

**TENTATIVE AGENDA & MEETING NOTICE  
BOARD OF COUNTY COMMISSIONERS**

**TUESDAY, JANUARY 15, 2013  
5:30 P.M.**

**WATAUGA COUNTY ADMINISTRATION BUILDING  
COMMISSIONERS' BOARD ROOM**

TIME	#	TOPIC	PRESENTER	PAGE
5:30	1	CALL REGULAR MEETING TO ORDER		
	2	APPROVAL OF MINUTES: December 3, 2012, Regular Meeting December 3, 2012, Closed Session		1
	3	APPROVAL OF THE JANUARY 15, 2013 AGENDA		13
5:35	4	OUT-OF-STATE TRAVEL REQUEST	SHERIFF HAGAMAN	15
5:40	5	BOARD OF ELECTIONS HELP AMERICA VOTE ACT (HAVA) GRANT APPLICATION REQUEST	MS. STELLA ANDERSON	19
5:45	6	MIDDLE FORK FALLS RESORT HIGH IMPACT LAND USE ORDINANCE VARIANCE REQUEST	MR. STEVE MOBERG	29
5:50	7	PLANNING & INSPECTIONS MATTERS	MR. JOE FURMAN	
		A. North Carolina Department of Transportation (NCDOT) Agreement Requests		
		1. Middle Fork Greenway		41
		2. Brookshire Park & Boone Greenway Connector		65
		B. Public Hearing Request to Allow Citizen Comment on the Implementation of Water Supply Watershed Protection for a Portion of the South Fork New River		89
5:45	8	COMMUNICATIONS & EMERGENCY SERVICES MATTERS	MR. STEVE SUDDERTH	
		A. 2013 Emergency Management Performance Grant Program Participation Request		101
		B. Communications Tower Use Request		117
5:50	9	TAX MATTERS	MR. LARRY WARREN	
		A. Monthly Collections		119
		B. Refunds & Releases		121
5:55	10	BID AWARD REQUEST FOR USDA DATA ROOM PROJECT	MR. ROBERT MARSH	143
6:00	11	BUDGET AMENDMENTS	MS. MARGARET PIERCE	147
6:05	12	MISCELLANEOUS ADMINISTRATIVE MATTERS	MR. DERON GEOUQUE	
		A. Natural Gas Easement Request		149
		B. Boards & Commissions		155
		C. Announcements		161
6:10	13	PUBLIC COMMENT		168
7:10	14	BREAK		168

TIME	#	TOPIC	PRESENTER	PAGE
7:15	15	CLOSED SESSION Attorney/Client Matters – G. S. 143-318.11(a)(3) Personnel Matters – G. S. 143-318.11(a)(6)		168
7:30	16	POSSIBLE ACTION AFTER CLOSED SESSION		168
	17	ADJOURN		

**AGENDA ITEM 2:**

**APPROVAL OF MINUTES:**

December 3, 2012, Regular Meeting

December 3, 2012, Closed Session

**DRAFT****MINUTES****WATAUGA COUNTY BOARD OF COMMISSIONERS  
TUESDAY, DECEMBER 3, 2012**

The Watauga County Board of Commissioners held a regular meeting on Monday, December 3, 2012, at 8:00 A.M. in the Commissioners' Board Room of the Watauga County Administration Building, Boone, North Carolina.

**PRESENT:** David Blust, Commissioner  
Jim Deal, Commissioner  
Tim Futrelle, Commissioner  
Stacy C. Eggers, IV, County Attorney  
Deron Geouque, County Manager  
Anita J. Fogle, Clerk to the Board

*[Clerk's Note: Chairman Miller and Vice-Chairman Gable were both unable to attend due to previous obligations.]*

County Attorney Eggers stated that any Commissioner could call the meeting to order.

Commissioner Deal called the meeting to order at 8:02 A.M.

Commissioner Deal, seconded by Commissioner Blust, moved to appoint Commissioner Futrelle to serve as Chairman in the absence of Chairman Miller and Vice-Chairman Gable.

VOTE: Aye-3(Futrelle, Blust, Deal)  
Nay-0  
Absent-2(Miller, Gable)

**APPROVAL OF MINUTES**

Chairman Futrelle called for additions and/or corrections to the November 13, 2012, regular meeting and closed session minutes.

The Clerk distributed a correction for the November 13, 2012, closed session minutes for review by the Board.

Commissioner Deal, seconded by Commissioner Blust, moved to approve the November 13, 2012, regular meeting minutes as presented.

VOTE: Aye-3(Futrelle, Blust, Deal)  
Nay-0  
Absent-2(Miller, Gable)

Commissioner Deal, seconded by Commissioner Blust, moved to approve the November 13, 2012, closed session meeting minutes as amended.

VOTE: Aye-3(Futrelle, Blust, Deal)  
Nay-0  
Absent-2(Miller, Gable)

**RECESS UNTIL 5:30 P.M.**

Chairman Futrelle recessed the meeting until 5:30 P.M. to allow for newly elected Commissioners Billy Kennedy, John Welch, and Perry Yates to take their oath of office at a separate ceremony which was held in the Commissioners' Board Room at 4:30 P.M.

**RECONVENE**

The meeting reconvened at 5:30 P.M. in the Commissioners' Board Room with Commissioners Blust, Kennedy, Miller, Welch, and Yates present.

**BOARD ORGANIZATIONAL MATTERS**

The meeting was turned over to County Manager Geouque for the election of the Chairman of the Watauga County Board of Commissioners.

***A. Election of Officers***

County Manager Geouque called for nominations for Chairman of the Watauga County Board of Commissioners.

Commissioner Blust, seconded by Commissioner Yates, moved to nominate Commissioner Miller for Chairman.

VOTE: Aye-5  
Nay-0

The meeting was then turned over to Chairman Miller.

Chairman Miller called for nominations for Vice-Chairman of the Watauga County Board of Commissioners.

Commissioner Kennedy, seconded by Commissioner Welch, moved to nominate Commissioner Welch for Vice-Chairman.

VOTE: Aye-2(Kennedy, Welch)  
Nay-3(Miller, Blust, Yates)

Commissioner Yates, seconded by Chairman Miller, moved to appoint Commissioner Blust as Vice-Chairman.

VOTE: Aye-4(Miller, Blust, Kennedy, Yates)  
Nay-1(Welch)

*[Clerk’s Note: As recorded later in the minutes, Commissioner Welch amended his vote supporting the appointment of Commissioner Blust as Vice-Chairman.]*

**B. Staff Appointments**

Commissioner Yates, seconded by Vice-Chairman Blust, moved to re-appoint Deron Geouque as the County Manager.

VOTE: Aye-5  
Nay-0

Vice-Chairman Blust, seconded by Commissioner Kennedy, moved to re-appoint Anita Fogle as Clerk to the Board.

VOTE: Aye-5  
Nay-0

Vice-Chairman Blust, seconded by Commissioner Kennedy, moved to re-appoint Monica Harrison and appoint Tammy Adams as Substitute Clerks to the Board.

VOTE: Aye-5  
Nay-0

Vice Chairman Blust, seconded by Commissioner Yates, moved to appoint Eggers, Eggers, Eggers, and Eggers as the Law Firm representing Watauga County as legal counsel for Watauga County including the Watauga County Department of Social Services and their Child Support Enforcement Offices.

VOTE: Aye-5  
Nay-0

**C. Fidelity Bonds.**

The following individual fidelity bonds were presented for approval:

<u>Position</u>	<u>Bond Amount</u>	<u>Statutory Requirement</u>
Finance Director	\$50,000	No less than \$50,000, per NCGS 159-29
Deputy Finance Director (County Manager)	\$50,000	
Tax Collector	\$50,000	Amount considered reasonable by BCC, NCGS 105-349-c
Register of Deeds	\$50,000	At least \$10,000 but no more than \$50,000, NCGS 161-4
Sheriff	\$25,000	Amount considered reasonable by BCC, but no more than \$25,000 max, NCGS 162-8

Vice-Chairman Blust, seconded by Commissioner Welch, moved to approve the individual fidelity bonds as presented.

VOTE: Aye-5  
Nay-0

***D. Commissioner Boards & Commissions Appointments***

The following Commissioner Board appointments were made by Chairman Miller:

Appalachian District Health Department	Yates
AppalCART Authority	Blust
Blue Ridge Resource Conservation & Development Area	Blust
Caldwell Community College & Technical Institute	
Watauga Advisory Board	Welch
Children's Council/Child Protection Team	Kennedy
Committee of 100	Blust
Criminal Justice Partnership Program	Miller
Economic Development Commission	Yates
Educational Planning Committee (2 appointees)	Welch
EMS Advisory Committee	Kennedy
Future Forward	Blust
High Country Council of Governments – Executive Board	Miller
Northwest Advisory Council of Advantage West	
Rural Transportation Advisory Committee	
Juvenile Crime Prevention Council	Welch
Library Board	Kennedy
Motor Vehicle Valuation Review Committee	Welch
New River Service Authority Board	Miller
Smoky Mountain LME (Mental Health)	Kennedy
POA Advisory Committee (Home & Community Care Block Grant)	Kennedy
Watauga County Cooperative Extension's Advisory Leadership Board	Yates
Watauga County Fire Commission	Yates
Watauga County Medical Center Board of Trustees	Miller
Watauga County Personnel Advisory Committee	Miller
Watauga County Recreation Commission	Welch
Watauga County Department of Social Services	Miller
Watauga Opportunities, Inc.	Blust
Workforce Development Consortium	Chairman

Commissioner Yates, seconded by Vice-Chairman Blust, moved to accept the appointments as made by Chairman Miller

VOTE: Aye-5  
Nay-0

Commissioner Welch, seconded by Vice-Chairman Blust, moved to appoint Commissioner Kennedy as the Commissioner Liaison to the Sheriff's Office.

VOTE: Aye-5  
Nay-0

Chairman Miller tabled Commissioner appointments to both the Watauga County Planning Board and the Boone Rural Fire Protection Service District until a future meeting.

### ***E. Meeting Schedule***

County Manager Geouque stated that the Board of Commissioners' regular meetings were currently scheduled for the first Tuesday of each month at 8:00 A.M. and the third Tuesday of each month at 5:30 P.M.

After brief discussion, Commissioner Yates, seconded by Commissioner Kennedy, moved to set the regular meeting schedule for the Watauga County Board of Commissioners as follows: the first Tuesday of each month at 8:30 A.M. and the third Tuesday of each month at 5:30 P.M.

VOTE: Aye-5  
Nay-0

Chairman Miller called upon Commissioner Yates to open the meeting with a prayer and Commissioner Welch to lead the Pledge of Allegiance.

### **APPROVAL OF AGENDA**

Chairman Miller called for additions and/or corrections to the December 3, 2012, agenda.

Commissioner Kennedy, seconded by Commissioner Welch, moved to approve the December 3, 2012, agenda as presented.

VOTE: Aye-5  
Nay-0

### **PROPOSED BEGINNER MOUNTAIN BIKE TRAIL**

Mr. Eric Woolridge, Watauga County Tourism Development Authority (TDA) Planner, presented a proposed beginner mountain bike trail to be potentially located at the Brookshire Park Complex. The proposed project was intended to compliment the mountain bike trail system at nearby Rocky Knob Park by offering a beginner level facility.

Plans included applying for grant funds, in the amount of \$10,000, from the NC Adopt-a-Trail Program. The Boone Area Cyclists and Watauga County Pathways were providing additional funds for the project.

County Manager Geouque stated that the Watauga County Housing Trust had expressed interest in the property being considered as a location for workforce housing.

Mr. Woolridge stated that he planned to present the proposal to the Recreation Commission in December for comments and then return to the Board of Commissioners in January for further discussion and possible submission of the grant.



## **VALLE CRUCIS TRAIL PROJECT**

Mr. Woolridge stated that the TDA had not yet approved or committed funding to a trail project in the Valle Crucis area but had granted him permission to work on the project. The purpose of the trail was to provide a safer walking environment in Valle Crucis and to promote interconnection to commercial businesses, the school, and park facilities.

Mr. Woolridge stated that Watauga County Pathways (WCP), Valle Crucis Community Council, Valle Crucis Park, and Mast General Store had partnered to construct the trail. WCP submitted an application to the North Carolina Recreation Trails Program Grant for \$200,000 which required a \$50,000 match. If awarded, WCP planned to use the donated easements from Valle Crucis Community Council, Valle Crucis Park, and Mast General Store to satisfy the \$50,000 match.

Local government support was required including a public hearing and endorsement by the Board of Commissioners. Mr. Woolridge also requested the County hold the trail easements as was done with the Middle Fork Greenway easements.

After discussion, Commissioner Yates, seconded by Commissioner Welch, moved to schedule a public hearing at 6:00 P.M. on Tuesday, January 15, 2013, to allow citizen comment on the proposed Valle Crucis Trail project.

VOTE: Aye-5  
Nay-0

## **REGISTER OF DEEDS' 2012 RECORDS RETENTION AND DISPOSITION SCHEDULE**

Ms. JoAnn Townsend, Register of Deeds, presented the recently updated Register of Deeds' Records Retention and Disposition Schedule from the North Carolina Department of Cultural Resources. Ms. Townsend stated this update allowed each County to set an administrative value time limit for various documents throughout the Schedule.

After discussion, Vice-Chairman Blust, seconded by Commissioner Welch, moved to adopt the Register of Deeds' 2012 Records Retention and Disposition Schedule and set the administrative value as ending in 1 day with discretion left to the Register of Deeds to keep documents longer than the schedule required.

VOTE: Aye-4(Blust, Kennedy, Welch, Yates)  
Nay-1(Miller)

## **TAX MATTERS**

### ***A. Monthly Collections Report***

Interim Tax Administrator Larry Warren presented the Tax Collections Report for the month of November 2012. This report was presented for information only and, therefore, no action was required.

**B. Refunds and Releases**

Mr. Warren presented the following Refunds and Releases for November 2012 for Board approval:

TO BE TYPED IN MINUTE BOOK

Vice-Chairman Blust, seconded by Commissioner Kennedy, moved to approve the Refunds and Releases Report for November 2012, as presented.

VOTE: Aye-5  
Nay-0

**BUDGET AMENDMENTS**

Ms. Margaret Pierce, Finance Director, reviewed the following budget amendments:

Account #	Description	Debit	Credit
103586-332000	Home & Community Care Block Grant (H&CCBG)		\$742
105550-429200	POA Program Supplies	\$742	

The amendment recognized a grant award for an additional allocation received from the High Country Area Agency on Aging. The County match of \$82 was present in the Project on Aging budget.

Account #	Description	Debit	Credit
103300-349909	NC Lottery Funds		\$79,400
105911-470001	Carpet/Tile Replacements	\$38,400	
105911-470005	Cafeteria Upgrades	\$21,000	
105911-470011	Green Valley Restroom Renovations	\$10,000	
105911-470012	Blowing Rock Drop Ceilings	\$10,000	

The amendment recognized the award of the NC Lottery funds applied for by the Watauga County Board of Education and approved by the NC DPI on October 12, 2012.

Vice-Chairman Blust, seconded by Commissioner Welch, moved to approve the budget amendments as presented.

VOTE: Aye-5  
Nay-0

**PROPOSED PERFORMANCE GUARANTEE**

Mr. Furman presented a subdivision performance guarantee for Southeast LandCo Acquisition Fund/Reynolds Capital Group in the form of a certified check in the amount of \$244,200. The subdivision performance guarantee was for 1700 feet of road construction for Section 15 of Blue Ridge Mountain Club and would allow a final plat to be recorded and lots conveyed. The plat was approved by staff, contingent upon the Board of Commissioners' approval. This request was made pursuant to Section 92 of Watauga County's "Ordinance To Govern Subdivisions and Multi Unit Structures."

Commissioner Kennedy, seconded by Vice-Chairman Blust, moved to approve the performance guarantee and set a two (2) year time limit for the road construction to be completed.

VOTE: Aye-5  
Nay-0

## **MISCELLANEOUS ADMINISTRATIVE MATTERS**

### ***A. Appointment of Personnel Advisory Board Member***

County Manager Geouque stated that the Watauga County Personnel Ordinance established a Personnel Advisory Committee which was comprised of five (5) persons designated by the Board, authorized to hear employee grievances, and recommend decisions to the appointing authority. The Committee was to consist of one (1) Commissioner, one (1) department head and three (3) non-supervisory regular employees. Current members of the Personnel Advisory Committee are as follows:

<b><u>Employee</u></b>	<b><u>Position</u></b>
Angie Boitnotte	Department Head
Stephen Moody	Regular Employee
Brent Graybeal	Regular Employee
Amy Parsons	Regular Employee
Nathan Miller	County Commissioner
Rickey Lee	Alternate Member

County Manager Geouque stated that Mr. Brent Graybeal was no longer employed with the County and staff recommended John Spear to fill his vacancy.

Vice-Chairman Blust, seconded by Commissioner Yates, moved to appoint John Spear and reappoint Angie Boitnotte, Stephen Moody, Amy Parsons, and Nathan Miller as members and Rickey Lee as an alternate member to the Personnel Advisory Board.

VOTE: Aye-5  
Nay-0

### ***B. Announcements***

County Manger Geouque announced the following:

- The Annual County Christmas Luncheon will be held at Dan'l Boone Inn on Tuesday, December 11, 2012, from 12:00 to 2:00 P.M.
- Watauga County Library invites the Board to their Staff Appreciation Luncheon on Wednesday, December 12, 2012, at 11:30 A.M.

- The Clerk of Court, Register of Deeds, and Tax Department invites you to attend their Annual Christmas Celebration on Friday, December 14, 2012, from 11:00 AM to 2:00 PM.
- The NCACC Legislative Goals Conference will be held January 24-25, 2013, in Durham. The NCACC also requests that any counties attending the Conference appoint a voting delegate to represent the member counties. The County Manager stated that the appointment of the voting delegate was due by January 11, 2013. An appointment was not made.
- The UNC School of Government and the North Carolina Association of County Commissioners (NCACC) jointly hold a two-day orientation to county government in four locations across the state. This program is for newly elected officials, veteran elected officials and managers.
- County Manager Geouque stated that the Board had cancelled its first meeting in January due to it falling on a holiday.

Discussion was held regarding the second meeting in December. If cancelled then the next regularly scheduled meeting would be the January 15, 2013, meeting which would begin at 5:30 P.M.

Vice-Chairman Blust, seconded by Chairman Miller, moved to cancel the second meeting in December.

VOTE: Aye-5  
Nay-0

### **PUBLIC COMMENT**

Mr. Gayle Henson shared that he was writing a book regarding his years of observation of the Board of Commissioners.

Ms. Margaret Buck stated that she was new to the area and shared concerns regarding recreational trails in the area.

### **COMMISSIONER COMMENTS/ACTIONS**

Commissioner Welch, seconded by Commissioner Yates, moved to amend his earlier vote for Vice-Chairman in support of Commissioner Blust.

VOTE: Aye-5  
Nay-0

Commissioner Yates, seconded by Commissioner Welch, moved to amend the agenda to include possible action after closed session.

VOTE: Aye-5  
Nay-0

**CLOSED SESSION**

At 7:05 P.M., Vice-Chairman Blust, seconded by Commissioner Yates, moved to enter Closed Session to discuss Attorney/Client Matters, per G. S. 143-318.11(a)(3) and Personnel Matters, per G. S. 143-318.11(a)(6).

VOTE: Aye-5  
Nay-0

Commissioner Yates, seconded by Vice-Chairman Blust, moved to resume the open meeting at 8:18 P.M.

VOTE: Aye-5  
Nay-0

**ACTION AFTER CLOSED SESSION - APPOINTMENT OF TAX ADMINISTRATOR**

Chairman Miller stated that interviews were conducted for the position of Tax Administrator by himself, County Manager Geouque, and Ms. Angie Boitnotte, Director of the Project on Aging. The interview committee recommended the appointment of Mr. Larry Warren to the position of Watauga County Tax Administrator with an annual salary of \$70,000.

Commissioner Yates, seconded by Vice-Chairman Blust, moved to appoint Mr. Larry Warren as the Watauga County Tax Administrator effective December 4, 2012, and to set Mr. Warren's annual salary at \$70,000.

VOTE: Aye-5  
Nay-0

**ADJOURN**

Commissioner Kennedy, seconded by Commissioner Yates, moved to adjourn the meeting at 8:20 P.M.

VOTE: Aye-5  
Nay-0

\_\_\_\_\_  
Nathan A. Miller, Chairman

ATTEST:

\_\_\_\_\_  
Anita J. Fogle, Clerk to the Board

Blank Page

**AGENDA ITEM 3:**

**APPROVAL OF THE JANUARY 15, 2013, AGENDA**

Blank Page



**AGENDA ITEM 4:**

**OUT-OF-STATE TRAVEL REQUEST**

**MANAGER'S COMMENTS:**

The Sheriff serves on the National Sheriff's Association Homeland Security Committee. The committee meets on January 30, 2013 in Washington DC. The Sheriff is requesting to travel to the meeting. Non-essential out-of-state travel is required to be approved by the Board.

Staff seeks direction from the Board.

**From:** Deron.Geouque  
**Sent:** Wednesday, January 09, 2013 2:08 PM  
**To:** Anita.Fogle  
**Subject:** FW: National Sheriffs' Association - Homeland Security Committee

Deron Geouque  
Watauga County Manager  
814 West King Street  
Boone, NC 28607  
(P) 828-265-8000  
(F) 828-264-3230  
Email [Deron.Geouque@watgov.org](mailto:Deron.Geouque@watgov.org)

-----Original Message-----

From: Len.Hagaman  
Sent: Friday, December 28, 2012 10:55 AM  
To: Deron.Geouque  
Subject: FW: National Sheriffs' Association - Homeland Security Committee

Deron,

As you know, I was appointed to this committee several years ago (upon the recommendation of former Catawba Sheriff David Huffman - who, by the way is a Reserve Officer with the WCSO) and serve with current Catawba County Sheriff Coy Reid. I am requesting out of state travel for this event. I would be responsible for the lodging and meals.

LDH

-----Original Message-----

From: [Sheriff.Stanek@co.hennepin.mn.us](mailto:Sheriff.Stanek@co.hennepin.mn.us) [<mailto:Sheriff.Stanek@co.hennepin.mn.us>]  
Sent: Friday, December 28, 2012 9:50 AM  
To: [ldbaca@lasd.org](mailto:ldbaca@lasd.org); [laurie.bennett@ic.fbi.gov](mailto:laurie.bennett@ic.fbi.gov); [thomas.bowler@sdb.state.ma.us](mailto:thomas.bowler@sdb.state.ma.us); [jbutterworth@dps.state.oh.us](mailto:jbutterworth@dps.state.oh.us); [sheriff@ci.galesburg.il.us](mailto:sheriff@ci.galesburg.il.us); [lcolwell@pegasusprogram.us](mailto:lcolwell@pegasusprogram.us); [mcurran@lakecountyil.gov](mailto:mcurran@lakecountyil.gov); [jerry.demings@ocfl.net](mailto:jerry.demings@ocfl.net); [timothy.dunning@douglascounty-ne.gov](mailto:timothy.dunning@douglascounty-ne.gov); [rjfisher@baltimorecountymd.gov](mailto:rjfisher@baltimorecountymd.gov); [pfitzgerald@storycounty.com](mailto:pfitzgerald@storycounty.com); [kglantz@ndpci.us](mailto:kglantz@ndpci.us); [dgoad78@gmail.com](mailto:dgoad78@gmail.com); Len.Hagaman; [haskell@sweet.wy.us](mailto:haskell@sweet.wy.us); [larrykopko@atlanticbb.net](mailto:larrykopko@atlanticbb.net); [mlandahl@frederickcountymd.gov](mailto:mlandahl@frederickcountymd.gov); [chet.lunner@gmail.com](mailto:chet.lunner@gmail.com); [gmaha@co.genesee.ny.us](mailto:gmaha@co.genesee.ny.us); [mcginnj@co.delaware.pa.us](mailto:mcginnj@co.delaware.pa.us); [pdm\\_consulting@wbhsi.net](mailto:pdm_consulting@wbhsi.net); [leopmcguire@gmail.com](mailto:leopmcguire@gmail.com); [mmilstead@minnehahacounty.org](mailto:mmilstead@minnehahacounty.org); [andy.mitchell@dhs.gov](mailto:andy.mitchell@dhs.gov); [newell@newellnormand.com](mailto:newell@newellnormand.com); [Daryl.Reece@jocogov.org](mailto:Daryl.Reece@jocogov.org); [coy@catawbacountync.gov](mailto:coy@catawbacountync.gov); [dbriley@cabarruscounty.us](mailto:dbriley@cabarruscounty.us); [Jack.Serpas@Securitasinc.com](mailto:Jack.Serpas@Securitasinc.com); [sheriff@tcsoal.org](mailto:sheriff@tcsoal.org); [jimtr.ucso@state.ut.us](mailto:jimtr.ucso@state.ut.us); [jeffcorr@bellsouth.net](mailto:jeffcorr@bellsouth.net); [john.walsh@vanderbilt.edu](mailto:john.walsh@vanderbilt.edu); [mwasylshyn@co.wood.oh.us](mailto:mwasylshyn@co.wood.oh.us); [jeff.wigington@rockdalecounty.org](mailto:jeff.wigington@rockdalecounty.org); [swilliams@ncbrt.lsu.edu](mailto:swilliams@ncbrt.lsu.edu)  
Cc: [Sandra.Westerman@co.hennepin.mn.us](mailto:Sandra.Westerman@co.hennepin.mn.us); [scrow@sheriffs.org](mailto:scrow@sheriffs.org)  
Subject: National Sheriffs' Association - Homeland Security Committee

Members of the National Sheriffs' Association Homeland Security Committee,

Thank you for agreeing to serve this year on the NSA Homeland Security Committee. As you know, we have a meeting coming up in Washington, D.C. scheduled for Wednesday, January 30, 9 a.m. - 2p.m. at the JW Marriott Hotel.

