Plan's recommendations. Just as the Farm & Food Sustainability Working Committee recommended that the Board accept responsibility for ensuring implementation of action items where lead responsibility has been specifically assigned to County departments or agencies, the Working Committee recommends similar consideration and acceptance from the other major partners referenced above and identified in the plan. These conversations are currently underway.

In March 2013, the Working Committee sponsored another series of community meetings for citizens to review the Plan's recommendations and provide additional input. Approximately 40 citizens attended and provided their feedback, which was overall support for the Plan's 66 action items. On April 2, 2013, the Working Committee reviewed the input received and recommended the Plan to the Board of Commissioners for acceptance. In total the Committee members spent over 310 man-hours in meetings alone to develop the Plan recommendations. This figure does not include time spent doing "homework" assignments, outreach to community partners and other preparation work.

Following is a list of the action items where the County will serve in a lead role to implement:

Policy/Regulations:
Short-term (0-2 years):
Prepare public information on qualifying criteria and application process for present-use tax program
Appoint a person with farming/agricultural background to Economic Development Corporation Board
Consider creating a budget line item for agricultural programs
Establish a staff function in Cooperative Extension to promote fruits/vegetables. (This action item is in progress, with recruitment for a Local Foods Advocate position currently underway.)
Mid-range (2-5 years)
Continue to review the County's Unified Development Ordinance to identify amendments that support agriculture and farm-related businesses
Pursue economic development opportunities with municipalities on land served by infrastructure to preserve prime farmland where infrastructure is not available
Evaluate incentives for agri-related building re-use/infill development
Incorporate into an existing utility planning tool a method of evaluating impacts of water and sewer line extension on prime farmland
Continue promotion of opportunities for farmers to participate/partner at the County's Eco-Complex and exploration of opportunities to develop agricultural-support industries
Work with the North Carolina Department of Transportation to address public safety issues in farming communities
Long-term (5+ years)
Prepare agricultural policy and regulatory handbook
Programs
Short-term (0-2 years):
Host demonstration events and classes
Gather information on produce demand by restaurants, institutions, etc. that isn't being met locally
Develop enterprise budgets for growers
Mid-range (2-5 years)
Connect with local healthy initiatives to promote local food consumption and gardening
Provide education on types of equipment and technology needed to produce most promising agricultural enterprises
Establish Good Agricultural Practices, or GAP, certification training
Develop a resource on different tiers of institutions related to expected product standards
Long-term (5+ years)
Establish website containing countywide information including listings of available resources, agri-tourism sites, and composting materials, etc.
Projects
Short-term (0-2 years):
Participate in regional Foothills Aggregation Center Feasibility Study being conducted for Gaston, Lincoln, Cleveland, and Catawba Counties to gauge interest in and demand for the creation of an aggregation center locally. (Aggregation centers assist small- to medium-sized farmers in marketing their products to retailers and institutions by combining the produce from several smaller farmers together to meet higher demand volumes than any individual farmer could meet on his or her own.)
Long-term (5+ years)
Evaluate interest for a value-added commercial kitchen and cannery/freezing facility

Commissioner Lail asked about the proposed representation on the EDC Board and it was clarified that the EDC Board did not want to be restricted to having a certain field representative on its Board but the

wording regarding this representation would be that the Board member had some agricultural background, leaving that to a broad interpretation. Commissioner Lail commended everyone involved for the number of hours committed to this plan and the fantastic end result. Vice-Chair Beatty thanked everyone involved for their hard work. Commissioners Hunsucker and Isenhower joined in this praise. County Manager Lundy thanked both Jeff Carpenter and Assistant Planning Director Mary George for their efforts and also recognized Assistant County Manager Mary Furtado and ICMA Fellow Haley Kadish for their part in the bringing this plan to fruition. Commissioner Lail made a motion to accept this plan and the responsibility for ensuring implementation of the action items in the plan where lead responsibility has been specifically assigned to County departments or agencies. The motion carried unanimously.