We are in the process of putting together an agenda, and I wanted to reach out to you to see if there are any specific items or topics you would like us to include on the agenda.

Please provide me or Susan Crow, our committee staff liaison, your feedback no later than January 4 to ensure we have plenty of time to coordinate.

I look forward to our meeting in a few weeks.

If you have any questions, do not hesitate to contact me.

Thank you.

Sheriff Rich Stanek  
Hennepin County, MN  
Chair, Homeland Security Committee  
National Sheriffs' Association  
612.348.2347

Disclaimer: Information in this message or an attachment may be government data and thereby subject to the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13, may be subject to attorney-client or work product privilege, may be confidential, privileged, proprietary, or otherwise protected, and the unauthorized review, copying, retransmission, or other use or disclosure of the information is strictly prohibited. If you are not the intended recipient of this message, please immediately notify the sender of the transmission error and then promptly delete this message from your computer system.

Blank Page

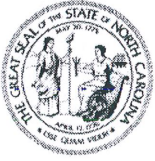
**AGENDA ITEM 5:**

**BOARD OF ELECTIONS HELP AMERICA VOTE ACT (HAVA) GRANT APPLICATION REQUEST**

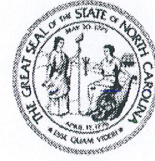
**MANAGER'S COMMENTS:**

Ms. Stella Anderson, Watauga County Board of Elections Chair, will present a grant request for the 2012 Second Primary and General Election coding costs. The grant would reimburse the County the \$5,767.94 that was spent for the coding and layout of the ballots for the 2012 Second Primary and General Election.

Staff requests the Board authorize the submittal of the grant application for reimbursement costs in the amount of \$5,767.94 for coding and layout of the ballots for the 2012 Second Primary and General Election.



## North Carolina State Board of Elections



### 2012 Second Primary and 2012 General Election Coding Grant Application Guidelines

The purpose of this application is to set forth the requirements that must be met by each county seeking use of Help America Vote Act (HAVA) funding to be used for the reimbursement of the 2012 Second Primary Election and the 2012 General Election coding costs.

The North Carolina State Board of Elections has approved payment of Coding Grants to counties. These funds will be distributed to the counties based on submission of grant applications and availability of funds. The guidelines and stipulations below must be followed. All funding and expenditures will be subject to federal and state audits. The source of this one-time grant is Title I HAVA funds.

#### **The funds are to be used to:**

Reimburse the counties for the costs of election coding (coding, layout, audio) for the July 17, 2012 Second Primary Election and the November 6, 2012 General Election.

#### **Guidelines:**

1. Each County Board of Elections is required to complete the County Coding Grant Application Form if they desire these funds. The form may be sent electronically and should be e-mailed to the attention of Neil Baddour at [neil.baddour@ncsbe.gov](mailto:neil.baddour@ncsbe.gov).
2. The attached federal and state guidelines for receiving HAVA funds must be followed.
3. After SBE has received, reviewed and approved the completed Coding Grant Application, eligible counties will be sent a reimbursement check.
4. This application must be received by January 31, 2013.

## ATTACHMENT #1

*Audit rules specified in Section 902 of HAVA:*

42 USC § 15542 (SEC. 902). AUDITS AND REPAYMENT OF FUNDS.

(a) Recordkeeping Requirement.--Each recipient of a grant or other payment made under this Act shall keep such records with respect to the payment as are consistent with sound accounting principles, including records which fully disclose the amount and disposition by such recipient of funds, the total cost of the project or undertaking for which such funds are used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other

records as will facilitate an effective audit.

(b) Audits and Examinations.--

(1) Audits and examinations.--Except as provided in paragraph (5), each office making a grant or other payment under this Act, or any duly authorized representative of such office, may audit or examine any recipient of the grant or payment and shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient which in the opinion of the entity may be related or pertinent to the grant or payment.

(2) Recipients of assistance subject to provisions of section.-- The provisions of this section shall apply to all recipients of grants or other payments under this Act, whether by direct grant, cooperative agreement, or contract under this Act or by subgrant or subcontract from primary grantees or contractors under this Act.

(3) Mandatory audit.--In addition to audits conducted pursuant to paragraph (1), all funds provided under this Act shall be subject to mandatory audit by the Comptroller General at least once during the lifetime of the program involved. For purposes of an audit under this paragraph, the Comptroller General shall have access to books, documents, papers, and records of recipients of funds in the same manner as the office making the grant or payment involved has access to such books, documents, papers, and records under paragraph (1).

(4) Special rule for payments by general services administration.--With respect to any grant or payment made under this Act by the Administrator of General Services, the Election Assistance Commission shall be deemed to be the office making the grant or payment for purposes of this section.

(5) Special rule.--In the case of grants or payments made under section 251, audits and examinations conducted under paragraph (1) shall be performed on a regular basis (as determined by the Commission).

(6) Special rules for audits by the commission.--In addition to the audits described in paragraph (1), the Election Assistance Commission may conduct a special audit or special examination of a recipient described in paragraph (1) upon a vote of the Commission.

(c) Recoupment of Funds.--If the Comptroller General determines as a result of an audit conducted under subsection (b) that--

(1) a recipient of funds under this Act is not in compliance with each of the requirements of the program under which the funds are provided; or

(2) an excess payment has been made to the recipient under the program, the recipient shall pay to the office which made the grant or payment involved a portion of the funds provided which reflects the proportion

of the requirements with which the recipient is not in compliance, or the extent to which the payment is in excess, under the program involved.

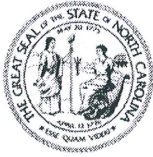
*In addition, please note that the following U.S. Office of Management and Budget guidelines, Federal Regulations and Federal Laws apply to these federal funds:*

- OSBM Circular A-87 – Cost Principles for State, Local and Indian Tribal Governments (Cost Principles)
- OSBM Circular A-102 – Grants and Cooperative Agreements with State And Local Governments (Administrative Requirements)
- Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments (“Common Rule”, Administrative Requirements, 53 FR 8087, March 11, 1988)
- OSBM Circular A-133 – Audits of States, Local Governments, and Non-Profit Organizations (Single Audits, Audit Requirements).
- 45 CFR part 93-Anti-Lobbying Certification and Disclosure Form
- 45 CFR part 76- Certification Involving Drug-Free Work Place
- 45 CFR part 76- Disbarment Certification
- Certification Regarding Environmental Tobacco Smoke, Public Law 103227, Part C Environmental Tobacco Smoke, also known as the Pro Children Act of 1994. (This applies only if some of grant fund sources are from EAID H&HS HAVA funds)

*And that you must comply with the following Federal Laws (42 USC § 15403 (b)(3)):*

- a. The Voting Rights Act of 1965;
- b. The Voting Accessibility for the Elderly and Handicapped Act;
- c. The Uniformed and Overseas Citizens Absentee Voting Act;
- d. The National Voter Registration Act of 1993;
- e. The Americans with Disabilities Act of 1990; and
- f. The Rehabilitation Act of 1973.





**COUNTY CODING GRANT APPLICATION FORM**

COUNTY NAME:

PHONE:

PERSON COMPLETING APPLICATION:

Coding Invoices	Total
2 <sup>nd</sup> Primary Election - Coding, Layout, Audio	2,107.69
General Election - Coding, Layout, Audio	3,660.25
<b>Total</b>	<b>5,767.94</b>

**PLEASE ATTACH:**

1. Copies of ES&S invoices for each election including all coding, layout, and audio invoices.

**NOTE: Counties that coded by precinct will only be reimbursed for the amount they would have been charged had they coded by style.**

In addition as a condition of this grant, the county agrees:

1. Not to use these one-time HAVA Title I funds received under this grant to supplant money already designated or encumbered for election purposes but to supplement existing money that can be used for election purposes.
2. That the County will comply with all applicable federal and state laws, including statutes, rules and regulations.
3. That the County will follow the audit requirements, certifications, and federal laws specified in Attachment #1.

Jane Ann Hodges  
SIGNATURE, COUNTY ELECTIONS DIRECTOR

1-3-13  
DATE

Stella Anderson  
SIGNATURE, OF COUNTY BOARD OF ELECTIONS CHAIR

1-3-13  
DATE

The amount of these funds must be reflected in the financial statements that county prepares for the operations of the county board of elections for the county audit and must be reported in the county Compliance Report of federal funds received. Provide the name of the County Officer responsible for the accounting and reporting of funds:

COUNTY OFFICER: \_\_\_\_\_



**Election Systems & Software**  
 6055 Paysphere Circle  
 Chicago, IL 60674  
 (877) 377-8683

INVOICE NO. 820423	PAGE 011513 BCC Meeting 1
INVOICE DATE 06/29/12	

**BILL TO:**  
 Watauga County. North Carolina  
 PO Box 528  
 331 Queen St  
 Boone, NC 28607-0528

**SHIP TO:**  
 Watauga County. North Carolina  
 Board of Elections  
 331 Queen St  
 Boone, NC 28607-0528

ACCOUNT NO.	CUSTOMER P.O. NUMBER	TERMS	ORDER NO.	SALES REP.	SHIP VIA
109960	CODING 07/17/12	NET 30 DA	897261	2861	CUST. 1-
QTY. ORDERED	DESCRIPTION	UNIT PRICE	UOM DISC. %	EXTENDED PRICE	

Coverage Date					
Election Ref: 07/17/2012					
1	Base Charge: Precinct Tabulator	459.40000	EA	459.40	
1	Base Charge: ERM File Setup	459.40000	EA	459.40	
1	Statistical Counters	.00000	EA	.00	
2	Ballot Types	65.65000	EA	131.30	
24	Precincts	6.55000	EA	157.20	
2	Ballot Faces	13.15000	EA	26.30	
5	Contests / Issues	15.75000	EA	78.75	
10	Candidate / Responses	6.55000	EA	65.50	
1	Electronic Transfer Files	131.25000	EA	131.25	
1	AutoMARK Coding Svcs	.00000	EA	.00	
1	AutoMARK: Language Set-Up ENG	299.25000	EA	299.25	
10	AutoMARK: Candidates/Yes-No	8.50000	EA	85.00	
2	AutoMARK: Political Parties	6.10000	EA	12.20	
5	AutoMARK: Contests/Issues	12.30000	EA	61.50	
2	AutoMARK: Ballot Faces	12.30000	EA	24.60	
1	CODING SVCS	.00000	EA	.00	

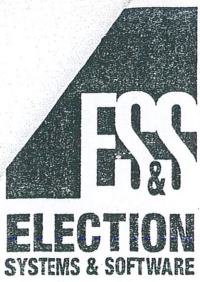
RECEIVED JUL 19 2012  
*Anna Huck*

NC USD	.75
	.00
	.00
	.00
FREIGHT DISCOUNT	11.08
SHIPPING & HANDLING	2,003.48
TOTAL	USD

INVOICE NO.	ACCOUNT NO.	AMOUNT	USD
820423	109960	2,003.48	USD

Election Systems & Software  
 (877) 377-8683

PLEASE DETACH AND RETURN THIS STUB WITH YOUR PAYMENT.  
 THANK YOU!



**Election Systems & Software**  
 6055 Paysphere Circle  
 Chicago, IL 60674  
 (877) 377-8683

INVOICE NO.	PAGE
820459	011513 BCC Meeting 1
INVOICE DATE	
06/29/12	

**BILL TO:**  
 Watauga County. North Carolina  
 PO Box 528  
~~331 Queen St~~

**SHIP TO:**  
 Watauga County. North Carolina  
 Board of Elections  
 331 Queen St

Boone, NC 28607-0528

Boone, NC 28607-0528

ACCOUNT NO.	CUSTOMER P.O. NUMBER	TERMS	ORDER NO.	SALES REP.	SHIP VIA
109960	LAYOUT 07/17/12	NET 30 DA	897314	2861	ELECTRON
QTY. ORDERED	DESCRIPTION	UNIT PRICE	UOM	DISC. %	EXTENDED PRICE

	Coverage Date			
	Election Ref: 07/17/2012			
2	Layout Charge: 1 to 500 Faces	31.500000	EA	63.00
	E			
2	Layout - PDF File Extraction	5.250000	EA	10.50
1	Sample Ballot Creation	30.000000	EA	30.00

*Anna Huck*

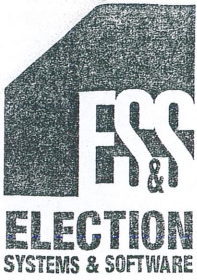
RECEIVED JUL 19 2012

NC USD	.71
	.00
	.00
	.00
FREIGHT DISCOUNT	.00
SHIPPING & HANDLING	.00
TOTAL	104.21
	USD

INVOICE NO.	ACCOUNT NO.	AMOUNT
820459	109960	104.21 USD

PLEASE DETACH AND RETURN THIS STUB WITH YOUR PAYMENT.  
 THANK YOU!

Election Systems & Software  
 (877) 377-8683



**Election Systems & Software**  
 6055 Paysphere Circle  
 Chicago, IL 60674  
 (877) 377-8683

INVOICE NO. 841839	PAGE 1
INVOICE DATE 12/07/12	

**BILL TO:**  
 Watauga County. North Carolina  
 PO Box 528

**SHIP TO:**  
 Watauga County. North Carolina  
 Board of Elections  
 331 Queen St

Boone, NC 28607-0528

Boone, NC 28607-0528

ACCOUNT NO	CUSTOMER P.O. NUMBER	TERMS	ORDER NO	SALES REP	SHIP VIA
109960	CODING 11/06/12	NET 30 DA	923256	2861	CUST. 1-
QTY. ORDERED	DESCRIPTION	UNIT PRICE	UOM	DISC. %	EXTENDED PRICE

Coverage Date  
 Election Ref: 11/06/2012

1	Base Charge: Precinct Tabulator	413.460000	EA		413.46
1	Base Charge: Central Tabulator	413.460000	EA		413.46
1	Base Charge: ERM File Setup	413.460000	EA		413.46
1	Statistical Counters	.000000	EA		.00
1	Ballot Types	59.085000	EA		59.09
27	Precincts	5.895000	EA		159.17
1	Ballot Faces	11.835000	EA		11.84
28	Contests / Issues	14.175000	EA		396.90
62	Candidate / Responses	5.895000	EA		365.49
1	Electronic Transfer Files	118.125000	EA		118.13
54	Headers: Central Tabulators	1.665000	EA		89.91
1	AutoMARK: Language Set-Up ENG	269.325000	EA		269.33
62	AutoMARK: Candidates/Yes-No	7.650000	EA		474.30
4	AutoMARK: Political Parties	5.490000	EA		21.96
28	AutoMARK: Contests/Issues	11.070000	EA		309.96
3	AutoMARK: Props/Amends/Instruct	16.245000	EA		48.74
1	AutoMARK: Ballot Faces	11.070000	EA		11.07
1	CODING SVCS	.000000	EA		.00

NC USD	1.41
	.00
	.00
	.00
FREIGHT DISCOUNT	20.82
SHIPPING & HANDLING	3,598.50
TOTAL	USD

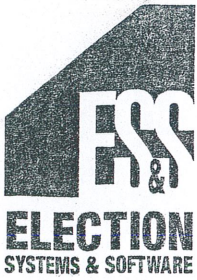
*Anna Houch*

RECEIVED DEC 17 2012

INVOICE NO.	ACCOUNT NO.	AMOUNT	USD
841839	109960	3,598.50	USD

Election Systems & Software  
 (877) 377-8683

PLEASE DETACH AND RETURN THIS STUB WITH YOUR PAYMENT.  
 THANK YOU!



**Election Systems & Software**  
 6055 Paysphere Circle  
 Chicago, IL 60674  
 (877) 377-8683

INVOICE NO. 841834	PAGE 1
INVOICE DATE 12/07/12	

BILL TO: Watauga County. North Carolina  
 PO Box 528

SHIP TO: Watauga County. North Carolina  
 Board of Elections  
 331 Queen St

Boone, NC 28607-0528

Boone, NC 28607-0528

ACCOUNT NO.	CUSTOMER P.O. NUMBER	TERMS	ORDER NO.	SALES REP.	SHIP VIA
109960	LAYOUT 11/06/12	NET 30 DA	923230	2861	ELECTRON
QTY ORDERED	DESCRIPTION	UNIT PRICE	UOM	DISC %	EXTENDED PRICE

Coverage Date  
 Election Ref: 11/06/2012

1	Layout Charge: 1 to 500 Faces	28.350000	EA		28.35
1	Layout - PDF File Extraction	4.725000	EA		4.73
1	Sample Ballot Creation	28.350000	EA		28.35
1	CODING SVCS	.000000	EA		.00

*Donna Huck*

RECEIVED DEC 17 2012

NC USD	.32
	.00
	.00
	.00
FREIGHT DISCOUNT	.00
SHIPPING & HANDLING	.00
TOTAL	61.75
	USD

INVOICE NO.	ACCOUNT NO.	AMOUNT
841834	109960	61.75 USD

Election Systems & Software  
 (877) 377-8683

PLEASE DETACH AND RETURN THIS STUB WITH YOUR PAYMENT.  
 THANK YOU!

Blank Page

**AGENDA ITEM 6:**

**MIDDLE FORK FALLS RESORT HIGH IMPACT LAND USE ORDINANCE VARIANCE REQUEST**

**MANAGER'S COMMENTS:**

Mr. Steve Moberg, Satchmo & Company, LLC, developer of the proposed Middle Fork Falls Resort, will request the Board consider a variance from the height requirements of the High Impact Land Use Ordinance. The current maximum height is forty (40) feet. Mr. Moberg is requesting a variance of eighteen (18) feet. The Planning Board has already approved the master plan of the project on December 17, 2012.

The High Impact Land Use Ordinance requires the Board of County Commissioners to hear all appeals, challenges, or variance requests.

The Board will be requested to conduct an evidentiary hearing open to the public. Evidence shall be presented under oath by Mr. Furman, Mr. Moberg, or any other witnesses.

Board action is required to approve or deny the request as presented.

## Middle Fork Falls Resort

### Blowing Rock, North Carolina

Dear Watauga County Board of Commissioners:

Please accept this letter as a request for variance from the High Impact Land Use Ordinance.

Contained here in is our answers to our hardship under Article V, questions 1 – 5 for the Indoor Water Park and connecting Hotel. Please also note that the entire Indoor water park and Hotel will be fully sprinkled and built to current fire and safety codes. We are asking for a variance in height of an additional 18'.

Answers to Article V:

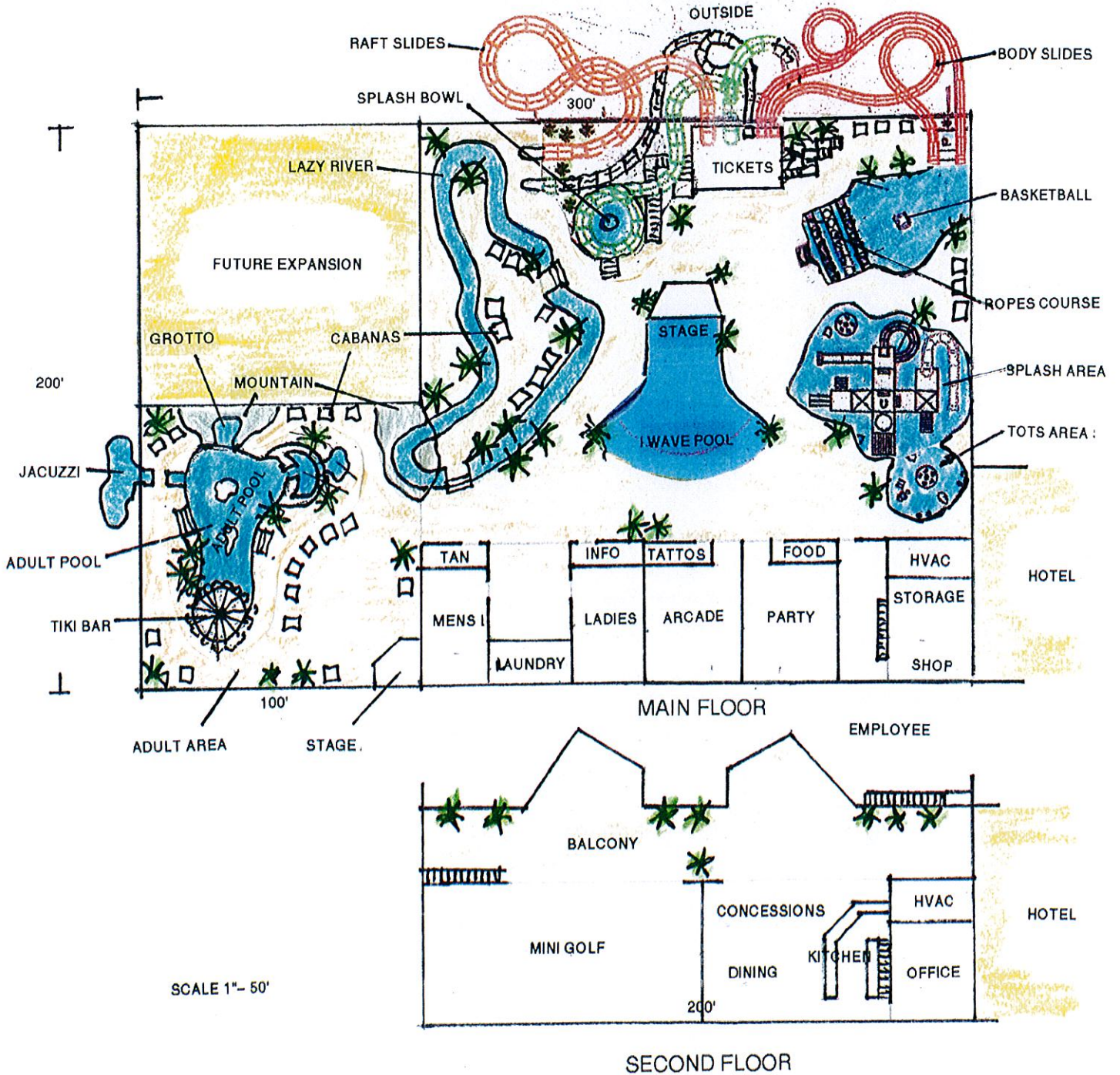
1. We are very limited in buildable area because the Middle Fork River flood hazard area inundates nearly half or more of our property. Building vertically allows us to avoid building construction in the floodplain and prevents significant encroachment into the steep terrain behind the building site. Vertical construction above the 40' limit would preserve the natural features of the site (sloping hillsides and floodplains) which are each contributing to our hardship.
2. Indoor Water Parks require an increased height of more than 40' because of the heights of the slides and their entry platforms. An additional reason for the request of the height variance is because of the snow load that will have to be met on the enclosed glass structure design.
3. Other similarly situated individuals, IE, Water Park owner/operators/developers with indoor structures need elevations above 40' to accommodate water park slides, amenities and platforms.
4. The structure of the additional Water Park/Hotel will be fully sprinkled and to current fire and safety codes. The neighborhood and adjoining properties are Amusement Parks. Snow load will require this height variance and will determine the pith of the roof structure. The Water park and Hotel will be connected. There is a strong possibility of solar components on the roof behind the parapet wall of the Hotel that will be used for the Indoor water park. Both the Hotel and water park will be designed to current fire and safety codes.
5. All Indoor water parks require higher structures because of the slides, platforms and other attractions. It is a prerequisite to design.