8. Public Hearings:

a. Director of Planning, Parks and Development Jacky Eubanks came forward and requested the Board hold a public hearing to receive citizen comments and authorize submission of all necessary documents to close out a Community Development Block Grant (CDBG) 2009 Individual Development Account (IDA) Unifour 1st Time Homebuyer Program Grant. Catawba County received $70,000 in 2009 from the N.C. Department of Commerce, Division of Community Assistance through the CDBG IDA Unifour 1st Time Homebuyer Program grant. Catawba County was the lead entity for this program. The County had no match for this grant. These funds were used for down payment assistance ($1,000 per person) for 30 clients with low to moderate income who were selected from an IDA class and approved to purchase a home. These clients also used Unifour Consortium First-Time Homebuyer Assistance Program Funds of $5,000, available for an existing home, and $7,500, available for a newly constructed home in the greater Hickory Metro area, to purchase their home. The Western Piedmont Council of Governments administered this grant for the County.

All activities have been completed. A total of twelve clients utilized this program in the Greater Hickory Area. Of the twelve clients, ten purchased a home in Catawba County and two in Alexander County. CDBG funds financed the total project costs. The grant paid $10,000 in administrative costs and $42,486.30 in down payment assistance. The County will be de-obligating $17,513.70 of the $70,000 grant. The original grant targeted 30 clients to receive this assistance. The weak economy and budget cuts within USDA, where most of the lending comes from for the purchase of a house, made it difficult for clients to purchase a home.

Vice-Chair Beatty opened the public hearing, noting it had been duly advertised. Hearing and seeing no one wishing to speak, she closed the public hearing. Commissioner Isenhower made a motion to authorize the submission of all necessary documents to close out a Community Develop Block Grant (CDBG) 2009 Individual Development Account (IDA) Unifour 1st Time Homebuyer Program Grant. The motion carried unanimously.

b. Director of Planning, Parks and Development Jacky Eubanks came forward and requested the Board hold a public hearing to receive citizen comments and authorize the submission of all documents necessary to close out the 2012 NC Tomorrow Project Grant. No one came forward to speak during the public hearing. Catawba County received a pass-through $50,000 CDBG Planning Grant from the N.C. Department of Commerce, Division of Community Assistance, in 2012 to serve as the regional lead for the NC Tomorrow Initiative. This CDBG Planning Grant led to the creation of a Comprehensive Economic Development Strategy 2012 for the Hickory Metro Region (Alexander, Burke, Caldwell and Catawba Counties).

The purpose of the project was to work with all communities across North Carolina to build a statewide economic development strategy. The initiative was grounded in the needs of each local community, built up to the regional and statewide level, with the ultimate outcome being a statewide economic development plan. The statewide plan, when completed, will serve as a “blueprint” for growth and community development. Local governments were not required to endorse or approve the plan. The regional plan is available for review on NC Tomorrow’s web site at www.nctomorrow.org. All activities and requirements of the grant have been completed and all of the funds have been expended. The grant paid $5,000 in administrative costs and $45,000 in technical services.

Vice-Chair Beatty opened the public hearing, noting it had been duly advertised. Hearing and seeing no one wishing to speak, she closed the public hearing. Commissioner Isenhower made a motion to authorize the submission of all documents necessary to close out the 2012 NC Tomorrow Project Grant. The motion carried unanimously.

9. Appointments: None.

10. Consent Agenda:
County Manager J. Thomas Lundy presented the following two items on the consent agenda:
a. A request for the Board to delegate authority to Debbie Anderson, Purchasing Manager, to conduct an open meeting concerning preferred alternates for the construction of the new Sherrills Ford Branch Library. North Carolina General Statute 133-3 provides for free and open competition on public contracts. It states that specifications shall contain a performance specification or name at least three brands of equal and equivalent design characteristics; if the owner prefers a particular brand or product or material then such brand shall be bid as an alternate to the three items or equivalent design in the base bid, one of which may be the preferred brand; the specifications for the preferred brand must also identify the performance standards that support the preference; the owner shall publish a notice announcing an open meeting for the presentation of the performance standards; the open meeting may be held separately or in conjunction with the project pre-bid meeting; a designated official of the owner will conduct the meeting, and the justification must either indicate a cost savings or maintain or improve the function of any process or system affected by the preferred product or both.