Best as Always: Steve Moberg. President of Satchmo and Company and Middle Fork Falls Resort.



# MIDDLE FORK FALLS RESORT

60,000 SQ.FT. HEATED INDOOR WATER PARK

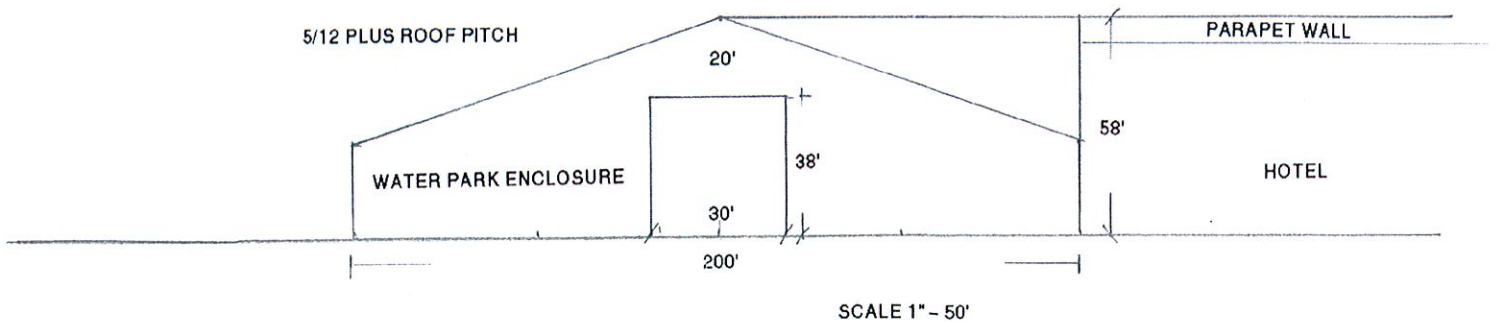


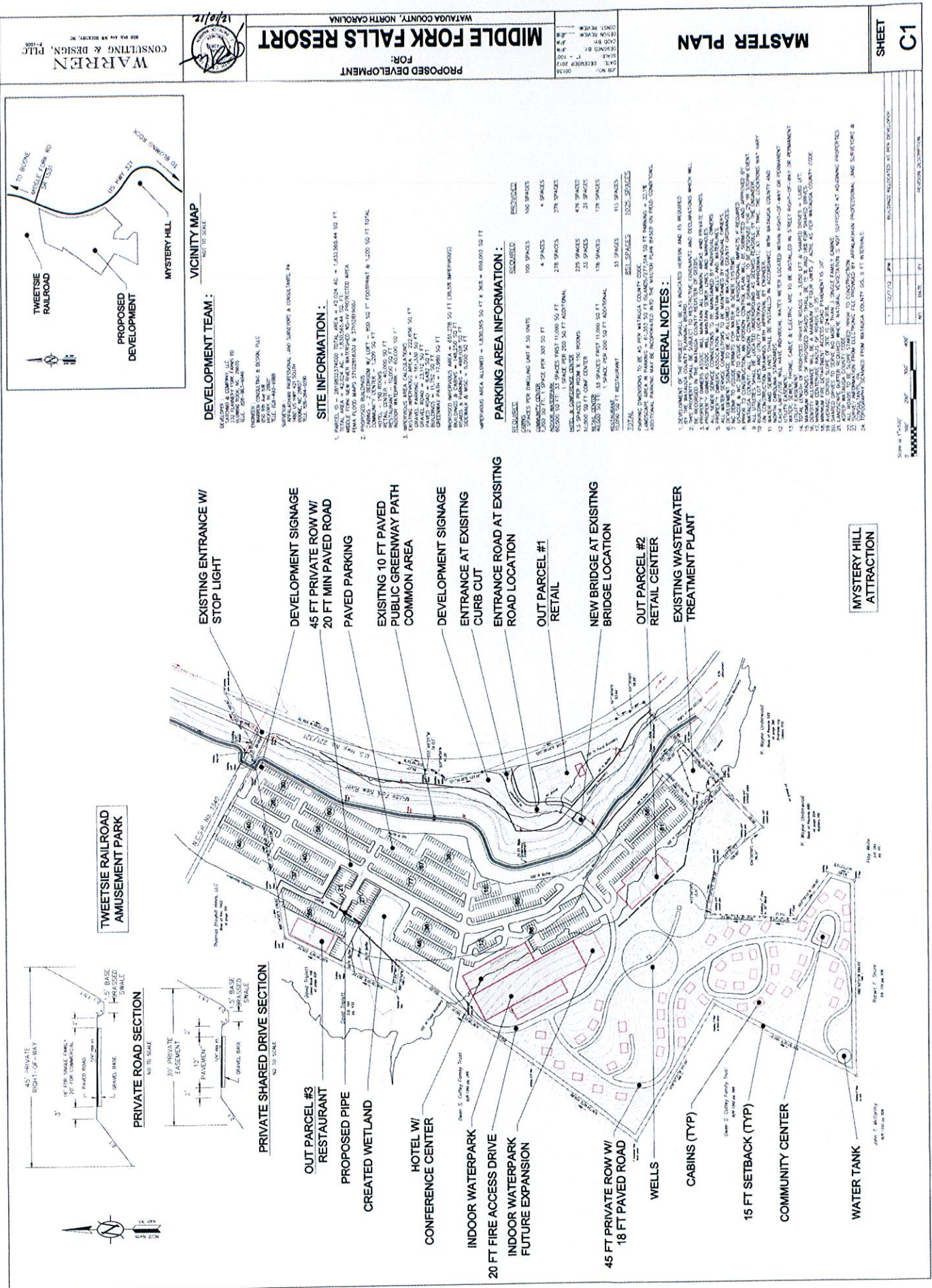
Requested Height Variance of an additional 18' to a total of 58'. Height variance is needed because of Water Park Slide heights design, HVAC, connection to Hotel and possible Solar components which would be located behind Hotel parapet wall. Platform floor height for slides can vary from 35' to 40' with 10' needed overhead for tower. The balance of height is necessary for HVAC supply and returns lines. All structures will be fully fire sprinklered to applicable codes.

The picture below is to scale using the 12' high brown Storage Building located on subject property. Proposed building will be placed in close proximity of this location.



This picture depicts the height of proposed structure at grade on the North end of the Tweetsie Railroad Theme Park. This elevation is the same as proposed at building location.





**WARREN CONSULTING & DESIGN, P.L.L.C.**  
 405 W. HANOVER STREET, SUITE 100  
 WASHINGTON, NC 27681  
 TEL: 704.233.1100  
 FAX: 704.233.1101  
 WWW.WARRENCONSULTING.COM



**MIDDLE FORK FALLS RESORT**  
 PROPOSED DEVELOPMENT  
 FOR:  
 WATAUGA COUNTY, NORTH CAROLINA

DATE: 01/15/13  
 SCALE: AS SHOWN  
 SHEET NO.: 1 OF 1  
 DRAWN BY: JLD  
 CHECKED BY: JLD  
 CONSULTING FIRM: WARREN CONSULTING & DESIGN, P.L.L.C.

**MASTER PLAN**

**SHEET C1**

**DEVELOPMENT TEAM:**  
 WATAUGA COUNTY PLANNING DEPARTMENT  
 WATAUGA COUNTY, NC 27681  
 WATAUGA COUNTY PLANNING DEPARTMENT  
 100 W. HANOVER STREET, SUITE 100  
 WASHINGTON, NC 27681  
 TEL: 704.233.1100  
 FAX: 704.233.1101  
 WWW.WARRENCONSULTING.COM

**WARREN CONSULTING & DESIGN, P.L.L.C.**  
 405 W. HANOVER STREET, SUITE 100  
 WASHINGTON, NC 27681  
 TEL: 704.233.1100  
 FAX: 704.233.1101  
 WWW.WARRENCONSULTING.COM

**WARREN CONSULTING & DESIGN, P.L.L.C.**  
 405 W. HANOVER STREET, SUITE 100  
 WASHINGTON, NC 27681  
 TEL: 704.233.1100  
 FAX: 704.233.1101  
 WWW.WARRENCONSULTING.COM

**WARREN CONSULTING & DESIGN, P.L.L.C.**  
 405 W. HANOVER STREET, SUITE 100  
 WASHINGTON, NC 27681  
 TEL: 704.233.1100  
 FAX: 704.233.1101  
 WWW.WARRENCONSULTING.COM

**WARREN CONSULTING & DESIGN, P.L.L.C.**  
 405 W. HANOVER STREET, SUITE 100  
 WASHINGTON, NC 27681  
 TEL: 704.233.1100  
 FAX: 704.233.1101  
 WWW.WARRENCONSULTING.COM

**WARREN CONSULTING & DESIGN, P.L.L.C.**  
 405 W. HANOVER STREET, SUITE 100  
 WASHINGTON, NC 27681  
 TEL: 704.233.1100  
 FAX: 704.233.1101  
 WWW.WARRENCONSULTING.COM

**WARREN CONSULTING & DESIGN, P.L.L.C.**  
 405 W. HANOVER STREET, SUITE 100  
 WASHINGTON, NC 27681  
 TEL: 704.233.1100  
 FAX: 704.233.1101  
 WWW.WARRENCONSULTING.COM

**WARREN CONSULTING & DESIGN, P.L.L.C.**  
 405 W. HANOVER STREET, SUITE 100  
 WASHINGTON, NC 27681  
 TEL: 704.233.1100  
 FAX: 704.233.1101  
 WWW.WARRENCONSULTING.COM

**WARREN CONSULTING & DESIGN, P.L.L.C.**  
 405 W. HANOVER STREET, SUITE 100  
 WASHINGTON, NC 27681  
 TEL: 704.233.1100  
 FAX: 704.233.1101  
 WWW.WARRENCONSULTING.COM

**WARREN CONSULTING & DESIGN, P.L.L.C.**  
 405 W. HANOVER STREET, SUITE 100  
 WASHINGTON, NC 27681  
 TEL: 704.233.1100  
 FAX: 704.233.1101  
 WWW.WARRENCONSULTING.COM

**WARREN CONSULTING & DESIGN, P.L.L.C.**  
 405 W. HANOVER STREET, SUITE 100  
 WASHINGTON, NC 27681  
 TEL: 704.233.1100  
 FAX: 704.233.1101  
 WWW.WARRENCONSULTING.COM

**WARREN CONSULTING & DESIGN, P.L.L.C.**  
 405 W. HANOVER STREET, SUITE 100  
 WASHINGTON, NC 27681  
 TEL: 704.233.1100  
 FAX: 704.233.1101  
 WWW.WARRENCONSULTING.COM

**WARREN CONSULTING & DESIGN, P.L.L.C.**  
 405 W. HANOVER STREET, SUITE 100  
 WASHINGTON, NC 27681  
 TEL: 704.233.1100  
 FAX: 704.233.1101  
 WWW.WARRENCONSULTING.COM

**WARREN CONSULTING & DESIGN, P.L.L.C.**  
 405 W. HANOVER STREET, SUITE 100  
 WASHINGTON, NC 27681  
 TEL: 704.233.1100  
 FAX: 704.233.1101  
 WWW.WARRENCONSULTING.COM

**WARREN CONSULTING & DESIGN, P.L.L.C.**  
 405 W. HANOVER STREET, SUITE 100  
 WASHINGTON, NC 27681  
 TEL: 704.233.1100  
 FAX: 704.233.1101  
 WWW.WARRENCONSULTING.COM

**WARREN CONSULTING & DESIGN, P.L.L.C.**  
 405 W. HANOVER STREET, SUITE 100  
 WASHINGTON, NC 27681  
 TEL: 704.233.1100  
 FAX: 704.233.1101  
 WWW.WARRENCONSULTING.COM

**WARREN CONSULTING & DESIGN, P.L.L.C.**  
 405 W. HANOVER STREET, SUITE 100  
 WASHINGTON, NC 27681  
 TEL: 704.233.1100  
 FAX: 704.233.1101  
 WWW.WARRENCONSULTING.COM

**WARREN CONSULTING & DESIGN, P.L.L.C.**  
 405 W. HANOVER STREET, SUITE 100  
 WASHINGTON, NC 27681  
 TEL: 704.233.1100  
 FAX: 704.233.1101  
 WWW.WARRENCONSULTING.COM

**WARREN CONSULTING & DESIGN, P.L.L.C.**  
 405 W. HANOVER STREET, SUITE 100  
 WASHINGTON, NC 27681  
 TEL: 704.233.1100  
 FAX: 704.233.1101  
 WWW.WARRENCONSULTING.COM

**WARREN CONSULTING & DESIGN, P.L.L.C.**  
 405 W. HANOVER STREET, SUITE 100  
 WASHINGTON, NC 27681  
 TEL: 704.233.1100  
 FAX: 704.233.1101  
 WWW.WARRENCONSULTING.COM

**WARREN CONSULTING & DESIGN, P.L.L.C.**  
 405 W. HANOVER STREET, SUITE 100  
 WASHINGTON, NC 27681  
 TEL: 704.233.1100  
 FAX: 704.233.1101  
 WWW.WARRENCONSULTING.COM

**WARREN CONSULTING & DESIGN, P.L.L.C.**  
 405 W. HANOVER STREET, SUITE 100  
 WASHINGTON, NC 27681  
 TEL: 704.233.1100  
 FAX: 704.233.1101  
 WWW.WARRENCONSULTING.COM

**EXISTING ENTRANCE W/ STOP LIGHT**

**DEVELOPMENT SIGNAGE**

**45 FT PRIVATE ROW W/ 20 FT MIN PAVED ROAD PAVED PARKING**

**EXISTING 10 FT PAVED PUBLIC GREENWAY PATH COMMON AREA**

**DEVELOPMENT SIGNAGE ENTRANCE AT EXISTING CURB CUT**

**ENTRANCE ROAD AT EXISTING ROAD LOCATION**

**OUT PARCEL #1 RETAIL**

**NEW BRIDGE AT EXISTING BRIDGE LOCATION**

**OUT PARCEL #2 RETAIL CENTER**

**EXISTING WASTEWATER TREATMENT PLANT**

**TWEETSIE RAILROAD AMUSEMENT PARK**

**OUT PARCEL #3 RESTAURANT**

**PROPOSED WETLAND**

**HOTEL W/ CONFERENCE CENTER**

**INDOOR WATERPARK**

**20 FT FIRE ACCESS DRIVE**

**INDOOR WATERPARK FUTURE EXPANSION**

**45 FT PRIVATE ROW W/ 18 FT PAVED ROAD**

**WELLS**

**CABINS (TYP)**

**15 FT SETBACK (TYP)**

**COMMUNITY CENTER**

**WATER TANK**

**PRIVATE ROAD SECTION**

**PRIVATE SHARED DRIVE SECTION**

**OUT PARCEL #3 RESTAURANT**

**PROPOSED WETLAND**

**HOTEL W/ CONFERENCE CENTER**

**INDOOR WATERPARK**

**20 FT FIRE ACCESS DRIVE**

**INDOOR WATERPARK FUTURE EXPANSION**

**45 FT PRIVATE ROW W/ 18 FT PAVED ROAD**

**WELLS**

**CABINS (TYP)**

**15 FT SETBACK (TYP)**

**COMMUNITY CENTER**

**WATER TANK**

**PRIVATE ROAD SECTION**

**PRIVATE SHARED DRIVE SECTION**

**OUT PARCEL #3 RESTAURANT**

**PROPOSED WETLAND**

**HOTEL W/ CONFERENCE CENTER**

**INDOOR WATERPARK**

**20 FT FIRE ACCESS DRIVE**

**INDOOR WATERPARK FUTURE EXPANSION**

**45 FT PRIVATE ROW W/ 18 FT PAVED ROAD**

**WELLS**

**CABINS (TYP)**

**15 FT SETBACK (TYP)**

**COMMUNITY CENTER**

**WATER TANK**

**PRIVATE ROAD SECTION**

**PRIVATE SHARED DRIVE SECTION**

**OUT PARCEL #3 RESTAURANT**

**PROPOSED WETLAND**

**HOTEL W/ CONFERENCE CENTER**

**INDOOR WATERPARK**

**20 FT FIRE ACCESS DRIVE**

**INDOOR WATERPARK FUTURE EXPANSION**

**45 FT PRIVATE ROW W/ 18 FT PAVED ROAD**

**WELLS**

**CABINS (TYP)**

**15 FT SETBACK (TYP)**

**COMMUNITY CENTER**

**WATER TANK**

### Section 3.B. Building Height Limits.

In order to allow for adequate fire protection, no building shall exceed a vertical height of forty (40) feet, measured from the top of the foundation (entrance grade) to the highest point of the roof assembly; no more than one (1) occupancy story may be below this entrance grade.

Excluded from this limitation are the following:

- (1) Water, radio, telephone or television towers or any equipment for the transmission of electricity or communications, or both; and
- (2) Structures which are slender in nature and minor vertical projections of a parent building, including chimneys, flagpoles, flues, spires, steeples, belfries, cupolas, antennas, poles, wires or windmills, provided no part of the structure which is higher than 40 feet is intended for human habitation.

copy. The second copy of the plans, also so marked, shall be retained by the Ordinance Administrator.

- (c) Administrator to Maintain Permit Records. The Ordinance Administrator shall maintain a record of all Development Permits and copies shall be furnished upon request to any interested person.
- (d) Remedies for Noncompliance. The failure to obtain any required Development Permit shall be a violation of this ordinance, punishable under Article VI of this ordinance. Further, Development Permits shall issue on the basis of applications approved by the Ordinance Administrator and authorize only the use, arrangement, and construction applied for and approved. Any use, arrangement or construction not in compliance with that authorized shall be a violation of this ordinance, and shall be subject to penalties and remedies provided by Article VI hereof.

Section 2. Appeal of Permit Denial. If a Development Permit is finally denied, the applicant may appeal the action of the Ordinance Administrator to the Board of Commissioners, as specified in Article V. Notice of appeal must be received in writing by the Clerk for the Board of Commissioners within twenty (20) days of the final decision of the Ordinance Administrator or notice to the applicant of the decision, whichever is later. Appeals received after this twenty (20) day period are not timely and shall not be considered.

## ARTICLE V

### APPEALS AND VARIANCES

Section 1. Board of Commissioners. The Watauga County Board of Commissioners, as established by N.C.G.S. § 153A-25 *et seq.* shall hear all appeals, requests for variances, and all challenges to the decision or interpretation of the Ordinance Administrator.

Section 2. Powers of Board of Commissioners. The Board shall have the following powers:

- (a) To hear, decide and review appeals from any order, requirement, decision, or determination made by the Ordinance Administrator in the performance of its duties; and
- (b) To hear and decide applications for variances from the requirements of this Ordinance in accordance with Article V, Section 5. Nothing in this Section shall be construed to broaden the power of the Board to permit a use by variance beyond that power given in Article V, Section 5 below.

Section 3. Administration. The Board shall adopt rules of procedures and regulations for the conduct of its affairs.

All meetings of the Board shall be open to the public. The Board shall keep a record of its meetings, including of the vote of each member on every question, a fair and accurate summary of the evidence submitted to it, the documents (or accurate copies thereof) submitted to it and of all official actions. The Board shall give due notice of matters coming before it.

In presenting an appeal, the petitioner shall bear the burden of proof, which shall be by the greater weight of the evidence.

All Evidence presented to the Board of Commissioners shall be sworn.

The person acting as Chairman of the Board is authorized to administer oaths to any witnesses in any matter coming before the Board.

Application for variances, requests for interpretations and appeals for review of decisions of the Ordinance Administrator shall be filed with the Clerk for the Board, as agent for the Board, on forms provided by the Clerk.

It shall be the responsibility of the Ordinance Administrator to notify by certified mail the applicant or appellant of the disposition which the Board makes of any matter before it.

It shall be the responsibility of the Ordinance Administrator to issue a permit in accord with the Board's action on an appeal or application, if a permit is authorized by the Board action.

Section 4. Quorum and Vote Required. A quorum of the Board, necessary to conduct any business of the Board, shall consist of four-fifths of the total membership of the Board.

The concurring vote of a simple majority of the total membership of the Board shall be necessary in order to:

- (a) Reverse any order, requirement, decision or determination of the Ordinance Administrator;
- (b) Decide in favor of the applicant any matter upon which it is required to pass by this Ordinance; or
- (c) Approve an application for a variance

Section 5. Application of the Variance Power. A variance shall only be allowed by the Board of Commissioners in cases involving practical difficulties or unnecessary hardships. Any authorizing of a variance shall not destroy the intent of the ordinance. Any authorized variance shall be recorded in the minutes of the Watauga County Board of Commissioners. A hardship, as used in the context of this section, shall be considered to be some unique or unusual character of the proposed site, including but not limited to unique size, shape, contour, or distance requirement. An economic hardship to the applicant is not to be considered for a variance.

The Board may grant a variance upon finding that the following conditions exist:

- 1) Extraordinary and exceptional conditions exist pertaining to the particular place or property in question because of its size, shape, or topography.

- 2) The variance will not confer upon the applicant any special privileges that are, or would be, denied to other similarly situated individuals.
- 3) This ordinance would deprive the applicant of rights commonly enjoyed by other similarly situated individuals.
- 4) The variance would not seriously deter from the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare.
- 5) The special circumstances causing the need for variance(s) are not the fault of the applicant.

The Board may impose reasonable conditions upon the granting of any variance in order to protect the public interest or neighboring property owners. Violation of any such conditions shall be a violation of this ordinance and subject to the penalties set forth in Article VI of this ordinance.

Section 6. Application of Interpretation Power. An appeal from an order, requirement, or decision of the Ordinance Administrator shall be decided by the Board duly supported by competent evidence. In exercising this power, the Board shall act in a prudent manner so that the purposes and intent of the Ordinance shall be served. No decision shall have the effect of varying the terms of the Ordinance or permitting as a matter of right any use otherwise limited or prohibited hereunder.

Section 7. Appeal Stays Further Proceedings. An appeal to the Board of Commissioners from a decision or determination of the Ordinance Administrator stays all proceedings in furtherance of the decision or determination appealed from, except as provided in Section 8, during the pendency of the appeal.

Section 8. Exceptions to Stay of Action. An appeal to the Board of Commissioners of a decision or determination of the Ordinance Administrator shall not stay proceedings in furtherance of the decision or determination appealed from, if the Ordinance Administrator certifies either:

- (a) That a stay would cause imminent peril to life or property; or
- (b) That the situation subject to the appeal is transitory in nature and therefore, an appeal would seriously interfere with enforcement of this Ordinance.

In each instance, the Ordinance Administrator shall set forth in the certificate facts to support its conclusion.

Section 9. Appeals of Board Actions. Every decision of the Board shall be subject to review at the instance of any aggrieved party in the Superior Court by proceedings in the nature of a petition for writ of certiorari. Such proceedings in the Superior Court shall be initiated within thirty (30) days of the filing of the decision in the office of the Ordinance Administrator or the delivery of the notice required in Article VI, Section 3, whichever is later. Appeals not received within this thirty (30) day period are not timely. The Superior Court is authorized to stay enforcement of this ordinance during the pendency of an appeal



**Watauga County Board of Commissioners – Rules of Procedure**  
*for*  
*Appeals, Challenges, and Variance Requests under High Impact Land Use Ordinance*

These Rules are adopted pursuant to Article V, Section 3 of the High Impact Land Use Ordinance.

1. Requests for appeals or challenges of decisions of the Ordinance Administrator or for variances shall be made in writing to the Clerk to the Board of Commissioners within twenty (20) days of the final decision of the Ordinance Administrator or notice to the applicant of the decision, whichever is later.
2. The Ordinance Administrator shall submit a written report to the County Manager on or before the due date for agenda items for the meeting at which an appeal, challenge, or variance request is to be heard.
3. The County Manager shall place any properly submitted appeal, challenge, or variance request on the published agenda for the Board of Commissioners meeting at which said appeal, challenge, or variance request is to be heard. The Board of Commissioners shall not consider any appeal, challenge, or variance request unless it has first appeared on a published meeting agenda.
4. The Board of Commissioners shall conduct a evidentiary hearing, open to the public, for consideration of appeals, challenges, or variance requests. Evidence shall be presented by the Ordinance Administrator and the appellant. All evidence shall be presented under oath.
5. The burden of proof shall be upon the appellant.
6. The Board of Commissioners shall decide appeals, challenges, and variance requests pursuant to the provisions of Article V of the High Impact Land Use Ordinance.