Staff requested approval for the following preferred alternates: 1) Mohawk Carpet - A finish schedule using Mohawk Carpet products has been developed and approved by the design team as the basis of the conceptual design. The color selection for the carpet is the key to the selection of all interior finishes and a substitute carpet would significantly change the interior design of the project. Mohawk Carpet will help achieve LEED requirements for the project. The carpet is manufactured 213 miles away, which will contribute to receiving a regional materials credit. The carpet is manufactured with 38% pre-consumer recycled content and is recyclable; 2) Corbin Russwin H2 Locksets which are used throughout most County buildings and are therefore a preferred product to maintain consistency; 3) Decorative Window Film - Decorative Window Film by Solar Graphics is requested as a preferred alternate. As with the carpet, the colors available are unique to this manufacturer. Though colored resin panels could be substituted in the application, they cost many times more than what is proposed. Decorative window film will be used outside a youth area to give the appearance of bookends, but will allow eyesight into the space, and 4) High Volume Low Speed Ceiling Fan - A high volume low speed ceiling fan by Delta T Corporation is requested as a preferred alternate. No other high volume low speed ceiling fan manufacturers make products suited to non-industrial applications like libraries, in which this manufacturer has several installations. Use of a non-suited fan would cause comfort problems and could cause significant ceiling re-design.

The preferred alternates will be discussed at a pre-bid conference for this project. As of this date, the proposed timeline is to bid the project in late April 2013. All general contractors will be prequalified and the building should be completed in May 2014.

b. A request for the Board to declare a 2005 John Deere 850J Dozer as surplus and authorize its sale by electronic public auction. The landfill recently purchased a new dozer to replace a 2005 John Deer 850J Dozer as part of an equipment replacement plan. The 850J is eight years old, has over 14,000 hours and is no longer needed to operate the Landfill. North Carolina General Statute 160A-270 allows public agencies to conduct electronic auctions for the sale of real or personal property. When the value is expected to exceed $30,000, an advertisement is required that describes the property to be sold and the electronic address where information to participate in the bidding process may be found. Catawba County has been using GovDeals.com electronic auction service to sell items since August 2003. Landfill equipment is a popular item listed on GovDeals by governmental entities across the United States. GovDeals will assist in advertising the sale and contacting previous bidders for similar equipment. The following resolution applies:

RESOLUTION#

DECLARATION OF SURPLUS PERSONAL PROPERTY AND AUTHORIZING THE SALE BY ELECTRONIC PUBLIC AUCTION

WHEREAS, G.S. 160A-270 allows the Catawba County Board of Commissioners to sell personal property at public auction upon adoption of a resolution authorizing the approval officer to dispose of property at public auction;

WHEREAS, the following property is no longer needed for any governmental use by Catawba County:

2005 John Deere 850J Dozer

WHEREAS, it is the intent of the County to sell the dozer by electronic public auction at www.govdeals.com beginning at 8:00 a.m., April 17, 2013 and ending at 7:00 p.m. May 1, 2013;

WHEREAS, the item to be sold as is, all sales final, payment to be made online;

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners hereby declares said property as surplus and authorizes the Purchasing Manager to sell said property via electronic auction to the highest bidder.

This the 8th day of April, 2013.

Katherine W. Barnes
Chair, Catawba County Board of Commissioners

Vice-Chair Beatty asked if any Commissioner wished to have an item broken out of the consent agenda for consideration. None were requested. Commissioner Lail made a motion to adopt the consent agenda. The motion carried unanimously.

11. Departmental Report:
Emergency Services:
Emergency Services Director Bryan Blanton requested the Board adopt a resolution allowed under North Carolina law entitled "Authority for Rate Limitation in Certain Districts – Alternative Procedure for Fire Protection Districts", which limits the property tax levy to a rate of fifteen cents on each $100 of property valuation for fire protection in proposed fire protection service districts.

As a result of researching an issue regarding how fire taxes were collected, maintained and used, the County Attorney discovered that fire tax districts had been established in a variety of ways between 1960 and 1975. Most districts were created pursuant to North Carolina General Statutes, which involved an election. Of those created through election, some of the fire tax district boundaries cannot be identified because a map or written description could not be located. In other cases, there isn't clear evidence as to how some districts were created. Over the years, working in conjunction with fire departments, staff made recommendations to the Board based on what was believed to be providing the best fire protection to citizens. Because boundaries have changed over the years, there are some areas where fire taxes have been collected without the proper authority and other areas where fire taxes have been collected, but not used in the original fire tax district created by election. No one intentionally created this problem. However, now that the County and fire departments have knowledge of the problem, it is incumbent upon both parties to take corrective action as allowed by State law.