Blank Page

**AGENDA ITEM 7:****PLANNING & INSPECTIONS MATTERS*****A. North Carolina Department of Transportation (NCDOT) Agreement Requests*****1. Middle Fork Greenway****MANAGER'S COMMENTS:**

Mr. Joe Furman will present an agreement between the North Carolina Department of Transportation and Watauga County to construct Phase I of the Middle Fork Greenway. The agreement calls for the construction of approximately .5 of a mile greenway extending the existing greenway at Tweetsie Railroad Theme Park, across Mystery Hill property, into NCDOT Right-of-Way and under Highway 421 to Sterling Creek Park.

A total of \$300,000 has been committed from Federal Funds with the State providing a \$75,000 match and the County responsible for any costs over the \$375,000.

Board action is requested, contingent upon County Attorney review, to adopt the agreement with the North Carolina Department of Transportation to construct Phase I of the Middle Fork Greenway in the amount of \$375,000.

From: [Joe Furman](#)  
To: [Deron Geouque](#)  
Cc: [Anita Fogle](#)  
Subject: greenway funding agreements  
Date: Monday, January 07, 2013 1:21:20 PM  
Attachments: [Greenway Emails.pdf](#)  
[Watauga County-EB-5527-Agreement-#3749.pdf](#)  
[Watauga County-EB-5612-Agreement-#3769.pdf](#)

---

Deron,

I believe you are aware that NCDOT Bicycle and Pedestrian Division has revamped the project funding schedule to accelerate projects that are at or close to “shovel ready”. As a result, the next phases of both the Middle Fork Greenway and the South Fork Greenway are to be funded during the current fiscal year. Both of these projects have had most of the engineering and permitting completed, and both involve highway underpasses. Attached for review and approval are agreements between NCDOT and Watauga County. Also attached are the transmittal emails from NCDOT. The agreements have been submitted to the County Attorney for review. Commissioners’ approval on January 15<sup>th</sup> is requested. Thanks.

Joe

Joseph A. Furman, AICP  
Director, Watauga County Planning & Inspections and Economic Development  
331 Queen Street, Suite A  
Boone, NC 28607  
(828) 265-8043  
(828) 265-8080 (fax)  
[joe.furman@watgov.org](mailto:joe.furman@watgov.org)

Joe Furman

---

**From:** Hodges, Allen T [athodges@ncdot.gov]  
**Sent:** Thursday, December 20, 2012 3:29 PM  
**To:** Joe Furman  
**Cc:** Howell, Madeline C; Trivedi, Kumar A; Ledbetter, Dean; Laws, Joseph L  
**Subject:** Reimbursement Agreement - EB-5527  
**Attachments:** Wataug County-EB-5527-Agreement-#3749.pdf

Joe

Please find the attached PDF of the revised Agreement for EB-5527, Middle Fork Greenway (Phase 1). Please review make two copies of the Agreement. Have both copies of the Agreements signed by town official and return originals to me at the address below. If you have any questions contact me at (919) 707-2612.

Allen Hodges  
Division of Bicycle and Pedestrian Division  
1552 Mail Service Center  
Raleigh, NC 27699-1552  
(919) 707-2612

---

Email correspondence to and from this sender is subject to the N.C. Public Records Law and may be disclosed to third parties.

# Executive Summary

The Executive Summary is a summation of this agreement and is not intended to be used as the agreement between the Department (North Carolina Department of Transportation) and the Party (Entity).

**Entity:** Watauga County

**County:** Watauga

**TIP:** EB-5527

**Project:** Middle Fork Greenway, Phase I

**Scope:** extending existing greenway at Tweetsie Railroad Theme Park, across Mystery Hill property, into NCDOT ROW and under Highway 421 to Sterling Creek Park. The construction of the greenway is approximately .5 mi. It is going to be a 10 ft. wide paved asphalt section with 2 ft. shoulders. This project is the 1st phase of the Middle Fork Greenway, connecting Towns of Boone and Blowing Rock.

**Eligible Activities:**

<b>PE</b>		Design
		Environmental
<b>ROW</b>		ROW Acquisition
		Utility Relocation
<b>CON</b>	50043.3.1	Construction
<b>OTHER</b>		
<b>FEDERAL-AID</b>	STPEB-1103(27)	

Fund Source	Federal Funds Amount	Reimbursement Rate	State Match \$	State Match Rate
Bike & Ped	\$300,000	80 %	\$75,000	20 %
<b>Total Estimated Cost</b>		<b>\$375,000</b>		

**Responsibility:** The Watauga County shall be responsible for all aspects of the project.

NORTH CAROLINA

**LOCALLY ADMINISTERED PROJECT -  
FEDERAL**

WATAUGA COUNTY

DATE: 11/21/2012

NORTH CAROLINA DEPARTMENT OF  
TRANSPORTATION

TIP #: EB-5527

AND

WBS Elements: PE

ROW

WATAUGA COUNTY

CON 50043.3.1

OTHER FUNDING:

FEDERAL-AID NUMBER: STPEB-1103(27)

CFDA #: 20.205

Total Funds [NCDOT Participation] \$375,000

THIS AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department" and the Watauga County, hereinafter referred to as the "County".

**WITNESSETH:**

WHEREAS, Section 1113 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users (SAFETEA – LU), establishes Enhancement funds, which require that federal funds be available for certain specified transportation activities; and,

WHEREAS, the Watauga County has requested federal funding for Middle Fork Greenway, Phase I, hereinafter referred to as the Project, in Watauga County, North Carolina; and,

WHEREAS, subject to the availability of federal funds, the County has been designated as a recipient to receive funds allocated to the Department by the Federal Highway Administration (FHWA) up to and not to exceed the maximum award amount of \$300,000 for the Project; and,

WHEREAS, the Department has agreed to administer the disbursement of said funds on behalf of FHWA to the County for the Project in accordance with the Project scope of work and in accordance with the provisions set out in this Agreement; and,

WHEREAS, the Department has programmed funding in the approved Transportation Improvement Program for the Project; and,

WHEREAS, the governing board of the County has agreed to participate in certain costs and to assume certain responsibilities in the manner and to the extent as hereinafter set out; and,

WHEREAS, this Agreement is made under the authority granted to the Department by the North Carolina General Assembly including, but not limited to, the following applicable legislation: General Statutes of North Carolina (NCGS) Section 136-66.1, Section 136-71.6, Section 160A-296 and 297, Section 136-18, Section 136-41.3 and Section 20-169, to participate in the planning, construction and/or implementation of the Project approved by the Board of Transportation.

NOW, THEREFORE, this Agreement states the promises and undertakings of each party as herein provided, and the parties do hereby covenant and agree, each with the other, as follows:

## **1. GENERAL PROVISIONS**

### **FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT**

All parties to this Agreement, including contractors, subcontractors, and subsequent workforces, associated with any work under the terms of this Agreement shall provide reports as required by the Federal Funding Accountability and Transparency Act (FFATA) for this Project.

### **AGREEMENT MODIFICATIONS**

Any modification to this Agreement will be agreed upon in writing by all parties prior to being implemented.

Any increases to the funding amount will be agreed upon by all parties by means of a Supplemental Agreement.

### **LOCAL PUBLIC AGENCY TO PERFORM ALL WORK**

The County shall be responsible for administering all work performed and for certifying to the Department that all terms set forth in this Agreement are met and adhered to by the County and/or its contractors and agents. The Department will provide technical oversight to guide the County. The Department must approve any assignment or transfer of the responsibilities of the County set forth in this Agreement to other parties or entities.

### **PERSON IN RESPONSIBLE CHARGE**

The County shall designate a person or persons to be in responsible charge of the Project, in accordance with Title 23 of the Code of Federal Regulations, Part 635.105. The person, or persons, shall be expected to:



- Administer governmental project activities, including those dealing with cost, time, adherence to contract requirements, construction quality and scope of Federal-aid projects;
- Maintain knowledge of day to day project operations and safety issues;
- Make or participate in decisions about changed conditions or scope changes that require change orders or supplemental agreements;
- Visit and review the project in accordance with the project scope and scale;
- Review financial processes, transactions and documentation to reduce the likelihood of fraud, waste, and abuse;
- Direct project staff, agency or consultant, to carry out project administration and contract oversight, including proper documentation; and
- Be aware of the qualifications, assignments and on-the-job performance of the agency and consultant staff at all stages of the project.

The person in responsible charge must be a full-time employee of the County, but the duties may be split among several employees, if necessary.

#### **COMPLIANCE WITH STATE/FEDERAL POLICY**

The County, and/or its agent, including all contractors, subcontractors, or sub-recipients shall comply with all applicable Federal and State policies and procedures, stated both in this Agreement and in the Department's guidelines and procedures, including the *Local Programs Management Handbook*.

#### **FAILURE TO COMPLY - CONSEQUENCES**

Failure on the part of the County to comply with any of the provisions of this Agreement will be grounds for the Department to terminate participation in the costs of the Project and, if applicable, seek repayment of any reimbursed funds.

## **2. SCOPE OF PROJECT**

The Project consists of extending existing greenway at Tweetsie Railroad Theme Park, across Mystery Hill property, into NCDOT ROW and under Highway 421 to Sterling Creek Park. The

construction of the greenway is approximately .5 mi. It is going to be a 10 ft. wide paved asphalt section with 2 ft. shoulders. This project is the 1st phase of the Middle Fork Greenway, connecting Towns of Boone and Blowing Rock.

The Department's funding participation in the Project shall be restricted to the following eligible items:

- Construction

as further set forth in this Agreement.

### 3. FUNDING

Subject to compliance by the County with the provisions set forth in this Agreement and the availability of federal funds, the Department shall participate up to a maximum amount of Three Hundred Thousand Dollars (\$300,000), as detailed below. The Department shall provide a State match, as detailed in the FUNDING TABLE below, and the County shall be responsible for all costs that exceed the total estimated cost.

#### FUNDING TABLE

<b>Fund Source</b>	<b>Federal Funds Amount</b>	<b>Reimbursement Rate</b>	<b>State Match \$</b>	<b>State Match Rate</b>
Bike/Ped	\$300,000	80 %	\$75,000	20 %
<b>Total Estimated Cost</b>		<b>\$375,000</b>		

### 4. TIME FRAME

The County, and/or its agent, shall complete pre-construction activities, to include Environmental Document, Right of Way Certification and final PS&E package, by 12/31/2013, in order to authorize construction funds prior to the end of the Federal Fiscal Year (September 30). In the event additional time is required to complete pre-construction activities, the Department will accept a written request for an extension of time as long as authorization of construction funds can still occur in the same Federal Fiscal Year. Any extensions of time beyond the current Federal Fiscal Year will require a supplemental agreement.

The County shall complete the Project by 07/31/2014. Completion for this Agreement is defined as completion of all construction activities, acceptance of the project, and submission of a final reimbursement package to the Department.

The Department and/or FHWA reserves the right to revoke the funds awarded if the County is unable to meet milestone dates included herein.

## 5. PRELIMINARY ENGINEERING AUTHORIZATION

If Preliminary Engineering is an eligible expense, then upon receipt of an executed agreement, the Department will authorize Preliminary Engineering funds and shall notify the County, in writing, once funds have been authorized and can be expended. The County shall not initiate any work, nor solicit for any professional services prior to receipt of written authorization from the Department to proceed. Any work performed, or contracts executed, prior to receipt of written authorization to proceed will be ineligible for reimbursement.

## 6. PROFESSIONAL AND ENGINEERING SERVICES

The County shall comply with the policies and procedures of this provision if Preliminary Engineering and/or Construction Contract Administration is an eligible expense.

### PROCUREMENT POLICY

When procuring professional services, the County must adhere to Title 49 Code of Federal Regulations Part 18.36; Title 23 of the Code of Federal Regulations, Part 172; Title 40 United States Code, Chapter 11, Section 1101-1104; NCGS 143-64, Parts 31 and 32; and the Department's *Policies and Procedures for Major Professional or Specialized Services Contracts*. Said policies and standards are incorporated in this Agreement by reference at [www.fhwa.dot.gov/legsregs/legislat.html](http://www.fhwa.dot.gov/legsregs/legislat.html) and [www.ncleg.net/gascritps/Statutes/Statutes.asp](http://www.ncleg.net/gascritps/Statutes/Statutes.asp).

- The County shall ensure that a qualified firm is obtained through an equitable selection process, and that prescribed work is properly accomplished in a timely manner and at a just and reasonable cost.
- All Professional Services Firms shall be pre-qualified by the Department.
- If the proposed contract exceeds \$30,000, a pre-negotiation audit must be requested from the Department's External Audit Branch.

### SMALL PROFESSIONAL AND ENGINEERING SERVICES FIRMS REQUIREMENTS

Any contract entered into with another party to perform work associated with the requirements of this Agreement shall contain appropriate provisions regarding the utilization of Small Professional

Services Firms (SPSF). This policy conforms with the SPSF Guidelines as approved by the North Carolina Board of Transportation.

- The County shall not advertise nor enter into a contract for services performed as part of this Agreement, unless the Department provides written approval of the advertisement or the contents of the contract.
- If the County fails to comply with these requirements, the Department will withhold funding until these requirements are met.

#### **WORK BY ENTITY**

If the Professional and Engineering Services required for this project will be undertaken by the County, and the County requests reimbursement, then the County must submit a request and supporting documentation to the Department for review and approval, prior to any work being initiated by the County.

### **7. PLANNING / ENVIRONMENTAL DOCUMENTATION**

The County shall prepare the environmental and/or planning document, including any environmental permits, needed to construct the Project, in accordance with the National Environmental Policy Act (NEPA) and all other appropriate environmental laws and regulations. All work shall be performed in accordance with Departmental procedures and guidelines. Said documentation shall be submitted to the Department for review and approval.

- The County shall be responsible for preparing and filing with all proper agencies the appropriate planning documents, including notices and applications required to apply for those permits necessary for the construction of the desired improvements. Copies of approved permits should be forwarded to the Department.
- The County shall advertise and conduct any required public hearings.
- If any permit issued requires that action be taken to mitigate impacts associated with the improvements, the County shall design and implement a mitigation plan. The Department will determine if any mitigation costs are eligible for reimbursement. The County shall bear all costs associated with penalties for violations and claims due to delays.
- The County shall be responsible for designing an erosion control plan if required by the North Carolina Sedimentation Pollution Control Act of 1973, NCGS 113A, Article 4, incorporated in this Agreement by reference at

[www.ncleg.net/gascripts/Statutes/Statutes.asp](http://www.ncleg.net/gascripts/Statutes/Statutes.asp) and obtaining those permits required thereby in order to construct the Project. During the construction of the improvements, the County, and its contractors and agents, shall be solely responsible for compliance with the provisions of said Act and the plan adopted in compliance therewith.

## **8. DESIGN**

### **CONTENT OF PLAN PACKAGE**

The County, and/or its agent, shall prepare the Project's plans, specifications, and a professional estimate of costs (PS&E package), in accordance with the Department's guidelines and procedures, and applicable Federal and State standards. All work shall be submitted to the Department for review and approval. The plans shall be completed to show the design, site plans, landscaping, drainage, easements, and utility conflicts.

## **9. RIGHT OF WAY / UTILITY AUTHORIZATION**

If the costs of right of way acquisition or utility relocation are an eligible expense, the County shall submit a letter of request to the Department to authorize and set up right of way and/or utility funding. The acquisition for right of way, construction easements, and/or utility relocation may be undertaken only after the County receives written authorization from the Department to proceed.

## **10. PROJECT LIMITS AND RIGHT OF WAY (ROW)**

### **SPONSOR PROVIDES ROW**

The County, at no liability whatsoever to the Department, shall be responsible for providing and/or acquiring any required ROW and/or easements for the Project.

### **ROW GUIDANCE**

The County shall accomplish all ROW activities, including acquisition and relocation, in accordance with the following: Title 23 of the Code of Federal Regulations, Part 710, Subpart B and Title 49 of the Code of Federal Regulations, Part 24, [Uniform Act] incorporated by reference at [www.fhwa.dot.gov/legsregs/directives/fapgtoc.htm](http://www.fhwa.dot.gov/legsregs/directives/fapgtoc.htm); NCGS, Chapter 133, Article 2, Sections 133-5 through 133-18, Relocation Assistance, incorporated by reference at [www.ncleg.net/gascripts/Statutes/Statutes.asp](http://www.ncleg.net/gascripts/Statutes/Statutes.asp); and the North Carolina Department of Transportation Right of Way Manual.

**APPRAISAL**

If the costs of ROW acquisition are an eligible expense, the County shall submit the appraisal to the Department's Right of Way Branch for review and approval in accordance with Departmental policies and procedures.

**CLEARANCE OF PROJECT LIMITS / ROW**

The County shall remove and dispose of all obstructions and encroachments of any kind or character (including hazardous and contaminated materials) from said ROW, with the exception that the County shall secure an encroachment agreement for any utilities (which shall remain or are) to be installed within the ROW. The County shall indemnify and save harmless the Department, Federal Highway Administration, and the State of North Carolina, from any and all damages and claims for damages that might arise on account of said right of way acquisition, drainage, and construction easements for the construction of said Project. The County shall be solely responsible for any damages caused by the existence of said material now and at any time in the future and will save the Department harmless from any legal actions arising as a result of this contaminated and/or hazardous material and shall provide the Department with documentation proving the proper disposal of said material.

**RELOCATION ASSISTANCE**

The County shall provide relocation assistance services and payments for families, businesses, and non-profit organizations being displaced by the Project in full accordance with the Federal relocation requirements of Title 49 Code of Federal Regulations, Part 24 [Uniform Act], as amended. Relocation assistance services and payments may be accomplished by contract with any other municipal corporation, or State or Federal agency, rendering such services upon approval by the Department and Federal Highway Administration.

**11. UTILITIES**

The County, and/or its agent, at no liability to the Department, shall relocate, adjust, relay, change or repair all utilities in conflict with the Project, regardless of ownership. All utility work shall be performed in a manner satisfactory to and in conformance with State and Federal rules and regulations, prior to County beginning construction of the project. This Agreement does not modify or supersede any existing Utility Encroachment Agreements that may be in place.

## 12. RIGHT OF WAY CERTIFICATION

The County, upon acquisition of all right of way/property necessary for the Project, shall provide the Right of Way Agent, located at the Department's Local Right of Way Office, all required documentation (deeds/leases/easement/plans) to secure right of way certification from that office. Certification is only issued after all ROW is in public ownership or property is publicly accessible by a legal document and utilities in conflict with the project are relocated.

## 13. CONSTRUCTION AUTHORIZATION

The County shall submit the required environmental and/or planning document, ROW certification, final construction plans, total contract proposal, and an estimate of Project costs (final PS&E package) to the Department for review and approval.

- After approval of all documentation, the Department will request construction authorization from the Federal Highway Administration.
- The County shall not advertise for bids prior to receiving written construction authorization from the Department.

## 14. CONTRACTOR PROCUREMENT

### ADVERTISE FOR BIDS

Upon receipt of written construction authorization from the Department, the County may advertise the Project. The County shall follow applicable Federal and/or State procedures pertaining to the advertisement of the Project, bid opening, and award of the contract, according to Title 49 of the Code of Federal Regulations, Part 18.36 and Title 23 of the Code of Federal Regulations, Part 633 and Part 635, incorporated by reference at [www.fhwa.dot.gov/legsregs/directives/fapgtoc.htm](http://www.fhwa.dot.gov/legsregs/directives/fapgtoc.htm); and NCGS, Chapter 143, Article 8 (Public Contracts), incorporated by reference at [www.ncleg.net/gascripts/Statutes/Statutes.asp](http://www.ncleg.net/gascripts/Statutes/Statutes.asp).

### CONSTRUCTION CONTRACTOR REQUIREMENTS

All Contractors submitting bids on the project shall be pre-qualified by the Department. All proposed subcontractors must be pre-qualified before construction work begins. Any subcontractors who are proposed to meet the Disadvantaged Business Enterprise goal must be certified by the Department.

## **CONSTRUCTION SUBCONTRACTOR REQUIREMENTS**

Any contract entered into with another party to perform work associated with the requirements of this Agreement shall contain appropriate provisions regarding the utilization of Disadvantaged Business Enterprises (DBEs), or as required and defined in Title 49 of the Code of Federal Regulations, Part 26 and the North Carolina Administrative Code. These provisions are incorporated into this Agreement by reference <https://connect.ncdot.gov/projects/Contracts/Pages/LGA-Projects.aspx>.

- The County shall not advertise nor enter into a contract for services performed as part of this Agreement, unless the Department provides written approval of the advertisement or the contents of the contract.
- If the County fails to comply with these requirements, the Department will withhold funding until these requirements are met.

## **AWARDING CONTRACT**

After the advertisement of the Project for construction bids, the County shall request concurrence from the Department to award the construction contract by submitting a letter along with tabulated bids received depicting Disadvantaged Business Enterprises (DBE) goals, and a resolution recommending award of the Project to the lowest responsible, responsive bidder. The Department will review the submitted information and provide written approval to the County prior to the contract being awarded by the County.

## **DELAY IN PROCUREMENT**

In the event the Project has not been let to contract within six (6) months after receiving construction authorization from the Department, the County shall be responsible for documenting to the Department justification for project delay and that the Project remains in compliance with the terms of this Agreement, the approved plans and specifications, and current codes.

## **FORCE ACCOUNT**

Force account work is only allowed when there is a finding of cost effectiveness for the work to be performed by some method other than a contract awarded by a competitive bidding process, or there is an emergency. Written approval from the Department is required prior to the use of force account by the County. Federal Highway Administration regulations governing Force Account are contained in Title 23 Code of Federal Regulations, Part 635.201, Subpart B; said policy being incorporated in this Agreement by reference [www.fhwa.dot.gov/legisregs/directives/cfr23toc.htm](http://www.fhwa.dot.gov/legisregs/directives/cfr23toc.htm).



North Carolina General Statutes governing the use of Force Account, Chapter 143, Article 8 (Public Contracts) can be found at [www.ncleg.net/gascripts/Statutes/Statutes.asp](http://www.ncleg.net/gascripts/Statutes/Statutes.asp).

## **15. CONSTRUCTION**

The County, and/or its agents shall construct the Project in accordance with the plans and specifications of the Project as filed with, and approved by, the Department. During the construction of the Project, the procedures set out below shall be followed:

### **CONSTRUCTION CONTRACT ADMINISTRATION**

The County shall comply with the NCDOT Construction Manual as referenced at <http://www.ncdot.org/doh/operations/dp%5Fchief%5Feng/constructionunit/formsmanuals/construction/>, which outlines the procedures for records and reports that must be adhered to in order to obtain uniformity of contract administration and documentation. This includes, but is not limited to, inspection reports, material test reports, materials certification, documentation of quantities, project diaries, and pay records. The County, and/or its agent, shall perform the construction engineering, sampling and testing required during construction of the Project, in accordance with Departmental procedures, including the Department's Guide for Process Control and Acceptance Sampling and Testing. The County shall document that said compliance was accomplished in accordance with State and Federal procedures, guidelines, standards and specifications.

### **RETAINAGE**

The County shall not retain any portion of a payment due the contractor.

### **SIGNAGE**

The County shall provide and maintain adequate signage and other warning devices for the protection of the public in accordance with the approved traffic control plans for the Project and the current edition of the Manual on Uniform Traffic Control Devices (MUTCD) for Streets and Highways, or any subsequent revision of the same, published by the Federal Highway Administration and effective at the time of award of the contract.

### **SITE LAYOUT**

The County shall be responsible for ensuring that all site layout, construction work, and Project documentation are in compliance with applicable city, state and federal permits, guidelines, and

regulations, including American Association of State Highway and Transportation Officials (AASHTO) guidelines and Americans with Disabilities Act (ADA) Standards for Accessible Design ([www.usdoj.gov/crt/ada/stdspdf.htm](http://www.usdoj.gov/crt/ada/stdspdf.htm)).

### **RIGHT TO INSPECT**

The Department and representatives of the Federal Highway Administration shall have the right to inspect, sample or test, and approve or reject, any portion of the work being performed by the County or the County's contractor to ensure compliance with the provisions of this Agreement. Prior to any payment by the Department, any deficiencies inconsistent with approved plans and specifications found during an inspection must be corrected.

### **CONTRACTOR COMPLIANCE**

The County will be responsible for ensuring that the contractor complies with all of the terms of the contract and any instructions issued by the Department or FHWA as a result of any review or inspection made by said representatives.

### **CHANGE ORDERS**

If any changes in the Project plans are necessary, the Department must approve such changes prior to the work being performed.

### **SHOP DRAWINGS**

Shop Drawings shall be submitted in accordance with the approved plans and specifications and may require review by the Designer.