Staff researched the options available to become compliant with State law. There are two options. First, North Carolina General Statute 69-25.11 provides a statutory mechanism to make changes to fire tax districts established by election. According to the University of North Carolina Institute of Government,

"…this procedure can be so complicated as to be almost unusable". Generally, this process involves a petition of two-thirds majority of the property owners of the impacted area(s), approval of a majority of the board of directors of the corporation(s) that provides fire protection for the area, and approval of the Board of Commissioners. The County's situation is further complicated by some specific challenges including no clear evidence as to how some districts were created, some fire tax district boundaries cannot be identified because a map or written description could not be located, and some fire tax districts may have been established or modified without following the requirements of the statutes.

The second option involves the development of County Fire Protection Service Districts. This option is much simpler and immediately brings all districts into compliance with State law. After careful analysis, and with the goal of coming into full compliance with the law, staff recommended the establishment of fourteen individual service districts precisely identical to the current fire response/insurance districts for all unincorporated areas in Catawba County. This would immediately bring all districts into compliance. Citizens would not experience a change in their tax rate nor the service level they receive.
Additionally, this solution produces the same amount of revenue currently generated by the individual fire tax districts, ensuring no department experiences any change in tax base.

Procedurally, implementation of this recommendation requires the following: the Board of Commissioners establishes fourteen service districts pursuant to Article 16 of Chapter 153A of the North Carolina General Statutes; the Board of Commissioners sets the current fire tax rate at $0 in all existing fire tax districts when adopting the upcoming budget; then the Board of Commissioners sets a rate equal to the current fire tax rate for each new service district when adopting the County's Fiscal Year 2013-2014 budget.

With County budget adoption proposed for June 3, 2013, the following proposed timeline provides compliance with the statute for implementation: April 15, 2013-Board of Commissioners adopts a resolution stating that property taxes within a district may not be levied in excess of a rate of fifteen cents on each $100 of property valuation for fire protection. This rate limitation is the same as the current rate limitation of fifteen cents on each $100 of property valuation for fire protection; April 22, 2013-Publish first notice of public hearing; April 29, 2013-Publish second notice of public hearing; May 20, 2013-Board of Commissioners conducts a public hearing and adopts a resolution establishing service districts; June 3, 2013- adoption of FY 2013-14 County budget including setting current fire tax rate to $0 and setting new fire protection service district rates equal to the current fire tax rate.

On March 21, 2013, County Manager Tom Lundy, Emergency Services Director Bryan Blanton and Assistant Emergency Services Director Mark Pettit met with fire chiefs, fire department board of directors' presidents, and city/town managers to discuss this situation and proposed solution. During the meeting, some fire departments requested language be added to fire department contracts specifying that before any fire protection service districts were changed that consultation would take place with the affected fire departments. County Attorney Debra Bechtel and Bryan Blanton met with Kara Millonzi, Associate Professor of Public Law and Government at the UNC School of Government on March 25, 2013. Professor Millonzi said North Carolina law does not allow the Board of Commissioners to contract away its responsibility for making changes to fire protection service districts. However, she affirmed that the County can agree to consult with fire departments prior to any changes being made. Language addressing this will be added to fire department contracts.

Commissioner Isenhower thanked the staff for their work on this issue and made a motion to adopt the resolution allowed under North Carolina law entitled "Authority for Rate Limitation in Certain Districts – Alternative Procedure for Fire Protection Districts", which limits the property tax levy to a rate of fifteen cents on each $100 of property valuation for fire protection in proposed fire protection service districts. The motion carried unanimously. The following resolution applies:

RESOLUTION NO. 2013-

AUTHORITY FOR RATE LIMITATION IN CERTAIN DISTRICTS -
ALTERNATIVE PROCEDURE FOR FIRE PROTECTION SERVICE DISTRICTS

WHEREAS, pursuant to NCGS § 153A-309.2, if a board of commissioners adopts a resolution within 90 days prior to the public hearing required by 153A-302(c) but also prior to the first publication of notice required by NCGS § 153A-309.2(b), and which resolution states that property taxes within a district may not be levied in excess of a rate of fifteen cents ($.15) on each one hundred dollars ($100.00) of property subject to taxation, then property taxes may not be levied in that service district in excess of that rate; and

WHEREAS, the public hearing is scheduled for May 20, 2013.

NOW, THEREFORE BE IT RESOLVED, that pursuant to NCGS § 153A-309.2 property taxes within any fire protection service district pursuant to NCGS § 153A-301(a)(2) may not be levied in excess of a rate of fifteen cents ($.15) on each one hundred dollars ($100.00) of property subject to taxation.

This the 15th day of April, 2013.

12. Other Items of Business:
Section II F of the Fiscal Year 2012-2013 Budget Ordinance states: "Reinventing Departments may create or abolish positions which impact the outcomes approved by the Board of Commissioners and within available revenues upon summary approval of the Board of Commissioners. Approval will come at the next regularly scheduled Board of Commissioners' meeting and will be attached and approved as part of the minutes."

Under this provision of the Budget Ordinance, Social Services is requesting an FTE adjustment to address increased administrative needs due to the volume of work for required notices, subpoenas, and increased court filings of the Department. This work is more than the current .50 FTE (#643-Administrative Assistant I) can handle. Therefore staff is requesting that this position be taken to an .80 FTE to fulfill this mandate.

13. Attorney's Report: None.

14. Manager's Report:
County Manager J. Thomas Lundy requested the Board consider entering into an Agreement for Disposal of Household and Commercial Waste with the City of Newton. Catawba County currently owns and operates both Municipal Solid Waste (MSW) and Construction and Demolition (C&D) landfills. The County is engaged in the enterprise of managing, operating, and maintaining the landfills and managing municipal solid waste, construction and demolition waste, yard waste, household hazardous waste, and waste recyclables, including the disposal of such wastes, within County boundaries. Historically, the County has accepted, managed, and disposed of MSW collected within the municipalities' jurisdictions.

In an effort to maintain the continued, long-term economic health and viability of the County's solid waste management enterprise, the County offered an agreement to the City of Newton for the continued acceptance, management, and disposal of MSW collected within the municipalities' jurisdictions. The agreements are for a period of five years, with a renewal for five additional years. During the term of the agreements, the municipalities agree to bring all household and commercial waste they collect within their municipal limits to the Catawba County Landfill. In return, the County guarantees that current tipping fees will not increase in any one year by more than the Consumer Price Index. The County agrees that, as of the effective date of the Agreement, the total disposal fee is $33 per ton. Of the total fee, $31 is the County's portion and $2 is the State of North Carolina's disposal tax.

The Newton agreement was approved by the Newton City Council on April 2, 2013. Currently, there are signed Solid Waste Disposal Agreements with the Cities of Conover and Hickory and the Town of Long View.

Other caveats of the agreements stipulate that it does not include recyclable materials collected separately either by a municipality or a contractor on behalf of the municipalities. This includes standard recyclables. Both entities agree to explore projects/opportunities which will increase the overall

recycling in the community and/or reduce the cost of recycling. The municipalities have the right to collect single stream waste. Should the municipalities deliver yard waste to the County's Landfill (trees, root balls, limbs, branches, leaves, grass clippings, etc.), the County agrees these materials may be comingled. The municipalities agree that all such materials will be either unbagged or in biodegradable bags. The County agrees to accept and grind all yard waste received from the municipalities. The County agrees to not charge the municipalities any fees for yard waste the municipalities deliver to the County's yard waste site or Landfill. The County further agrees to allow the municipalities to obtain up to, but not more than, 50% by weight of the mulch created from the ground yard waste, for marketing to the municipalities' customers and beautification of the municipalities' properties and to not charge the municipalities any fees for the mulch. Yard waste is defined as being from general landscaping and yard maintenance and does not include land-clearing debris that results from new land development, subdivision projects, new units, etc. The State of North Carolina and the Catawba County Solid Waste Ordinance acknowledge a clear difference between yard waste and land-clearing debris. The County agrees to aggressively pursue policies which are beneficial to the municipalities' strategic objectives, i.e. the economic development fee waiver program of C&D charges for vacant building demolition waste as approved by the Catawba County Economic Development Corporation Board of Directors. The following agreement applies:

STATE OF NORTH CAROLINA
COUNTY OF CATAWBA

AGREEMENT FOR
DISPOSAL OF HOUSEHOLD
AND COMMERCIAL WASTE

THIS AGREEMENT effective the ____ day of _____, 20____ between **CATAWBA COUNTY,** a body politic, corporate in nature, or governmental agency existing by virtue of the laws of the State of North Carolina, having a mailing address of Post Office Box 389, Newton, North Carolina 28658, (hereinafter referred to as "County"); and the **CITY OF NEWTON**, a North Carolina Municipal Corporation having a mailing address of Post Office Box 550, Newton, North Carolina 28658, (hereinafter referred to as "Municipality"), and;