## **16. CLOSE-OUT**

Upon completion of the Project, the County shall be responsible for the following:

### **FINAL INSPECTION**

The County shall arrange for a final inspection by the Department. Any deficiencies determined during the final field inspection must be corrected prior to final payment being made by the Department to the County. Additional inspection by other entities may be necessary in accordance with the Department's guidelines and procedures. The County shall provide the

Department with written evidence of approval of completed project prior to requesting final reimbursement.

## **FINAL PROJECT CERTIFICATION**

The County will provide a certification to the Department that all work performed for this Project is in accordance with all applicable standards, guidelines, and regulations.

## **17. MAINTENANCE**

The County, at no expense or liability to the Department, shall assume all maintenance responsibilities for the Middle Fork Greenway, Phase I, or as required by an executed encroachment agreement.

## **18. REIMBURSEMENT**

### **SCOPE OF REIMBURSEMENT**

Activities eligible for funding reimbursement for this Project shall include:

- Construction

### **REIMBURSEMENT GUIDANCE**

The County shall adhere to applicable administrative requirements of Title 49 Code of Federal Regulations, Part 18 ([www.fhwa.dot.gov/legsregs/directives/fapgtoc.htm](http://www.fhwa.dot.gov/legsregs/directives/fapgtoc.htm)) and Office of Management and Budget (OMB) Circulars A-102 ([www.whitehouse.gov/omb/circulars/index.html](http://www.whitehouse.gov/omb/circulars/index.html)) "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments." Reimbursement to the County shall be subject to the policies and procedures contained in Title 23 Code of Federal Regulations, Part 140 and Part 172, which is being incorporated into this Agreement by reference at [www.fhwa.dot.gov/legsregs/directives/fapgtoc.htm](http://www.fhwa.dot.gov/legsregs/directives/fapgtoc.htm) and by Office of Management and Budget (OMB) Circular A-87 ([www.whitehouse.gov/omb/circulars/index.html](http://www.whitehouse.gov/omb/circulars/index.html)) "Cost Principles for State, Local, and Indian Tribal Governments." Reimbursement to the County shall be subject to the guidance contained in Title 2 Code of Federal Regulations, Part 170 (<http://edocket.access.gpo.gov/2010/pdf/2010-22705.pdf>) and Office of Management and Budget (OMB) "Federal Funding Accountability and Transparency Act" (FFATA). Said reimbursement

shall also be subject to the Department being reimbursed by the Federal Highway Administration and subject to compliance by the County with all applicable federal policy and procedures.

## **REIMBURSEMENT LIMITS**

- **WORK PERFORMED BEFORE NOTIFICATION**

Any costs incurred by the County prior to written notification by the Department to proceed with the work shall not be eligible for reimbursement.

- **NO REIMBURSEMENT IN EXCESS OF APPROVED FUNDING**

At no time shall the Department reimburse the County costs that exceed the total federal funding.

- **UNSUBSTANTIATED COSTS**

The County agrees that it shall bear all costs for which it is unable to substantiate actual costs or any costs that have been deemed unallowable by the Federal Highway Administration and/or the Department's Financial Management Division.

- **WORK PERFORMED BY NCDOT**

All work performed by the Department on this Project, including, but not limited to, reviews, inspections, and Project oversight, shall reduce the maximum award amount of \$300,000 available to the County under this Agreement. If the cost of work done by the Department exceeds the funding award, the Department will bill the County for the excess costs.

- **CONSTRUCTION ADMINISTRATION**

Reimbursement for construction contract administration will be made as governed by Departmental policy that limits reimbursement for construction contract administration to no more than fifteen (15%) percent of the actual construction contract of the Project. These costs will also include any cost overruns and charges to the Project by the Department during the Construction Phase.

- **CONSTRUCTION CONTRACT UNIT PRICES**

Reimbursement for construction contract work will be made on the basis of contract unit prices in the construction contract and any approved change orders.

- **RIGHT OF WAY**

Reimbursement will be limited to the value as approved by the Department. Eligible costs for reimbursement of Right of Way Acquisition include: realty appraisals, surveys, closing costs, and the approved appraised fair market value of the property, at the reimbursement rate as shown in the FUNDING TABLE.

- **FORCE ACCOUNT**

Invoices for force account work shall show a summary of labor, labor additives, equipment, materials and other qualifying costs in conformance with the standards for allowable costs set forth in Office of Management and Budget (OMB) Circular A-87 ([www.whitehouse.gov/omb/circulars/index.html](http://www.whitehouse.gov/omb/circulars/index.html)) "Cost Principles for State, Local, and Indian Tribal Governments." Reimbursement shall be based on actual eligible costs incurred with the exception of equipment owned by the County or its Project partners. Reimbursement rates for equipment owned by the County or its Project partners cannot exceed the Department's rates in effect for the time period in which the work is performed.

## **BILLING THE DEPARTMENT**

- **PROCEDURE**

The County may bill the Department for eligible Project costs in accordance with the Department's guidelines and procedures. Proper supporting documentation shall accompany each invoice as may be required by the Department. By submittal of each invoice, the County certifies that it has adhered to all applicable state and federal laws and regulations as set forth in this Agreement.

Along with each invoice, the County is responsible for submitting the FFATA Subrecipient Information Form, which is available at <http://www.ncdot.gov/programs/Enhancement/ProjectAdministration/Forms/>.

- **INTERNAL APPROVALS**

Reimbursement to the County shall be made upon approval of the invoice by the Department's Financial Management Division.

- **TIMELY SUBMITTAL OF INVOICES**

The County may invoice the Department monthly for work accomplished, but no less than once every six (6) months to keep the Project funds active and available. If the County is unable to invoice the Department, then they must provide an explanation. Failure to submit invoices or explanation may result in de-obligation of funds.

- **FINAL INVOICE**

All invoices associated with the Project must be submitted within six (6) months of the completion of construction and acceptance of the Project to be eligible for reimbursement by the Department. Any invoices submitted after this time will not be eligible for reimbursement.

## **19. REPORTING REQUIREMENTS AND RECORDS RETENTION**

### **PROJECT EVALUATION REPORTS**

The County is responsible for submitting quarterly Project evaluation reports, in accordance with the Department's guidelines and procedures, that detail the progress achieved to date for the Project.

### **PROJECT RECORDS**

The County and its agents shall maintain all books, documents, papers, accounting records, Project records and such other evidence as may be appropriate to substantiate costs incurred under this Agreement. Further, the County shall make such materials available at its office and shall require its agent to make such materials available at its office at all reasonable times during the contract period, and for five (5) years from the date of payment of the final voucher by the Federal Highway Administration, for inspection and audit by the Department's Financial Management Section, the Federal Highway Administration, or any authorized representatives of the Federal Government.

## **20. OTHER PROVISIONS**

### **REFERENCES**

It will be the responsibility of the County to follow the current and/or most recent edition of references, websites, specifications, standards, guidelines, recommendations, regulations and/or general statutes, as stated in this Agreement.

**INDEMNIFICATION OF DEPARTMENT**

The County agrees to indemnify and hold harmless the Department, FHWA and the State of North Carolina, to the extent allowed by law, for any and all claim for payment, damages and/or liabilities of any nature, asserted against the Department in connection with this Project. The Department shall not be responsible for any damages or claims, which may be initiated by third parties.

**DEBARMENT POLICY**

It is the policy of the Department not to enter into any agreement with parties that have been debarred by any government agency (Federal or State). By execution of this agreement, the County certifies that neither it nor its agents or contractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal or State Agency or Department and that it will not enter into agreements with any entity that is debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction.

**TITLE VI - CIVIL RIGHTS ACT OF 1964**

The County shall comply with Title VI of the Civil Rights Act of 1964, (Title 49 CFR, Subtitle A, Part 21). Title VI prohibits discrimination on the basis of race, color, national origin, disability, gender, and age in all programs or activities of any recipient of Federal assistance.

**OTHER AGREEMENTS**

The County is solely responsible for all agreements, contracts, and work orders entered into or issued by the County for this Project. The Department is not responsible for any expenses or obligations incurred for the Project except those specifically eligible for Enhancement funds and obligations as approved by the Department under the terms of this Agreement.

**AVAILABILITY OF FUNDS**

All terms and conditions of this Agreement are dependent upon, and, subject to the allocation of funds for the purpose set forth in the Agreement and the Agreement shall automatically terminate if funds cease to be available.

**IMPROPER USE OF FUNDS, EXCESS USE OF FUNDS**

Where either the Department or the FHWA determines that the funds paid to the County for this Project are not used in accordance with the terms of this Agreement, or if the cost of work done by the Department exceeds the funding award, the Department will bill the County.

**TERMINATION OF PROJECT**

If the County decides to terminate the Project without the concurrence of the Department, the County shall reimburse the Department one hundred percent (100%) of all costs expended by the Department and associated with the Project.

**AUDITS**

In accordance with OMB Circular A-133, "Audits of States, Local Governments and Non-Profit Organizations" ([www.whitehouse.gov/omb/circulars/a133/a133.html](http://www.whitehouse.gov/omb/circulars/a133/a133.html)) dated June 27, 2003 and the Federal Single Audit Act Amendments of 1996, the County shall arrange for an annual independent financial and compliance audit of its fiscal operations. The County shall furnish the Department with a copy of the annual independent audit report within thirty (30) days of completion of the report, but not later than nine (9) months after the County's fiscal year ends.

**REIMBURSEMENT BY COUNTY**

For all monies due the Department as referenced in this Agreement, reimbursement shall be made by the County to the Department within sixty (60) days of receiving an invoice. A late payment penalty and interest shall be charged on any unpaid balance due in accordance with NCGS 147-86.23.

**GIFT BAN**

By Executive Order 24, issued by Governor Perdue, and NCGS 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e. Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor).



## **21. SUNSET PROVISION**

All terms and conditions of this Agreement are dependent upon, and subject to, the allocation of funds for the purpose set forth in the Agreement and the Agreement shall automatically terminate if funds cease to be available.

IT IS UNDERSTOOD AND AGREED that the approval of the Project by the Department is subject to the conditions of this Agreement, and that no expenditures of funds on the part of the Department will be made until the terms of this Agreement have been complied with on the part of the County.

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the County by authority duly given.

ATTEST: WATAUGA COUNTY  
BY: \_\_\_\_\_ BY: \_\_\_\_\_  
TITLE: \_\_\_\_\_ TITLE: \_\_\_\_\_  
DATE: \_\_\_\_\_

NCGS 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

Approved by \_\_\_\_\_ of the Watauga County as attested to by the signature of \_\_\_\_\_ Clerk of the \_\_\_\_\_ on \_\_\_\_\_(Date)

This Agreement has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

(SEAL)

\_\_\_\_\_  
(FINANCE OFFICER)

Federal Tax Identification Number

\_\_\_\_\_  
Watauga County

Remittance Address:

\_\_\_\_\_  
\_\_\_\_\_

DEPARTMENT OF TRANSPORTATION

BY: \_\_\_\_\_  
(CHIEF ENGINEER)

DATE: \_\_\_\_\_

APPROVED BY BOARD OF TRANSPORTATION ITEM O: \_\_\_\_\_(Date)

**AGENDA ITEM 7:****PLANNING & INSPECTIONS MATTERS*****A. North Carolina Department of Transportation (NCDOT) Agreement Requests*****2. Brookshire Park and Boone Greenway Connector****MANAGER'S COMMENTS:**

Mr. Joe Furman will present an agreement between the North Carolina Department of Transportation and Watauga County to construct a multi-use greenway underpass beneath Highway 421. The agreement calls for the construction of approximately one (1) mile of a 10 foot wide paved asphalt greenway to connect the Boone Greenway system to Brookshire Park and Ted Mackorell Soccer Complex and the newly funded New River Greenway.

A total of \$480,000 has been committed from Federal Funds with the State providing a \$120,000 match and the County responsible for any costs exceeding the \$600,000.

Board action is requested, contingent upon County Attorney review, to adopt the agreement with the North Carolina Department of Transportation to construct the Brookshire Park and Boone Greenway Connector in the amount of \$600,000.

Joe Furman

---

**From:** Hodges, Allen T [athodges@ncdot.gov]  
**Sent:** Thursday, December 20, 2012 3:31 PM  
**To:** Joe Furman  
**Cc:** Howell, Madeline C; Trivedi, Kumar A; Laws, Joseph L; Ledbetter, Dean  
**Subject:** Reimbursement Agreement - EB-5612  
**Attachments:** Watauga County-EB-5612-Agreement-#3769.pdf

Joe

Please find the attached PDF of the revised Agreement for EB-5612, 421 Underpass. Please review make two copies of the Agreement. Have both copies of the Agreements signed by town official and return originals to me at the address below. If you have any questions contact me at (919) 707-2612.

Allen Hodges  
Division of Bicycle and Pedestrian Division  
1552 Mail Service Center  
Raleigh, NC 27699-1552  
(919) 707-2612

---

Email correspondence to and from this sender is subject to the N.C. Public Records Law and may be disclosed to third parties

# Executive Summary

The Executive Summary is a summation of this agreement and is not intended to be used as the agreement between the Department (North Carolina Department of Transportation) and the Party (Entity).

**Entity:** Watauga County

**County:** Watauga

**TIP:** EB-5612

**Project:** Brookshire Park and Boone Greenway Connector

**Scope:** a 1 mile multi-use greenway underpass beneath Highway 421. The construction will be a 10 ft. wide paved asphalt section with 2 ft. shoulders. This will connect the Boone Greenway system to Brookshire Park, Appalachian State University Soccer Complex, and the now funded New River Greenway.

**Eligible Activities:**

<b>PE</b>	56026.1.1	Design
		Environmental
<b>ROW</b>	_____	ROW Acquisition
		Utility Relocation
<b>CON</b>	56026.3.1	Construction
<b>OTHER</b>		
<b>FEDERAL-AID</b>	STEB-1104(16)	

Fund Source	Federal Funds Amount	Reimbursement Rate	State Match \$	State Match Rate
Bike & Ped. (PE)	\$20,000	80 %	\$5,000	20 %
Bike & Ped. (Con)	\$460,000	80 %	\$115,000	20 %
<b>Total Estimated Cost</b>			<b>\$600,000</b>	

**Responsibility:** The Watauga County shall be responsible for all aspects of the project.

NORTH CAROLINA

**LOCALLY ADMINISTERED PROJECT -  
FEDERAL**

WATAUGA COUNTY

DATE: 11/29/2012

NORTH CAROLINA DEPARTMENT OF  
TRANSPORTATION

TIP #: EB-5612

AND

WBS Elements: PE 56026.1.1

ROW \_\_\_\_\_

WATAUGA COUNTY

CON 56026.3.1

OTHER FUNDING:

FEDERAL-AID NUMBER: STEB-1104(16)

CFDA #: 20.205

Total Funds [NCDOT Participation] \$600,000

THIS AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department" and the Watauga County, hereinafter referred to as the "County".

**WITNESSETH:**

WHEREAS, Section 1113 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users (SAFETEA – LU), establishes Enhancement funds, which require that federal funds be available for certain specified transportation activities; and,

WHEREAS, the Watauga County has requested federal funding for Brookshire Park and Boone Greenway Connector, hereinafter referred to as the Project, in Watauga County, North Carolina; and,

WHEREAS, subject to the availability of federal funds, the County has been designated as a recipient to receive funds allocated to the Department by the Federal Highway Administration (FHWA) up to and not to exceed the maximum award amount of \$480,000 for the Project; and,

WHEREAS, the Department has agreed to administer the disbursement of said funds on behalf of FHWA to the County for the Project in accordance with the Project scope of work and in accordance with the provisions set out in this Agreement; and,

WHEREAS, the Department has programmed funding in the approved Transportation Improvement Program for the Project; and,

WHEREAS, the governing board of the County has agreed to participate in certain costs and to assume certain responsibilities in the manner and to the extent as hereinafter set out; and,

WHEREAS, this Agreement is made under the authority granted to the Department by the North Carolina General Assembly including, but not limited to, the following applicable legislation: General Statutes of North Carolina (NCGS) Section 136-66.1, Section 136-71.6, Section 160A-296 and 297, Section 136-18, Section 136-41.3 and Section 20-169, to participate in the planning, construction and/or implementation of the Project approved by the Board of Transportation.

NOW, THEREFORE, this Agreement states the promises and undertakings of each party as herein provided, and the parties do hereby covenant and agree, each with the other, as follows:

## **1. GENERAL PROVISIONS**

### **FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT**

All parties to this Agreement, including contractors, subcontractors, and subsequent workforces, associated with any work under the terms of this Agreement shall provide reports as required by the Federal Funding Accountability and Transparency Act (FFATA) for this Project.

### **AGREEMENT MODIFICATIONS**

Any modification to this Agreement will be agreed upon in writing by all parties prior to being implemented.

Any increases to the funding amount will be agreed upon by all parties by means of a Supplemental Agreement.

### **LOCAL PUBLIC AGENCY TO PERFORM ALL WORK**

The County shall be responsible for administering all work performed and for certifying to the Department that all terms set forth in this Agreement are met and adhered to by the County and/or its contractors and agents. The Department will provide technical oversight to guide the County. The Department must approve any assignment or transfer of the responsibilities of the County set forth in this Agreement to other parties or entities.

### **PERSON IN RESPONSIBLE CHARGE**

The County shall designate a person or persons to be in responsible charge of the Project, in accordance with Title 23 of the Code of Federal Regulations, Part 635.105. The person, or persons, shall be expected to:

- Administer governmental project activities, including those dealing with cost, time, adherence to contract requirements, construction quality and scope of Federal-aid projects;
- Maintain knowledge of day to day project operations and safety issues;
- Make or participate in decisions about changed conditions or scope changes that require change orders or supplemental agreements;
- Visit and review the project in accordance with the project scope and scale;
- Review financial processes, transactions and documentation to reduce the likelihood of fraud, waste, and abuse;
- Direct project staff, agency or consultant, to carry out project administration and contract oversight, including proper documentation; and
- Be aware of the qualifications, assignments and on-the-job performance of the agency and consultant staff at all stages of the project.

The person in responsible charge must be a full-time employee of the County, but the duties may be split among several employees, if necessary.

#### **COMPLIANCE WITH STATE/FEDERAL POLICY**

The County, and/or its agent, including all contractors, subcontractors, or sub-recipients shall comply with all applicable Federal and State policies and procedures, stated both in this Agreement and in the Department's guidelines and procedures, including the *Local Programs Management Handbook*.

#### **FAILURE TO COMPLY - CONSEQUENCES**

Failure on the part of the County to comply with any of the provisions of this Agreement will be grounds for the Department to terminate participation in the costs of the Project and, if applicable, seek repayment of any reimbursed funds.

## **2. SCOPE OF PROJECT**

The Project consists of a 1 mile multi-use greenway underpass beneath Highway 421. The construction will be a 10 ft. wide paved asphalt section with 2 ft. shoulders. This will connect the



Boone Greenway system to Brookshire Park, Appalachian State University Soccer Complex, and the now funded New River Greenway.

The Department's funding participation in the Project shall be restricted to the following eligible items:

- Design
- Construction

as further set forth in this Agreement.

### 3. FUNDING

Subject to compliance by the County with the provisions set forth in this Agreement and the availability of federal funds, the Department shall participate up to a maximum amount of Four Hundred Eighty Thousand Dollars (\$480,000), as detailed below. The Department shall provide a State match, as detailed in the FUNDING TABLE below, and the County shall be responsible for all costs that exceed the total estimated cost.

**FUNDING TABLE**

<b>Fund Source</b>	<b>Federal Funds Amount</b>	<b>Reimbursement Rate</b>	<b>State Match \$</b>	<b>State Match Rate</b>
Bike & Ped (PE)	\$20,000	80 %	\$5,000	20 %
Bike & Ped (Con)	\$460,000	80 %	\$115,000	20 %
<b>Total Estimated Cost</b>			<b>\$600,000</b>	

### 4. TIME FRAME

The County, and/or its agent, shall complete pre-construction activities, to include Environmental Document, Right of Way Certification and final PS&E package, by 12/31/2013, in order to authorize construction funds prior to the end of the Federal Fiscal Year (September 30). In the event additional time is required to complete pre-construction activities, the Department will accept a written request for an extension of time as long as authorization of construction funds can still occur in the same Federal Fiscal Year. Any extensions of time beyond the current Federal Fiscal Year will require a supplemental agreement.

The County shall complete the Project by 07/31/2014. Completion for this Agreement is defined as completion of all construction activities, acceptance of the project, and submission of a final reimbursement package to the Department.

The Department and/or FHWA reserves the right to revoke the funds awarded if the County is unable to meet milestone dates included herein.

## 5. PRELIMINARY ENGINEERING AUTHORIZATION

If Preliminary Engineering is an eligible expense, then upon receipt of an executed agreement, the Department will authorize Preliminary Engineering funds and shall notify the County, in writing, once funds have been authorized and can be expended. The County shall not initiate any work, nor solicit for any professional services prior to receipt of written authorization from the Department to proceed. Any work performed, or contracts executed, prior to receipt of written authorization to proceed will be ineligible for reimbursement.

## 6. PROFESSIONAL AND ENGINEERING SERVICES

The County shall comply with the policies and procedures of this provision if Preliminary Engineering and/or Construction Contract Administration is an eligible expense.

### PROCUREMENT POLICY

When procuring professional services, the County must adhere to Title 49 Code of Federal Regulations Part 18.36; Title 23 of the Code of Federal Regulations, Part 172; Title 40 United States Code, Chapter 11, Section 1101-1104; NCGS 143-64, Parts 31 and 32; and the Department's *Policies and Procedures for Major Professional or Specialized Services Contracts*. Said policies and standards are incorporated in this Agreement by reference at [www.fhwa.dot.gov/legsregs/legislat.html](http://www.fhwa.dot.gov/legsregs/legislat.html) and [www.ncleg.net/gascripts/Statutes/Statutes.asp](http://www.ncleg.net/gascripts/Statutes/Statutes.asp).

- The County shall ensure that a qualified firm is obtained through an equitable selection process, and that prescribed work is properly accomplished in a timely manner and at a just and reasonable cost.
- All Professional Services Firms shall be pre-qualified by the Department.
- If the proposed contract exceeds \$30,000, a pre-negotiation audit must be requested from the Department's External Audit Branch.

## **SMALL PROFESSIONAL AND ENGINEERING SERVICES FIRMS REQUIREMENTS**

Any contract entered into with another party to perform work associated with the requirements of this Agreement shall contain appropriate provisions regarding the utilization of Small Professional Services Firms (SPSF). This policy conforms with the SPSF Guidelines as approved by the North Carolina Board of Transportation.

- The County shall not advertise nor enter into a contract for services performed as part of this Agreement, unless the Department provides written approval of the advertisement or the contents of the contract.
- If the County fails to comply with these requirements, the Department will withhold funding until these requirements are met.

## **WORK BY ENTITY**

If the Professional and Engineering Services required for this project will be undertaken by the County, and the County requests reimbursement, then the County must submit a request and supporting documentation to the Department for review and approval, prior to any work being initiated by the County.

## **7. PLANNING / ENVIRONMENTAL DOCUMENTATION**

The County shall prepare the environmental and/or planning document, including any environmental permits, needed to construct the Project, in accordance with the National Environmental Policy Act (NEPA) and all other appropriate environmental laws and regulations. All work shall be performed in accordance with Departmental procedures and guidelines. Said documentation shall be submitted to the Department for review and approval.

- The County shall be responsible for preparing and filing with all proper agencies the appropriate planning documents, including notices and applications required to apply for those permits necessary for the construction of the desired improvements. Copies of approved permits should be forwarded to the Department.
- The County shall advertise and conduct any required public hearings.
- If any permit issued requires that action be taken to mitigate impacts associated with the improvements, the County shall design and implement a mitigation plan. The Department will determine if any mitigation costs are eligible for reimbursement. The County shall bear all costs associated with penalties for violations and claims due to delays.

- The County shall be responsible for designing an erosion control plan if required by the North Carolina Sedimentation Pollution Control Act of 1973, NCGS 113A, Article 4, incorporated in this Agreement by reference at [www.ncleg.net/gascripts/Statues/Statutes.asp](http://www.ncleg.net/gascripts/Statues/Statutes.asp) and obtaining those permits required thereby in order to construct the Project. During the construction of the improvements, the County, and its contractors and agents, shall be solely responsible for compliance with the provisions of said Act and the plan adopted in compliance therewith.

## 8. DESIGN

### CONTENT OF PLAN PACKAGE

The County, and/or its agent, shall prepare the Project's plans, specifications, and a professional estimate of costs (PS&E package), in accordance with the Department's guidelines and procedures, and applicable Federal and State standards. All work shall be submitted to the Department for review and approval. The plans shall be completed to show the design, site plans, landscaping, drainage, easements, and utility conflicts.