WHEREAS, County and Municipality have the authority pursuant to North Carolina General Statute §153A-445(a)(1) and Article 20, Part 1 of Chapter 160A to take the actions contemplated under this Agreement; and

WHEREAS, County currently owns and operates landfills, and is engaged in the enterprise of managing, operating, and maintaining the landfills and managing Municipal Solid Waste, construction and demolition waste, yard waste, household hazardous waste, and waste recyclables, including the disposal of such wastes, within County boundaries; and

WHEREAS, Municipality is responsible for the collection of solid waste and recyclables within its municipal jurisdiction; and

WHEREAS, County has historically accepted, managed, and disposed of municipal solid waste collected within the Municipality's municipal jurisdiction; and

NOW THEREFORE, the parties agree as follows:

1. Municipality agrees to bring all household and commercial waste it collects within its municipal limits, with no guarantee on the amount of tonnage, to the Catawba County landfill for an initial period of 5 years ending on June 30, 2018. The Agreement shall automatically renew for one additional five (5) year term unless either party notifies the other party in writing sixty (60) days prior to the expiration of the initial term that it does not want to renew the Agreement.

2. Agreement specifically does not include recyclable materials collected separately either by Municipality or by contractor on behalf of Municipality. This includes standard recyclables. Both entities agree to explore projects/opportunities which will increase the overall recycling in the community and or reduce the cost of recycling (joint composting facility etc).

3. Municipality has the right to collect single stream waste.

4. Should Municipality deliver yard waste to County's landfill (trees, root balls, limbs, branches, leaves, grass clippings, etc.), County agrees these materials may be comingled. Municipality agrees all such materials will be either unbagged or in biodegradable bags. County agrees to accept and grind all yard waste received from Municipality. County agrees to not charge Municipality any fees for yard waste Municipality delivers to County's yard waste site or to the Landfill. County further agrees to allow Municipality to obtain up to, but not more than 50% by weight of the mulch created from the ground yard waste for marketing to Municipality's customers and beautification of Municipality's properties and to not charge Municipality any fees for the mulch.

5. County guarantees current tipping fees will not increase in any one year by more than the Consumer Price Index (CPI). The fee change shall be based on the one year change in the CPI All Urban Consumers, U.S. City Average, all items, as published for the month of December of the preceding year. The tipping fee may be adjusted annually effective July 1 each year. County agrees that as of the effective date of this Agreement, the total disposal fee is $33.00 per ton. Of the total fee, $31.00 is County's portion of the fee and $2.00 is the for State of North Carolina fee.

6. County has entered into an agreement with franchisee to provide a single stream recycling facility and to be able to receive single stream recyclables by July 1, 2014.

7. County agrees to aggressively pursue policies which are beneficial to Municipality's strategic objectives, i.e. the economic development fee waiver program of C&D charges for vacant building demolition waste as approved by the Catawba Economic Development Corporation Board of Directors.

8. To the extent allowed by law, County and Municipality shall indemnify, defend and hold harmless each other, their elected officials, agents, representatives and employees from any and all costs, expenses or liabilities including costs, expenses or liabilities to third parties and attorney's fees.

9. All notices required shall be deemed to have been properly served when delivered via Certified United States Mail, Postage Prepaid, Return Receipt Requested to the following:

County	Municipality
County of Catawba	City of Newton
Post Office Box 389	Post Office Box 550
Newton, North Carolina 28658	Newton, North Carolina 28658
Attention: County Manager	Attention: Municipality Manager

10. This Agreement constitutes the entire understanding between the parties and supersedes any prior agreements, whether oral or written, related to the matters contained within this Agreement. Any change or modification of this Agreement must be in writing signed by both parties.

11. This Agreement shall be governed by and interpreted in accordance with the laws of the State of North Carolina.

IN WITNESS WHEREOF, the parties have executed this agreement on the day and year first above written.

b**.** At the request of County Manager J. Thomas Lundy, the Board tentatively scheduled a special meeting on Tuesday, April 23, 2013 at 12:30 p.m. to consider awarding bids for the construction of a parking deck, which is part of the expansion of the Justice Center. This special meeting will take place in the 2nd Floor Meeting Room of the Government Center in Newton. When this meeting is confirmed, the County Clerk will post the required statutory notice.

15. Adjournment. The meeting adjourned at 8:03 p.m.

_____
Katherine W. Barnes, Chair
Catawba County Board of Commissioners

_____
Barbara E. Morris
County Clerk