## 9. RIGHT OF WAY / UTILITY AUTHORIZATION

If the costs of right of way acquisition or utility relocation are an eligible expense, the County shall submit a letter of request to the Department to authorize and set up right of way and/or utility funding. The acquisition for right of way, construction easements, and/or utility relocation may be undertaken only after the County receives written authorization from the Department to proceed.

## 10. PROJECT LIMITS AND RIGHT OF WAY (ROW)

### SPONSOR PROVIDES ROW

The County, at no liability whatsoever to the Department, shall be responsible for providing and/or acquiring any required ROW and/or easements for the Project.

### ROW GUIDANCE

The County shall accomplish all ROW activities, including acquisition and relocation, in accordance with the following: Title 23 of the Code of Federal Regulations, Part 710, Subpart B and Title 49 of the Code of Federal Regulations, Part 24, [Uniform Act] incorporated by reference at [www.fhwa.dot.gov/legsregs/directives/fapgtoc.htm](http://www.fhwa.dot.gov/legsregs/directives/fapgtoc.htm); NCGS, Chapter 133, Article 2, Sections

133-5 through 133-18, Relocation Assistance, incorporated by reference at [www.ncleg.net/gascripts/Statutes/Statutes.asp](http://www.ncleg.net/gascripts/Statutes/Statutes.asp); and the North Carolina Department of Transportation Right of Way Manual.

### **APPRAISAL**

If the costs of ROW acquisition are an eligible expense, the County shall submit the appraisal to the Department's Right of Way Branch for review and approval in accordance with Departmental policies and procedures.

### **CLEARANCE OF PROJECT LIMITS / ROW**

The County shall remove and dispose of all obstructions and encroachments of any kind or character (including hazardous and contaminated materials) from said ROW, with the exception that the County shall secure an encroachment agreement for any utilities (which shall remain or are) to be installed within the ROW. The County shall indemnify and save harmless the Department, Federal Highway Administration, and the State of North Carolina, from any and all damages and claims for damages that might arise on account of said right of way acquisition, drainage, and construction easements for the construction of said Project. The County shall be solely responsible for any damages caused by the existence of said material now and at any time in the future and will save the Department harmless from any legal actions arising as a result of this contaminated and/or hazardous material and shall provide the Department with documentation proving the proper disposal of said material.

### **RELOCATION ASSISTANCE**

The County shall provide relocation assistance services and payments for families, businesses, and non-profit organizations being displaced by the Project in full accordance with the Federal relocation requirements of Title 49 Code of Federal Regulations, Part 24 [Uniform Act], as amended. Relocation assistance services and payments may be accomplished by contract with any other municipal corporation, or State or Federal agency, rendering such services upon approval by the Department and Federal Highway Administration.

## **11. UTILITIES**

The County, and/or its agent, at no liability to the Department, shall relocate, adjust, relay, change or repair all utilities in conflict with the Project, regardless of ownership. All utility work shall be performed in a manner satisfactory to and in conformance with State and Federal rules and

regulations, prior to County beginning construction of the project. This Agreement does not modify or supersede any existing Utility Encroachment Agreements that may be in place.

## **12. RIGHT OF WAY CERTIFICATION**

The County, upon acquisition of all right of way/property necessary for the Project, shall provide the Right of Way Agent, located at the Department's Local Right of Way Office, all required documentation (deeds/leases/easement/plans) to secure right of way certification from that office. Certification is only issued after all ROW is in public ownership or property is publicly accessible by a legal document and utilities in conflict with the project are relocated.

## **13. CONSTRUCTION AUTHORIZATION**

The County shall submit the required environmental and/or planning document, ROW certification, final construction plans, total contract proposal, and an estimate of Project costs (final PS&E package) to the Department for review and approval.

- After approval of all documentation, the Department will request construction authorization from the Federal Highway Administration.
- The County shall not advertise for bids prior to receiving written construction authorization from the Department.

## **14. CONTRACTOR PROCUREMENT**

### **ADVERTISE FOR BIDS**

Upon receipt of written construction authorization from the Department, the County may advertise the Project. The County shall follow applicable Federal and/or State procedures pertaining to the advertisement of the Project, bid opening, and award of the contract, according to Title 49 of the Code of Federal Regulations, Part 18.36 and Title 23 of the Code of Federal Regulations, Part 633 and Part 635, incorporated by reference at [www.fhwa.dot.gov/legsregs/directives/fapgtoc.htm](http://www.fhwa.dot.gov/legsregs/directives/fapgtoc.htm); and NCGS, Chapter 143, Article 8 (Public Contracts), incorporated by reference at [www.ncleg.net/gascripts/Statutes/Statutes.asp](http://www.ncleg.net/gascripts/Statutes/Statutes.asp).

## **CONSTRUCTION CONTRACTOR REQUIREMENTS**

All Contractors submitting bids on the project shall be pre-qualified by the Department. All proposed subcontractors must be pre-qualified before construction work begins. Any subcontractors who are proposed to meet the Disadvantaged Business Enterprise goal must be certified by the Department.

## **CONSTRUCTION SUBCONTRACTOR REQUIREMENTS**

Any contract entered into with another party to perform work associated with the requirements of this Agreement shall contain appropriate provisions regarding the utilization of Disadvantaged Business Enterprises (DBEs), or as required and defined in Title 49 of the Code of Federal Regulations, Part 26 and the North Carolina Administrative Code. These provisions are incorporated into this Agreement by reference <https://connect.ncdot.gov/projects/Contracts/Pages/LGA-Projects.aspx>.

- The County shall not advertise nor enter into a contract for services performed as part of this Agreement, unless the Department provides written approval of the advertisement or the contents of the contract.
- If the County fails to comply with these requirements, the Department will withhold funding until these requirements are met.

## **AWARDING CONTRACT**

After the advertisement of the Project for construction bids, the County shall request concurrence from the Department to award the construction contract by submitting a letter along with tabulated bids received depicting Disadvantaged Business Enterprises (DBE) goals, and a resolution recommending award of the Project to the lowest responsible, responsive bidder. The Department will review the submitted information and provide written approval to the County prior to the contract being awarded by the County.

## **DELAY IN PROCUREMENT**

In the event the Project has not been let to contract within six (6) months after receiving construction authorization from the Department, the County shall be responsible for documenting to the Department justification for project delay and that the Project remains in compliance with the terms of this Agreement, the approved plans and specifications, and current codes.

## **FORCE ACCOUNT**

Force account work is only allowed when there is a finding of cost effectiveness for the work to be performed by some method other than a contract awarded by a competitive bidding process, or there is an emergency. Written approval from the Department is required prior to the use of force account by the County. Federal Highway Administration regulations governing Force Account are contained in Title 23 Code of Federal Regulations, Part 635.201, Subpart B; said policy being incorporated in this Agreement by reference [www.fhwa.dot.gov/legregs/directives/cfr23toc.htm](http://www.fhwa.dot.gov/legregs/directives/cfr23toc.htm). North Carolina General Statutes governing the use of Force Account, Chapter 143, Article 8 (Public Contracts) can be found at [www.ncleg.net/gascripts/Statutes/Statutes.asp](http://www.ncleg.net/gascripts/Statutes/Statutes.asp).

## **15. CONSTRUCTION**

The County, and/or its agents shall construct the Project in accordance with the plans and specifications of the Project as filed with, and approved by, the Department. During the construction of the Project, the procedures set out below shall be followed:

### **CONSTRUCTION CONTRACT ADMINISTRATION**

The County shall comply with the NCDOT Construction Manual as referenced at <http://www.ncdot.org/doh/operations/dp%5Fchief%5Feng/constructionunit/formsmanuals/construction/>, which outlines the procedures for records and reports that must be adhered to in order to obtain uniformity of contract administration and documentation. This includes, but is not limited to, inspection reports, material test reports, materials certification, documentation of quantities, project diaries, and pay records. The County, and/or its agent, shall perform the construction engineering, sampling and testing required during construction of the Project, in accordance with Departmental procedures, including the Department's Guide for Process Control and Acceptance Sampling and Testing. The County shall document that said compliance was accomplished in accordance with State and Federal procedures, guidelines, standards and specifications.

### **RETAINAGE**

The County shall not retain any portion of a payment due the contractor.

### **SIGNAGE**

The County shall provide and maintain adequate signage and other warning devices for the protection of the public in accordance with the approved traffic control plans for the Project and



the current edition of the Manual on Uniform Traffic Control Devices (MUTCD) for Streets and Highways, or any subsequent revision of the same, published by the Federal Highway Administration and effective at the time of award of the contract.

#### **SITE LAYOUT**

The County shall be responsible for ensuring that all site layout, construction work, and Project documentation are in compliance with applicable city, state and federal permits, guidelines, and regulations, including American Association of State Highway and Transportation Officials (AASHTO) guidelines and Americans with Disabilities Act (ADA) Standards for Accessible Design ([www.usdoj.gov/crt/ada/stdspdf.htm](http://www.usdoj.gov/crt/ada/stdspdf.htm)).

#### **RIGHT TO INSPECT**

The Department and representatives of the Federal Highway Administration shall have the right to inspect, sample or test, and approve or reject, any portion of the work being performed by the County or the County's contractor to ensure compliance with the provisions of this Agreement. Prior to any payment by the Department, any deficiencies inconsistent with approved plans and specifications found during an inspection must be corrected.

#### **CONTRACTOR COMPLIANCE**

The County will be responsible for ensuring that the contractor complies with all of the terms of the contract and any instructions issued by the Department or FHWA as a result of any review or inspection made by said representatives.

#### **CHANGE ORDERS**

If any changes in the Project plans are necessary, the Department must approve such changes prior to the work being performed.

#### **SHOP DRAWINGS**

Shop Drawings shall be submitted in accordance with the approved plans and specifications and may require review by the Designer.

### **16. CLOSE-OUT**

Upon completion of the Project, the County shall be responsible for the following:

## **FINAL INSPECTION**

The County shall arrange for a final inspection by the Department. Any deficiencies determined during the final field inspection must be corrected prior to final payment being made by the Department to the County. Additional inspection by other entities may be necessary in accordance with the Department's guidelines and procedures. The County shall provide the Department with written evidence of approval of completed project prior to requesting final reimbursement.

## **FINAL PROJECT CERTIFICATION**

The County will provide a certification to the Department that all work performed for this Project is in accordance with all applicable standards, guidelines, and regulations.

## **17. MAINTENANCE**

The County, at no expense or liability to the Department, shall assume all maintenance responsibilities for the Brookshire Park and Boone Greenway Connector, or as required by an executed encroachment agreement.

## **18. REIMBURSEMENT**

### **SCOPE OF REIMBURSEMENT**

Activities eligible for funding reimbursement for this Project shall include:

- Design
- Construction

### **REIMBURSEMENT GUIDANCE**

The County shall adhere to applicable administrative requirements of Title 49 Code of Federal Regulations, Part 18 ([www.fhwa.dot.gov/legsregs/directives/fapgtoc.htm](http://www.fhwa.dot.gov/legsregs/directives/fapgtoc.htm)) and Office of Management and Budget (OMB) Circulars A-102 ([www.whitehouse.gov/omb/circulars/index.html](http://www.whitehouse.gov/omb/circulars/index.html)) "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments." Reimbursement to the County shall be subject to the policies and procedures contained in Title 23 Code of Federal Regulations, Part 140 and Part 172, which is being incorporated into this Agreement by reference at

[www.fhwa.dot.gov/legsregs/directives/fapgtoc.htm](http://www.fhwa.dot.gov/legsregs/directives/fapgtoc.htm) and by Office of Management and Budget (OMB) Circular A-87 ([www.whitehouse.gov/omb/circulars/index.html](http://www.whitehouse.gov/omb/circulars/index.html)) "Cost Principles for State, Local, and Indian Tribal Governments." Reimbursement to the County shall be subject to the guidance contained in Title 2 Code of Federal Regulations, Part 170 (<http://edocket.access.gpo.gov/2010/pdf/2010-22705.pdf>) and Office of Management and Budget (OMB) "Federal Funding Accountability and Transparency Act" (FFATA). Said reimbursement shall also be subject to the Department being reimbursed by the Federal Highway Administration and subject to compliance by the County with all applicable federal policy and procedures.

## **REIMBURSEMENT LIMITS**

- **WORK PERFORMED BEFORE NOTIFICATION**

Any costs incurred by the County prior to written notification by the Department to proceed with the work shall not be eligible for reimbursement.

- **NO REIMBURSEMENT IN EXCESS OF APPROVED FUNDING**

At no time shall the Department reimburse the County costs that exceed the total federal funding.

- **UNSUBSTANTIATED COSTS**

The County agrees that it shall bear all costs for which it is unable to substantiate actual costs or any costs that have been deemed unallowable by the Federal Highway Administration and/or the Department's Financial Management Division.

- **WORK PERFORMED BY NCDOT**

All work performed by the Department on this Project, including, but not limited to, reviews, inspections, and Project oversight, shall reduce the maximum award amount of \$480,000 available to the County under this Agreement. If the cost of work done by the Department exceeds the funding award, the Department will bill the County for the excess costs.

- **CONSTRUCTION ADMINISTRATION**

Reimbursement for construction contract administration will be made as governed by Departmental policy that limits reimbursement for construction contract administration to no more than fifteen (15%) percent of the actual construction contract of the Project.

These costs will also include any cost overruns and charges to the Project by the Department during the Construction Phase.

- **CONSTRUCTION CONTRACT UNIT PRICES**

Reimbursement for construction contract work will be made on the basis of contract unit prices in the construction contract and any approved change orders.

- **RIGHT OF WAY**

Reimbursement will be limited to the value as approved by the Department. Eligible costs for reimbursement of Right of Way Acquisition include: realty appraisals, surveys, closing costs, and the approved appraised fair market value of the property, at the reimbursement rate as shown in the FUNDING TABLE.

- **FORCE ACCOUNT**

Invoices for force account work shall show a summary of labor, labor additives, equipment, materials and other qualifying costs in conformance with the standards for allowable costs set forth in Office of Management and Budget (OMB) Circular A-87 ([www.whitehouse.gov/omb/circulars/index.html](http://www.whitehouse.gov/omb/circulars/index.html)) "Cost Principles for State, Local, and Indian Tribal Governments." Reimbursement shall be based on actual eligible costs incurred with the exception of equipment owned by the County or its Project partners. Reimbursement rates for equipment owned by the County or its Project partners cannot exceed the Department's rates in effect for the time period in which the work is performed.

## **BILLING THE DEPARTMENT**

- **PROCEDURE**

The County may bill the Department for eligible Project costs in accordance with the Department's guidelines and procedures. Proper supporting documentation shall accompany each invoice as may be required by the Department. By submittal of each invoice, the County certifies that it has adhered to all applicable state and federal laws and regulations as set forth in this Agreement.

Along with each invoice, the County is responsible for submitting the FFATA Subrecipient Information Form, which is available at <http://www.ncdot.gov/programs/Enhancement/ProjectAdministration/Forms/>.

- **INTERNAL APPROVALS**

Reimbursement to the County shall be made upon approval of the invoice by the Department's Financial Management Division.

- **TIMELY SUBMITTAL OF INVOICES**

The County may invoice the Department monthly for work accomplished, but no less than once every six (6) months to keep the Project funds active and available. If the County is unable to invoice the Department, then they must provide an explanation. Failure to submit invoices or explanation may result in de-obligation of funds.

- **FINAL INVOICE**

All invoices associated with the Project must be submitted within six (6) months of the completion of construction and acceptance of the Project to be eligible for reimbursement by the Department. Any invoices submitted after this time will not be eligible for reimbursement.

## **19. REPORTING REQUIREMENTS AND RECORDS RETENTION**

### **PROJECT EVALUATION REPORTS**

The County is responsible for submitting quarterly Project evaluation reports, in accordance with the Department's guidelines and procedures, that detail the progress achieved to date for the Project.

### **PROJECT RECORDS**

The County and its agents shall maintain all books, documents, papers, accounting records, Project records and such other evidence as may be appropriate to substantiate costs incurred under this Agreement. Further, the County shall make such materials available at its office and shall require its agent to make such materials available at its office at all reasonable times during the contract period, and for five (5) years from the date of payment of the final voucher by the Federal Highway Administration, for inspection and audit by the Department's Financial

Management Section, the Federal Highway Administration, or any authorized representatives of the Federal Government.

## **20. OTHER PROVISIONS**

### **REFERENCES**

It will be the responsibility of the County to follow the current and/or most recent edition of references, websites, specifications, standards, guidelines, recommendations, regulations and/or general statutes, as stated in this Agreement.

### **INDEMNIFICATION OF DEPARTMENT**

The County agrees to indemnify and hold harmless the Department, FHWA and the State of North Carolina, to the extent allowed by law, for any and all claim for payment, damages and/or liabilities of any nature, asserted against the Department in connection with this Project. The Department shall not be responsible for any damages or claims, which may be initiated by third parties.

### **DEBARMENT POLICY**

It is the policy of the Department not to enter into any agreement with parties that have been debarred by any government agency (Federal or State). By execution of this agreement, the County certifies that neither it nor its agents or contractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal or State Agency or Department and that it will not enter into agreements with any entity that is debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction.

### **TITLE VI - CIVIL RIGHTS ACT OF 1964**

The County shall comply with Title VI of the Civil Rights Act of 1964, (Title 49 CFR, Subtitle A, Part 21). Title VI prohibits discrimination on the basis of race, color, national origin, disability, gender, and age in all programs or activities of any recipient of Federal assistance.

**OTHER AGREEMENTS**

The County is solely responsible for all agreements, contracts, and work orders entered into or issued by the County for this Project. The Department is not responsible for any expenses or obligations incurred for the Project except those specifically eligible for Enhancement funds and obligations as approved by the Department under the terms of this Agreement.

**AVAILABILITY OF FUNDS**

All terms and conditions of this Agreement are dependent upon, and, subject to the allocation of funds for the purpose set forth in the Agreement and the Agreement shall automatically terminate if funds cease to be available.

**IMPROPER USE OF FUNDS, EXCESS USE OF FUNDS**

Where either the Department or the FHWA determines that the funds paid to the County for this Project are not used in accordance with the terms of this Agreement, or if the cost of work done by the Department exceeds the funding award, the Department will bill the County.

**TERMINATION OF PROJECT**

If the County decides to terminate the Project without the concurrence of the Department, the County shall reimburse the Department one hundred percent (100%) of all costs expended by the Department and associated with the Project.

**AUDITS**

In accordance with OMB Circular A-133, "Audits of States, Local Governments and Non-Profit Organizations" ([www.whitehouse.gov/omb/circulars/a133/a133.html](http://www.whitehouse.gov/omb/circulars/a133/a133.html)) dated June 27, 2003 and the Federal Single Audit Act Amendments of 1996, the County shall arrange for an annual independent financial and compliance audit of its fiscal operations. The County shall furnish the Department with a copy of the annual independent audit report within thirty (30) days of completion of the report, but not later than nine (9) months after the County's fiscal year ends.

**REIMBURSEMENT BY COUNTY**

For all monies due the Department as referenced in this Agreement, reimbursement shall be made by the County to the Department within sixty (60) days of receiving an invoice. A late

payment penalty and interest shall be charged on any unpaid balance due in accordance with NCGS 147-86.23.

### **GIFT BAN**

By Executive Order 24, issued by Governor Perdue, and NCGS 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e. Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor).

## **21. SUNSET PROVISION**

All terms and conditions of this Agreement are dependent upon, and subject to, the allocation of funds for the purpose set forth in the Agreement and the Agreement shall automatically terminate if funds cease to be available.

IT IS UNDERSTOOD AND AGREED that the approval of the Project by the Department is subject to the conditions of this Agreement, and that no expenditures of funds on the part of the Department will be made until the terms of this Agreement have been complied with on the part of the County.



IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the County by authority duly given.

ATTEST: WATAUGA COUNTY  
BY: \_\_\_\_\_ BY: \_\_\_\_\_  
TITLE: \_\_\_\_\_ TITLE: \_\_\_\_\_  
DATE: \_\_\_\_\_

NCGS 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

Approved by \_\_\_\_\_ of the Watauga County as attested to by the signature of \_\_\_\_\_ Clerk of the \_\_\_\_\_ on \_\_\_\_\_ (Date)

This Agreement has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

(SEAL)

\_\_\_\_\_  
(FINANCE OFFICER)

Federal Tax Identification Number

\_\_\_\_\_  
Watauga County

Remittance Address:

\_\_\_\_\_  
\_\_\_\_\_

DEPARTMENT OF TRANSPORTATION

BY: \_\_\_\_\_  
(CHIEF ENGINEER)

DATE: \_\_\_\_\_

APPROVED BY BOARD OF TRANSPORTATION ITEM O: \_\_\_\_\_ (Date)

Blank Page

**AGENDA ITEM 7:****PLANNING & INSPECTIONS MATTERS*****B. Public Hearing Request to Allow Citizen Comment on the Implementation of Water Supply Watershed Protection for a Portion of the South Fork New River*****MANAGER'S COMMENTS:**

The North Carolina Environmental Management Commission reclassified a segment of the South Fork of the New River related to the Town of Boone's proposed water intake in July of 2012. The County is required to implement watershed protection rules for the newly classified segment by March 30, 2013. The County has had a watershed protection ordinance in place since 1994.

Mr. Furman is recommending the Board adopt an official map of the subject watershed, as well as ordinance text changes incorporating the new watershed and updates. The Planning Board has already reviewed and is recommending approval. The Board will need to set a public hearing for the February 19, 2013, meeting. Staff will publish the notice of the hearing, mail notices of the public hearing to affected property owners, and post signs in the affected area.

After the public hearing, the Board will need to adopt the official map and text amendments and submit to the North Carolina Division of Water Quality.

Staff seeks direction from the Board.

From: [Joe Furman](#)  
To: [Deron.Geouque](#)  
Cc: [Anita.Fogle](#)  
Subject: Request for watershed public hearing  
Date: Monday, January 07, 2013 1:39:36 PM  
Attachments: [Watershed Public Hearing Info.pdf](#)

---

Deron,

Effective July 3, 2012, the NC Environmental Management Commission reclassified a segment of the South Fork New River in connection with the Town of Boone's proposed drinking water supply intake near Brownwood Road. Watauga County is required to implement water supply watershed protection rules for the watershed of that river segment by March 30, 2013. Since the County has an ordinance in place (since 1994) applicable to other watersheds, the County's action to comply should consist of adopting an official map of the subject watershed, as well as ordinance text changes incorporating the new watershed and updates dictated by statutory and rules changes.

The process for adopting these amendments is as follows: Planning Board review and recommendation (December 17, 2012); submission to Board of Commissioners for setting of public hearing (January 15, 2013); mailing to affected property owners announcing hearing, posting of signs in affected area, publishing notices of hearing; holding hearing (February 19, 2013); adoption of map and text amendments; submission of map and text amendments to NC Division of Water Quality. This is a request for the January 15, 2013 Commissioners meeting to schedule the required hearing.

The following relevant materials are attached:

- Letter from NCDWQ announcing reclassification and March 30 deadline,
- Maps of proposed watershed, map of existing watersheds, area and ownership statistics,
- Staff report explaining proposed amendments,
- Planning Board recommendation and statement of consistency with County Plan.

Joseph A. Furman, AICP  
Director, Watauga County Planning & Inspections and Economic Development  
331 Queen Street, Suite A  
Boone, NC 28607  
(828) 265-8043  
(828) 265-8080 (fax)  
[joe.furman@watgov.org](mailto:joe.furman@watgov.org)



North Carolina Department of Environment and Natural Resources

Division of Water Quality

Beverly Eaves Perdue  
Governor

Charles Wakild, P. E.  
Director

Dee Freeman  
Secretary

July 12, 2012

Joseph A. Furman  
Director  
Watauga County Planning & Inspections and Economic Development  
331 Queen Street, Suite A  
Boone, NC 28607

Dear Mr. Furman:

The Environmental Management Commission reclassified a segment of the South Fork New River in Ashe County and Watauga County from Class C to Class WS-IV (CA and PA). The reclassification became effective on July 3, 2012. (For additional details, see <http://portal.ncdenr.org/web/emc/january-12-2012>, Action Item 12-03.)

The Water Supply Watershed Protection Act (NCGS 143-214.5) requires that all local governments having land use jurisdiction within a water supply watershed adopt and implement land use ordinances that at least meet the minimum requirements of the state's water supply watershed protection rules. The statute requires local governments to adopt and implement the appropriate watershed protection ordinance and maps within 270 days after reclassification and notification of this action.

Since Watauga County is already implementing water supply watershed protection provisions for WS-IV waters within its jurisdiction, revisions to the county's ordinance may not be necessary. If revisions are needed, please submit the revised ordinance to this office for review and approval.

You will need to update your watershed map to reflect the reclassified WS-IV waters. Please let me know if you need assistance with this. Your revised map will need to be approved by DWQ. **Please take the following actions by March 30, 2013:**

1. Adopt and implement the appropriate watershed protection ordinance (if needed).
2. Submit to us a current copy of the county's watershed ordinance for our review and files.
- ③ Submit to us an updated 1:24,000 U.S.G.S. topographic map indicating your local government boundary and the location of the reclassified waters, including critical area and protected area boundaries within your jurisdiction.

1617 Mail Service Center, Raleigh, North Carolina 27699-1617  
Location: 512 N. Salisbury St. Raleigh, North Carolina 27604  
Phone: 919-807-6300 | FAX: 919-807-6492  
Internet: [www.ncwaterquality.org](http://www.ncwaterquality.org)

An Equal Opportunity / Affirmative Action Employer

One  
North Carolina  
*Naturally*

Watauga County -- S. Fork New River Reclass  
Page 2

If you have any questions, please contact me at (919) 807-6370 or [julie.ventaloro@ncdenr.gov](mailto:julie.ventaloro@ncdenr.gov). Thank you in advance for your efforts to comply with the reclassification. We appreciate your help in working to protect our state's water quality.

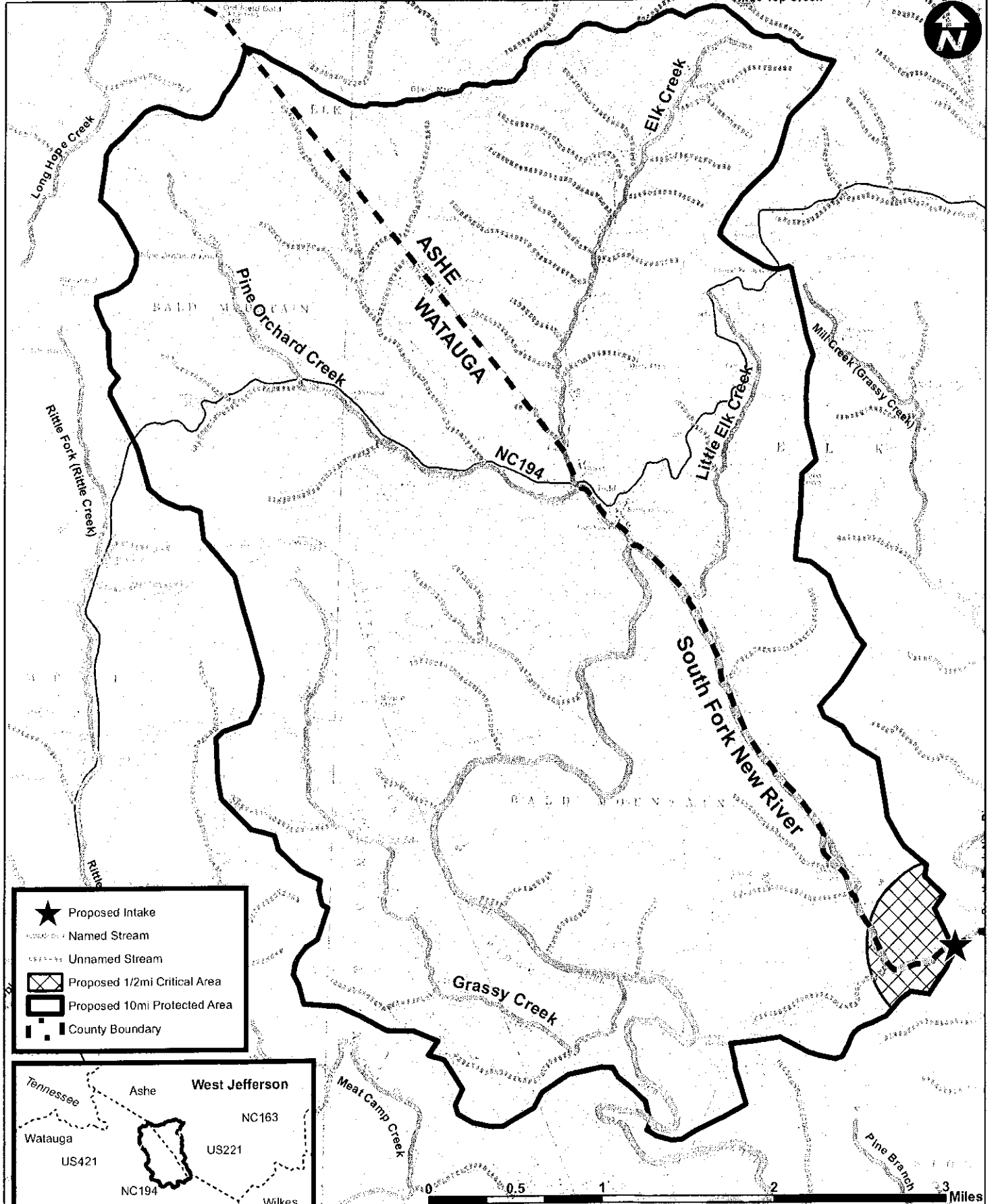
Sincerely,



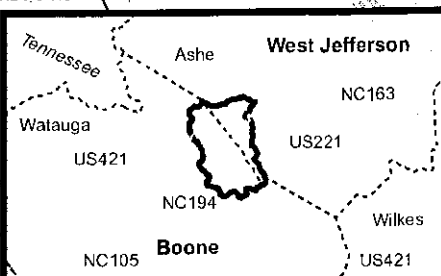
Julie Ventaloro  
Water Supply Watershed Program Coordinator

cc: Deron Geouque, Watauga County Manager, 814 West King St, Suite 205, Boone, NC 28607  
Corey Basinger, DWQ Winston-Salem Regional Office

# Proposed Water Supply Watershed (WS-IV): South Fork New River



- ★ Proposed Intake
- Named Stream
- Unnamed Stream
- ▣ Proposed 1/2mi Critical Area
- ▭ Proposed 10mi Protected Area
- ▬ County Boundary



Map Source: NCDWQ, Published 15 May 2009  
 Hydrography Source: NCDWQ, Published 30 Nov 2007







Watershed

Proposed Watershed (WS-IV)

8961 acres

1101 parcels

735 owners



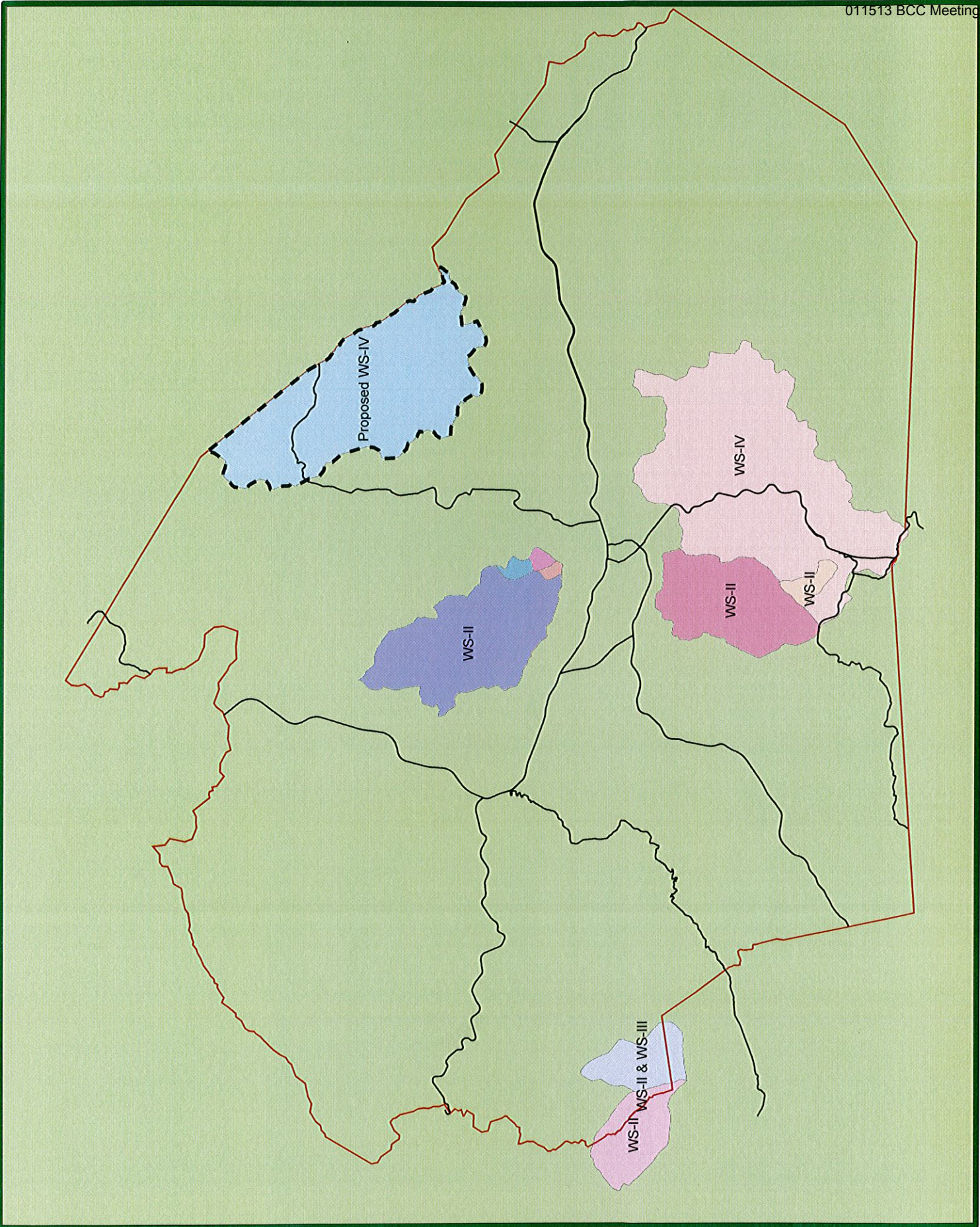
- Legend**
- Roads
  - NC Highways
  - Orange Primary GIS
  - County Profile
  - Watersheds
  - Backbay Creek
  - Flat Top Branch
  - Henson's Creek
  - North Branch
  - North Branch Critical Area
  - Pine Creek
  - South Fork New River
  - Watauga Creek
  - Proposed Water Supply MS



Watauga County  
 822 West King Street  
 Boone, NC 28606  
 www.watauga.org  
 Printed: Feb. 11, 2011  
 \\BWT\Prop\WSIV.mxd

**Disclaimer:**  
 This map is prepared for the inventory of real property found within this jurisdiction, and is based on public records and data. Users of this map are advised that the information contained on this map is for informational purposes only and should be used for verification of the information contained on this map. The County assumes no legal responsibility for the information contained on this map.

1/16/2011 1:47:37 PM



Watauga Watersheds

Buckeye Creek  
Flat Top Branch  
Howard's Creek  
Howard's Creek Critical Area  
Norris Branch  
Norris Branch Critical Area  
Pond Creek  
South Fork New River  
Winkler's Creek

25171 acres

10654 parcels

7278 owners



## STAFF REPORT

# WATAUGA WATERSHED PROTECTION ORDINANCE

**DATE:** December 10, 2012

**APPLICANT:** Watauga County

**LOCATION:** Watauga County, North Carolina

**STAFF CONTACT:** John Spear, AICP

### BACKGROUND:

As a result of the Town of Boone's proposed water intake facility near Brownwood Road, the Environmental Management Commission (EMC) reclassified a segment of the South Fork New River in Ashe and Watauga County from Class C to Class WS-IV (CA and PA). The reclassification became effective on July 3, 2012. The North Carolina Watershed Protection Act (NCGS 143-214.5) requires all local governments having land use jurisdiction within a newly designated Water Supply Watershed to adopt and implement the State's minimum water supply watershed management requirements. The Statute provides a 270 day period following the EMC's reclassification for local governments to adopt or revise its Watershed Protection Map and Watershed Protection Ordinance.

### INTENT:

Because Watauga County is already implementing the State's water supply watershed protection rules, we are required to update our Watershed Protection Map to reflect the reclassified WS-IV waters and revise portions of our Watershed Protection Ordinance to reflect the new area classifications. Changes in the General Statutes have also necessitated changes to our Ordinance.

### PUBLIC HEARING AND NOTICE:

Prior to taking action on any proposed amendments, the board of commissioners must hold a duly advertised public hearing in accordance with NCGS §153A-323.

### PLANNING BOARD RECOMMENDATION:

The planning board will review and comment on whether the proposed amendment is consistent with the Citizens' Plan for Watauga via a written recommendation addressing plan consistency in accordance with NCGS§153A-344.

### COUNTY COMMISSIONERS ACTION:

Prior to adopting or rejecting any proposed amendment, the board of commissioners shall adopt a statement of plan consistency and explain why the board considers the action taken to be reasonable and in the public interest. The plan consistency statement is required by NCGS §153A-341. Commissioners may take one of the following actions:

- a. Approval of the application.
- b. Approval of a modified version of the application.
- c. Denial of the application.

### RELATION TO CITIZENS PLAN FOR WATAUGA:

The board of commissioners shall consider the plan consistency statement along with public comment and other relevant information before making a final determination.

**(E) In accordance with the provisions of N.C.G.S. 143-214.5, an applicant may average development density on up to two noncontiguous properties in order to achieve compliance with the watershed development standards set forth in this Section.**

Section 304. Buffer Areas Required.

(A) A **minimum one hundred (100) foot vegetative buffer is required for all new development activities under the 10%-70% provision; otherwise a** minimum thirty (30) foot vegetative buffer for development activities is required along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies. Desirable artificial streambank or shoreline stabilization is permitted.

Section 503. Changes and Amendments to the Watershed Protection Ordinance.

(B) No action shall be taken until the proposal has been submitted to the Planning Board for review and recommendations. If no recommendation has been received from the Planning Board within ~~forty five (45)~~ **thirty (30)** days after submission of the proposal to the Chairman of the Planning Board, the Board of Commissioners may proceed as though a favorable report had been received.

**SAMPLE STATEMENTS OF PLAN CONSISTENCY:**

**Planning Board**

*The planning board finds the proposed zoning amendments consistent with the following findings and recommendations of the Citizens' Plan for Watauga (Page 45):*

1. *"Phase 1 of the Citizen's Plan for Watauga identified "water availability" as a top issue for the community".*
2. *"The County should promote sound water and sewer intergovernmental cooperation, facilitating needed and feasible development of infrastructure and services in areas not currently served, and assume a leadership role in planning, policy making and strategic capital investments".*
3. *"Watauga County should make water conservation and protection of water resources a principal goal".*

**Board of Commissioners**

*The Board of Commissioners finds adoption of the recommended zoning amendments to be consistent with the findings and recommendations of the Citizens' Plan for Watauga. The commissioners hereby approve and adopt the amendments as reasonable and in the public interest because:*

1. *Protection of surface water resources is a crucial step in the provision of safe and adequate public drinking water supplies.*
2. *This is a mandatory local government requirement necessitated by provisions of the State Water Supply Watershed Rules.*

**PLANNING BOARD STATEMENT OF PLAN CONSISTENCY**  
**WATAUGA WATERSHED PROTECTION ORDINANCE**



**APPLICATION: # 6285**

In accordance with NCGS§153A-344, the Planning Board is required to advise and comment on whether a proposed ordinance amendment is consistent with the comprehensive plan and any other applicable long range county plans.

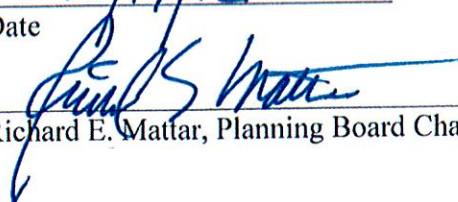
The following statement was adopted by the Planning Board on December 17, 2012 and is hereby presented to the Board of Commissioners.

*The Planning Board finds the proposed zoning amendments to be consistent with the following findings and recommendations from the Citizen's Plan for Watauga !:*

1. *"Phase 1 of the Citizen's Plan for Watauga identified "water availability" as a top issue for the community".*
2. *"The County should promote sound water and sewer intergovernmental cooperation, facilitating needed and feasible development of infrastructure and services in areas not currently served, and assume a leadership role in planning, policy making and strategic capital investments".*
3. *"Watauga County should make water conservation and protection of water resources a principal goal".*

*The Planning Board also wishes to acknowledge the fact that this is a mandatory local government requirement necessitated by provisions of the State Water Supply Watershed Rules.*

12/17/12  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Richard E. Mattar, Planning Board Chairman

1. Refer to Water and Sewer findings and recommendations in Section 5, beginning on page 45.

**AGENDA ITEM 8:**

**COMMUNICATIONS & EMERGENCY SERVICES MATTERS**

*A. 2013 Emergency Management Performance Grant Program Participation Request*

**MANAGER’S COMMENTS:**

The North Carolina Department of Public Safety every year provides grant monies for Counties completing certain emergency planning activities. These activities serve as the base amount and in the case of Watauga County amounts to \$20,625. The County may complete six (6) more activities to receive an additional \$15,000. This is a yearly program in which the County has participated for over thirty (30) years.

Board action is requested to submit the grant application to the North Carolina Department of Public Safety and completed the required activities to receive the \$35,625.



# North Carolina Department of Public Safety

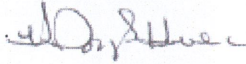
## Emergency Management

Beverly Eaves Perdue, Governor  
Reuben F. Young, Secretary

H. Douglas Hoell, Jr., Director

### MEMORANDUM

**TO:** Local Emergency Management Coordinator

**FROM:** H. Douglas Hoell, Jr., Director, 

**DATE:** October 2, 2012

**SUBJECT:** Emergency Management Performance Grant (EMPG) FFY 2013 Funding

You are invited to submit your application for the Emergency Management Performance Grant (EMPG) program funding for FFY 2013 (October 1, 2012 – September 30, 2014). There are two types of award amounts that will be made for this grant period. The first type is a Universal (Baseline) fixed formula dollar amount based on your county population. Universal work activities for this baseline amount must be completed and verified by your Branch Office prior to **October 1, 2013**. Failure to complete all Universal work activities will result in a penalty that will be assessed against your FFY 2014 EMPG funds. The second type of payment will be for approved Optional work activities, up to six (6), that your county may choose to work on in addition to the Universal activities. Completion of each verified Optional activity will result in additional monies being awarded. The award amount will be determined when all county Optional activities have been submitted and verified. Failure to complete an Optional activity will not result in a penalty other than no monies awarded for that activity. Optional activities must be completed and verified by your Branch Office prior to **October 1, 2013**.

The enclosed application package contains State and Federal Guidance and the necessary forms to complete your application. Please review this material and gather the information needed. Your Area Coordinator or Branch Manager will be available to assist you in completing the application package. Additionally, your Area Coordinator can work with you to determine the actual percentage of time you devote to emergency management, preparedness, mitigation, response and recovery activities (excluding Fire Marshal, EMS, 911, safety activities, etc.).

In order to be eligible to receive EMPG funds, you must complete, sign and submit to your Branch Office the completed documents by the scheduled dates or Branch office deadlines in Attachment 1.

**MAILING ADDRESS:**  
4236 Mail Service Center  
Raleigh NC 27699-4236  
[www.ncem.org](http://www.ncem.org)



**OFFICE LOCATION:**  
1636 Gold Star Drive  
Raleigh, NC 27607-3371  
Telephone: (919) 825-2500  
Fax: (919) 825-2685



H. Douglas Hoell, Jr.  
Director  
October 2, 2012  
Page 2

I recommend you develop and complete your 2013 EMPG Application for Funding package in consultation with your key county officials. I encourage you to use this opportunity to discuss your program with your county officials.

If you have questions about this package, please contact your Area Coordinator or Branch Manager.

Thank you.

HDH/jaa

Attachments

- 1 – Application Schedule and Eligibility Criteria
- 2 – 2013 EMPG Application Package
  - Instructions, EM Form 66
  - **EM Form 66\***
  - Instructions, EM Form 66A
  - **EM Form 66A\***
  - **EM Program Manager Certification\***
  - **Assurances – Non-Construction Programs\***
  - **Certifications Regarding Lobbying\***
  - **Disclosure of Lobbying Activities, SF-LLL\***
  - 2013 Quarterly Report Form
  - 2013 EMPG Local Activity Directory

\* Application documents are to be completed, signed and returned to your Area Coordinator by the Branch office deadline.

## NORTH CAROLINA LOCAL GOVERNMENT APPLICATION FOR FFY 2013 FUNDING

### INSTRUCTIONS FOR COMPLETING EM FORM 66

- 1.1**     **EM Agency Name** - Type or print the official legal title of your Emergency Management (EM) agency.
- 1.2**     **Street Address, City, Zip Code** - Type or print the street address, city, and zip code.
- 1.3**     **Application Completion Date** - Type or print the date the form was completed.
- 1.4**     **EM Program Manager** - Type or print the name of the county EM Program Manager. **NOTE: Must be the same title on the Position Description and Organization Chart.**
- 1.5**     **Time (%)** - EM Director will type or print the **percentage of time the director** devotes to **Emergency Management program activities** (e.g. 50%, 75%, and 100%).
- 1.6**     **Current Salary** - Type or print the current **annual salary** for EM Director. **(Round to the nearest dollar).**
- 1.7**     **Date of Employment in Current Position** – Enter the start date of your position as Local Emergency Management Program Manager, e.g. 02/04/2012.
- 1.8**     **Personnel Data Table** – Complete the specific questions that deal with EM program staff. For the Cost Share or In-Kind Match question, explain how the county will match the federal award grant monies. In FY 2013, EMPG has a 50% County and 50% Federal cost share cash- or in- kind match requirement. Federal funds cannot be matched with other Federal funds. The data requested will assist in documenting the extent to which EMPG Program funding contributes to enhancing or sustaining emergency management capacity in terms of personnel support at the local level.

**Funds allocated towards Local emergency management personnel?**

Enter the dollar amount budgeted for your county EM personnel in the dollar column. If for example all EM personnel have other duties and only 75% of anyone's time is developed to EMPG work, then only enter 75% of the budgeted amount allocated to EM personnel salaries and benefits.

**Funds allocated towards Local contractors?**

Enter the dollar amount budgeted for any local contractors that do Emergency Management work. If a county does not use contractors for EMPG related work, then enter a \$0 amount in the dollar column.

**Non-EMPG Program funds allocated towards Local emergency management personnel (other sources of funding allocated for Local EMA personnel)?**

If a county uses other funding monies (General Fund, special taxes, receipts, etc) beside EMPG program funds to support and or augment the Local EM personnel, enter the total dollar amount. Previous year budget can be used as a starting point.

**Total Number of Local emergency management full-time equivalent (FTE) personnel (including those supported and not supported by the EMPG Program)?** Enter the number of personnel who spend time working on EM activities. Enter the number in the far right column.

**Number of Local emergency management full-time equivalent (FTE) personnel supported by EMPG Program?**

If a county EM program has no FTE personnel, enter 0.

**Cost Share or In-Kind Match explanation in detail?**

Enter in information as to how the county will match the local EMPG share. Describe if funds will come from a general fund, EMPG local funds, etc.

**NORTH CAROLINA LOCAL GOVERNMENT APPLICATION FOR FFY 2013 EMPG FUNDING**  
**Grant Period: October 1, 2012 – September 30, 2014**

1.1	EM Agency Name				
1.2	Street Address, City, Zip Code				
1.3	Application Completion Date				
<b>LOCAL EMERGENCY MANAGEMENT PROGRAM</b>					
1.4	EM Program Manager (Print/Type in Name Below)				
<p><i>For 1.5 indicate actual percentage of time Emergency Management director devotes to work on only EM activities. Please do not include work time for EMS, 911, Fire Marshal, Safety activities, etc.</i></p>					
		1.5 *	1.6	1.7	
		Time (%) (e.g. 50%, 75%, 100%)	Current Salary	Date of Employment in Current Position	
1.8	<b>Personnel Data: Complete for personnel supported with FFY 2013 EMPG Program funds</b>				
	Funds allocated towards Local emergency management personnel?				\$
	Funds allocated towards Local contractors?				\$
	Non-EMPG Program funds allocated towards Local emergency management personnel (other sources of funding allocated for Local EMA personnel)?				\$
	Total Number of Local emergency management full-time equivalent (FTE) personnel (including those supported and not supported by the EMPG Program)?				
	Number of Local emergency management full-time equivalent (FTE) personnel supported by EMPG Program?				
	Cost Share or In-Kind Match explanation in detail?				

\* Area Coordinator must verify the percentage of time devoted to Emergency Management activities.

Local EM Program Manager Signature

Area Coordinator Signature

Branch Manager Signature

## INSTRUCTIONS FOR COMPLETING EM FORM 66A (STATE/LOCAL FFY 2013 EMPG AGREEMENT)

It is important that the Finance Officer and the local Chief Executive Officer have information and knowledge of the local EM program and the financial status of the local EM Agency. By coordinating the program emphasis with your county officials, the State's "Comprehensive Emergency Management Criteria" and the state and federal required activities, your partnership agreement should serve as a master plan for the year's activities.

The State/Local FFY 2013 EMPG Agreement requires the signature of the Local Emergency Management Program Manager, the Local Finance Officer, and the Local Chief Executive Officer (the last may be the same individual).

Your Area Coordinator will monitor your 2013 EMPG progress through quarterly reports.

### REPORTING

**EMPG quarterly reports are required.** These reports serve a vital role in the evaluation of your agency's performance in the completion of scheduled activities throughout the year.

Your completed quarterly reports must be sent to your Area Coordinator before the end of each quarter. Each quarterly report will incorporate and supersede the prior report showing quarterly activity progress. Your Quarterly Reports should include the progress from all previous quarterly reports as well.

North Carolina Emergency Management does recognize that circumstances may prevent the accomplishment of a scheduled activity. However, for full eligible Federal funding in FFY 2014, all Universal activities must be completed.

All requests for revisions (rescheduling or substitution of an equivalent activity) must be justified in writing to the Director of North Carolina Emergency Management through the appropriate Branch Manager.

## STATE/LOCAL FY 2013 EMPG AGREEMENT

**AGENCY:** \_\_\_\_\_

This is to certify that the above named agency agrees to successfully complete the activities below in full partnership with North Carolina Emergency Management and the Department of Homeland Security. The appropriate Branch Manager and/or Area Coordinator will review the progress of this agreement quarterly with the local Emergency Management Director. This report will also be the basis for continued funding during this fiscal year.

Please report quarterly the Emergency Management activities you completed during this agreement period that ends **September 30, 2013**. Your Quarterly Reports should include the progress from all previous quarterly reports as well.

All Universal and Optional activities with deliverables are to be completed by the **September 30, 2013** deadline. Deliverables are to be submitted to your Branch Office by **their deadline**.

**Certify completion of the following activities for EMPG Universal activities by September 30, 2013 unless otherwise noted below:**

- 2013.1 Update the 2013 online NIMSCAST and roll-up to the State by **September 13, 2013**;
- 2013.2 Review/Update County Emergency Operation/Response plan;
- 2013.3 Participate in a minimum 24 hours EM training;
- 2013.4 Conduct three exercises per year;
- 2013.5 Complete all NIMS training requirements as outlined in NIMS Five-Year Plan;
- 2013.6 Update Resources in Web EOC Resource Manager;
- 2013.7 Attend Statewide EM Conference;

**NOTE:** As listed above to be eligible to receive FFY 2013 EMPG funding, applicants must meet NIMS compliance requirements. The NIMSCAST is the required means to report FY 2013 NIMS compliance for FFY 2013 funds.

### **FFY 2013 Compliance Requirements**

- NIMS Training: IS 100; IS 200; IS 700; and IS 800;
- FEMA Professional Development Series: IS 120a; IS 230b; IS 235b; IS 240a; IS 241a; IS 242a; and IS 244a;

EMPG Program funds used for training should support the nationwide implementation of NIMS. Grantees are encouraged to place emphasis on the core competencies as defined in the NIMS Training Program. The NIMS Training Program can be found at [http://www.fema.gov/pdf/emergency/nims/nims\\_training\\_program.pdf](http://www.fema.gov/pdf/emergency/nims/nims_training_program.pdf). The NIMS *Guideline for Credentialing of Personnel* provides guidance on the national credentialing standards. The NIMS Guidelines for Credentialing can be found at [http://www.fema.gov/pdf/emergency/nims/nims\\_cred\\_guidelines\\_report.pdf](http://www.fema.gov/pdf/emergency/nims/nims_cred_guidelines_report.pdf).

This Agreement will become effective upon execution of all parties to the Agreement. The date of execution shall be the date of the last signature.

EXECUTED THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_

\_\_\_\_\_  
(Print) Name of Local EM Program Manager

\_\_\_\_\_  
Signature of Local EM Program Manager

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Local Finance Officer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Local Chief Executive Officer

\_\_\_\_\_  
Date

County of \_\_\_\_\_

**EMERGENCY MANAGEMENT PROGRAM MANAGER**

**CERTIFICATION**

\_\_\_\_\_ **COUNTY EMERGENCY MANAGEMENT  
AGENCY**

I DO HEREBY CERTIFY THAT THE EM PROGRAM MANAGER POSITION\* IS NOT VACANT OR IS CURRENTLY BEING FILLED BY AN ACTING COUNTY EMPLOYEE.

***\* AS PART OF THE GRANT APPLICATION DELIVERABLES, A CURRENT POSITION DESCRIPTION AND ORGANIZATION CHART THAT MEETS DEPARTMENT OF HOMELAND SECURITY PROGRAM AND STATE REQUIREMENTS IS ESSENTIAL.***

**Signature:** \_\_\_\_\_, **EM PROGRAM MANAGER**

**Date:** \_\_\_\_\_



DEPARTMENT OF HOMELAND SECURITY  
FEDERAL EMERGENCY MANAGEMENT AGENCY**CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND  
OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS**O.M.B. No. 1660-0025  
Expires August 31, 2011**PAPERWORK BURDEN DISCLOSURE NOTICE**

Public reporting burden for this form is estimated to average 1.7 hours per response. The burden estimate includes the time for reviewing instructions and searching existing data sources, gathering and maintaining the data needed and completing, and submitting the form. You are not required to respond to this collection of information unless a valid OMB control number appears in the upper right corner of this form. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing the burden to: Information Collections Management, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, Paperwork Reduction Project (1660-0001). **NOTE: Do not send your completed form to this address.**

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 44 CFR Part 18, "New Restrictions on Lobbying" and 28 CFR Part 17, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Federal Emergency Management Agency (FEMA) determines to award the transaction, grant, or cooperative agreement.

**1. LOBBYING**

As required by section 1352, Title 31 of the U.S. Code, and implemented at 44 CFR Part 18, for persons entering into a grant or cooperating agreement over \$ 100,000, as defined at 44 CFR Part 18, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement.

(b) If any other funds than Federal appropriated funds have been paid or will be paid to any other person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or an employee of Congress, or employee of a member of Congress in connection with this Federal Grant or cooperative agreement, the undersigned shall complete and submit Stand Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

Standard Form-LLL "Disclosure of Lobbying Activities" attached

*(This form must be attached to certification if nonappropriated funds are to be used to influence activities.)*

**2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (DIRECT RECIPIENT)**

As required by Executive Order 12549, Debarment and Suspension, and implemented at 44 CFR Part 67, for prospective participants in primary covered transactions, as defined at 44 CFR Part 17, Section 17.510-A.

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of a or had a civilian judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or perform a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1) (b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause of default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

**3. DRUG-FREE WORKPLACE (GRANTEE OTHER THAN INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1988, and implemented at 44 CFR Part 17, Subpart F, for grantees, as defined at 44 CFR Part 17.615 and 17.620-

A. The applicant certifies that it will continue to provide a drug-free workplace by;

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug free awareness program to inform employees about-

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant to be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will-

(1) Abide by the term of the statement; and

(2) Notify the employee in writing of his or her conviction for a violation of a criminal drug statute occurring on the workplace no later than five calendar days after such convictions;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position, title, to the applicable FEMA awarding office, i.e., regional office or FEMA office.

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is convicted-

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation act of 1973, as amended; or

(2) Requiring such an employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, City, County, State, Zip code)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Check  If there are workplaces on file that are not identified here.

Sections 17.630 of the regulations provide that a grantee that is a State may elect to make one certification in each Federal fiscal year. A copy of which should be included with each application for FEMA funding. States and State agencies may elect to use a state wide certification.

**ASSURANCES - NON-CONSTRUCTION PROGRAMS**

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

**PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.**

**NOTE:** Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee- 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

<p>* SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL</p> <div style="border: 1px solid black; height: 40px; width: 100%;"></div>	<p>* TITLE</p> <div style="border: 1px solid black; height: 40px; width: 100%;"></div>
<p>* APPLICANT ORGANIZATION</p> <div style="border: 1px solid black; height: 40px; width: 100%;"></div>	<p>* DATE SUBMITTED</p> <div style="border: 1px solid black; height: 40px; width: 100%;"></div>

Standard Form 424B (Rev. 7-97) Back

## DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C.1352

Approved by OMB  
0348-0046

<b>1. * Type of Federal Action:</b> <input type="checkbox"/> a. contract <input checked="" type="checkbox"/> b. grant <input type="checkbox"/> c. cooperative agreement <input type="checkbox"/> d. loan <input type="checkbox"/> e. loan guarantee <input type="checkbox"/> f. loan insurance	<b>2. * Status of Federal Action:</b> <input type="checkbox"/> a. bid/offer/application <input checked="" type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award	<b>3. * Report Type:</b> <input checked="" type="checkbox"/> a. initial filing <input type="checkbox"/> b. material change
--	--	--

**4. Name and Address of Reporting Entity:**  
 Prime     SubAwardee

\* Name

\* Street 1  Street 2

\* City  State  Zip

Congressional District, if known:

**5. If Reporting Entity in No.4 is Subawardee, Enter Name and Address of Prime:**

<b>6. * Federal Department/Agency:</b> <input style="width: 100%;" type="text"/>	<b>7. * Federal Program Name/Description:</b> <input style="width: 100%;" type="text"/> CFDA Number, if applicable: <input style="width: 50%;" type="text"/>
---	--

<b>8. Federal Action Number, if known:</b> <input style="width: 100%;" type="text"/>	<b>9. Award Amount, if known:</b> \$ <input style="width: 50%;" type="text"/>
---	--

**10. a. Name and Address of Lobbying Registrant:**

Prefix  \* First Name  Middle Name

\* Last Name  Suffix

\* Street 1  Street 2

\* City  State  Zip

**b. Individual Performing Services** (including address if different from No. 10a)

Prefix  \* First Name  Middle Name

\* Last Name  Suffix

\* Street 1  Street 2

\* City  State  Zip

**11.** Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when the transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

\* Signature:

\* Name: Prefix  \* First Name  Middle Name

\* Last Name  Suffix

Title:  Telephone No.:  Date:

Blank Page

**AGENDA ITEM 8:****COMMUNICATIONS & EMERGENCY SERVICES MATTERS*****B. Communications Tower Use Request*****MANAGER'S COMMENTS:**

Mr. Sudderth will present a request from High Country Online to install equipment on the County's communication tower located on Rich Mountain. The County is not utilizing the tower and has no future plans for its use. High Country Online has conducted an engineer study to ensure the tower can handle the new equipment. In exchange for the use of the tower, High Country Online would provide the Sheriff's Office and Watauga County Emergency Management access to mobile internet at no cost. High Country Online will also provide general maintenance of the tower. Mr. Sudderth is recommending the Board approve the request.

Staff would recommend Board approval contingent upon the County Attorney approving a contract prepared and submitted by High Country Online and such contract to include language that if, for any reason, the High Country Online equipment was to interfere with Sheriff and/or fire communications the contract would be terminated.

Blank Page



**AGENDA ITEM 9:**

**TAX MATTERS**

*A. Monthly Collections Report*

**MANAGER'S COMMENTS:**

Tax Administrator Larry Warren will present the Monthly Collections Report and be available for questions and discussion.

The report is for information only; therefore, no action is required.

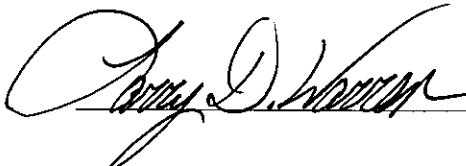
**Monthly Collections Report****Watauga County**

Bank deposits of the following amounts have been made and credited to the account of Watauga County. The reported totals do not include small shortages and overages reported to the Watauga County Finance Officer

Monthly Report December 2012

	<u>Current Month</u> <u>Collections</u>	<u>Current Month</u> <u>Percentage</u>	<u>Current FY</u> <u>Collections</u>	<u>Current FY</u> <u>Percentage</u>	<u>Previous FY</u> <u>Percentage</u>
<b>General County</b>					
Taxes 2012	7,767,234.03	49.08%	21,132,865.24	74.88%	74.26%
Prior Year Taxes	39,233.31		361,152.00		
Solid Waste Fees	567,327.76	48.25%	1,479,920.42	73.33%	74.29%
Green Box Fees	134,920.55	42.62%	406,507.38	71.56%	73.65%
Total County Funds	<b>\$8,508,715.65</b>		<b>\$23,380,445.04</b>		
<b>Fire Districts</b>					
Foscoe Fire	116,156.17	49.98%	370,650.98	78.47%	75.70%
Boone Fire	200,630.86	52.73%	593,250.45	78.74%	77.46%
Beaver Dam Fire	34,817.23	50.53%	87,616.63	73.63%	72.23%
Stewart Simmons Fire	31,741.21	29.18%	88,212.58	55.23%	77.31%
Zionville Fire	34,119.80	51.35%	87,588.17	75.79%	74.34%
Cove Creek Fire	64,227.72	49.39%	182,234.89	76.17%	73.91%
Shawneehaw Fire	24,184.00	52.01%	77,520.65	79.70%	72.95%
Meat Camp Fire	53,598.82	50.39%	160,948.28	77.10%	75.79%
Deep Gap Fire	52,557.93	49.47%	148,575.94	75.88%	78.74%
Todd Fire	16,636.08	47.92%	47,637.81	74.77%	58.68%
Blowing Rock Fire	112,136.83	43.72%	347,541.36	74.68%	73.87%
M.C. Creston Fire	731.43	16.79%	3,920.74	54.50%	62.61%
Foscoe Service District	19,471.65	58.15%	59,679.14	84.45%	79.37%
Beech Mtn. Service Dist.	489.60	28.90%	908.13	42.84%	40.12%
Cove Creek Service Dist.	21.50	100.00%	307.23	100.00%	32.88%
Shawneehaw Service Dist	1,010.72	28.44%	3,944.06	70.08%	69.08%
Blowing Rock Service Di	NA		NA		
Total Fire Districts	<b>\$762,531.55</b>		<b>\$2,260,537.04</b>		
<b>Towns</b>					
Boone	2,140,169.23	60.53%	3,999,162.47	76.63%	72.91%
Municipal Services	55,449.85	59.59%	90,074.81	72.99%	84.20%
Boone MV Fee	2,616.44	25.94%	12,383.42	72.07%	93.52%
Blowing Rock	4,848.79	22.75%	27,271.82	71.94%	98.09%
Beech	5,732.74	19.18%	24,844.80	63.50%	95.17%
Seven Devils	1,567.38	19.12%	8,811.70	64.20%	94.43%
Total Town Taxes	<b>\$2,210,384.43</b>		<b>\$4,162,549.02</b>		
Total Amount Collected	<b>\$11,481,631.63</b>		<b>\$29,803,531.10</b>		

Tax Collections Director

  
Tax Administrator

**AGENDA ITEM 9:**

**TAX MATTERS**

*B. Refunds and Releases*

**MANAGER'S COMMENTS:**

Mr. Warren will present the Refunds and Releases Report.

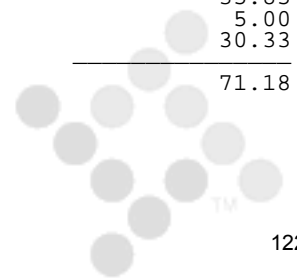
Board action is required to accept the Refunds and Releases Report.

12/31/2012 20:01  
Larry.Warren

WATAUGA COUNTY  
RELEASES - 12/01/2012 TO 12/31/2012

PG 1  
tncrpt

OWNER NAME AND ADDRESS	CAT YEAR PROPERTY REASON	BILL	EFF DATE	JUR	REF NO	VALUE	CHARGE	AMOUNT
1510169 ALDRIDGE, DEBRA BENTLEY 379 BOULDER GARDENS RD BANNER ELK, NC 28604	MV 2012	30	12/31/2012			1,184	F08	.59
	MTL8742			F08			G01	3.71
	TAX RELEASES PLT TURN-IN				2851			4.30
1510169 ALDRIDGE, DEBRA BENTLEY 379 BOULDER GARDENS RD BANNER ELK, NC 28604	MV 2012	30	12/31/2012			-1,184	F08	-.59
	MTL8742			F08			G01	-3.71
	TAX RELEASES PLT TURN-IN Reversal of release				2852 2851			-4.30
1510169 ALDRIDGE, DEBRA BENTLEY 379 BOULDER GARDENS RD BANNER ELK, NC 28604	MV 2012	30	12/31/2012			1,184	F08	.59
	MTL8742			F08			G01	3.71
	REFUND RELEASE PLT TURN-IN				2853			4.30
1639068 ALEXANDER, JANE 5909 PANORAMA DR SE AUBURN, WA 98092	PP 2012	77	12/31/2012			5,460	G01	17.09
	688			C03				
	TAX RELEASES INCOORECT VALUE ON HH PROPERTY				2835			
1573865 ALLEN FINANCIAL ADVISORS C/O JUDD F ALLEN P O BOX 1508 BOONE, NC 28607	PP 2012	83	12/31/2012			8,884	G01	27.81
	573865999			C02			C02	32.87
	TAX RELEASES				2797			60.68
1732826 APPALACHIAN STATE UNIVERS, ITY ATHLETICS 135 JACK BRANCH DR ASU BOX 32035 BOONE, NC 28607	MV 2012	14734	12/31/2012			0	C02	86.32
	ZVR8530			C02			CF2	5.00
	TAX RELEASES EXEMPT				2813		G01	73.02
								164.34
1724226 APPALACHIAN STATE UNIVERS, ITY FOUNDATIO PO BOX 32064 BOONE, NC 28608-2064	MV 2012	22640	12/31/2012			0	C02	10.55
	S4Y0SEF			C02			CF2	5.00
	TAX RELEASES EXEMPT				2772		G01	8.92
								24.47
1641930 ARNETTE, JAMES MICHAEL ARNETTE, CRAE 9584 ELK CREEK RD DEEP GAP, NC 28618	MV 2012	22648	12/31/2012			2,760	F05	1.38
	HD88130			F05			G01	8.64
	TAX RELEASES HIGH MILEAGE / SALVAGED VEHICLE				2801			10.02
1643683 BAKER, SUZANNE WILLIS 142 WATSON ST BOONE, NC 286079117	MV 2012	22701	12/31/2012			0	C02	35.85
	BCE7842			C02			CF2	5.00
	TAX RELEASES INCORRECT FIRE DISTRICT				2781		G01	30.33
								71.18

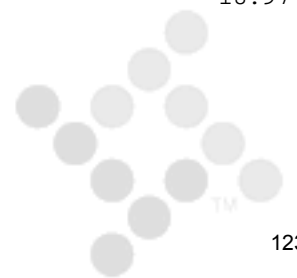


12/31/2012 20:01  
Larry.Warren

WATAUGA COUNTY  
RELEASES - 12/01/2012 TO 12/31/2012

PG 2  
tncrapt

OWNER NAME AND ADDRESS	CAT YEAR PROPERTY REASON	BILL	EFF DATE	JUR	REF NO	VALUE	CHARGE	AMOUNT
1583145 BARBOUR, ROBERT LELAND JR 538 SEVERN AVE TAMPA, FL 336064046	MV 2012	22711	12/31/2012			0	F12	1.09
	DB1466			F12			G01	6.82
	TAX RELEASES OUT OF COUNTY / AVERY				2784			7.91
1583145 BARBOUR, ROBERT LELAND JR 538 SEVERN AVE TAMPA, FL 336064046	MV 2012	22710	12/31/2012			0	F12	1.87
	XNX2122			F12			G01	11.71
	TAX RELEASES OUT OF COUNTY / AVERY				2783			13.58
1734817 BEECH MOUNTAIN VOLUNTEER, FIRE DEPT 510 BEECH MOUNTAIN PKWY BEECH MOUNTAIN, NC 28604-8013	MV 2012	26384	12/31/2012			0	C05	9.60
	52193T			C05			G01	4.70
	TAX RELEASES EXEMPT				2876			14.30
1732771 BERRY, CAMERON KYLE 175 HANGING ROCK ESTATES LN BANNER ELK, NC 28604-6746	MV 2012	14881	12/31/2012			0	C04	19.99
	BCE4517			C04			G01	12.27
	TAX RELEASES OUT OF COUNTY - AVERY				2774			32.26
1590680 BLOWING ROCK RENOVATORS PO BOX 2268 BLOWING ROCK, NC 28605	PP 2012	357	12/31/2012			0	MS1	315.84
	607178999			C03			MS1L	31.58
	TAX RELEASES MS1 DOUBLE BILLED				2790			347.42
1531187 BOONE SELF STORAGE LLC 886 LAUREL FORK ROAD VILAS, NC 28692	MV 2012	22836	12/31/2012			4,440	F02	2.22
	BCE7861			F02			G01	13.90
	TAX RELEASES TURN IN TAG				2777			16.12
1570942 BROWN, FORREST M JR BROWN, ALLISON 10697 NC HIGHWAY 194 N TODD, NC 28684-9566	MV 2012	18934	12/31/2012			0	F09	3.90
	AKN9529			F09			G01	40.69
	TAX RELEASES NOT THE CORRECT OWNER OF VEHICLE OR PLT				2808			44.59
1568841 BURKETT, KORTNI LEONA 385 RUSSELL BEACH RD VILAS, NC 28692	MV 2011	28366	12/31/2012			0	F02	7.89
	RIPPAW			F02			G01	61.75
	TAX RELEASES INCORRECT TAX BILLING				2887			69.64
1592436 C & S PARTNERS 667 CHURCH RD BOONE, NC 28607	MV 2012	15081	12/31/2012			5,226	F01	2.61
	TYF3766			F01			G01	16.36
	TAX RELEASES PLT TURN-IN				2889			18.97

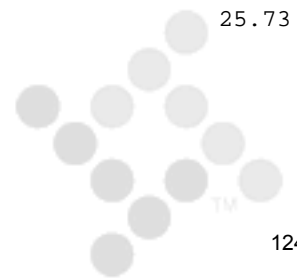


12/31/2012 20:01  
Larry.Warren

WATAUGA COUNTY  
RELEASES - 12/01/2012 TO 12/31/2012

PG 3  
tncrpt

OWNER NAME AND ADDRESS	CAT YEAR PROPERTY REASON	BILL	EFF DATE	JUR	REF NO	VALUE	CHARGE	AMOUNT
1263763 CAMERON, FREDERICK M AND PHYLLIS 449 FRIENDSHIP CHURCH RD BOONE, NC 28607-8469	MV 2012	15094	12/31/2012			5,540	F02	2.22
	AEW8455			F02			G01	17.34
	TAX RELEASES PLT TURN-IN				2788			19.56
1610121 CARSON, CHARLES MARVIN 21205 NE 37TH AVE APT 610 MIAMI, FL 33180-4053	MV 2012	11315	12/31/2012			2,130	C05	13.63
	SYC1895			C05			G01	6.67
	TAX RELEASES PLT TURN-IN				2899			20.30
1030378 CCBCC OPERATIONS LLC DBA: CCBCC OPERATIONS LLC 4115 COCA COLA PLZ CHARLOTTE, NC 28211-3400	PP 2012	713	12/31/2012			0	G01	1,143.39
	30378999			C02				
	TAX RELEASES BILLED INCORRECTLY				2728			
1734867 CHANDLER, REBECCA RUHLMAN PO BOX 2531 BANNER ELK, NC 28604-2531	MV 2012	26665	12/31/2012			0	C05	50.37
	DR2483			C05			G01	24.63
	TAX RELEASES OUT OF COUNTY / AVERY				2838			75.00
1550147 CHASE AUTO FINANCE 1111 POLAR PARKWAY COLUMBUS, OH 43240	MV 2012	23107	12/31/2012			0	C05	144.58
	XYB9272			C05			G01	70.71
	TAX RELEASES MOVED OUT OF STATE - PLT TURN-IN				2793			215.29
1550147 CHASE AUTO FINANCE 1111 POLAR PARKWAY COLUMBUS, OH 43240	MV 2012	23107	12/31/2012			0	C05	-144.58
	XYB9272			C05			G01	-70.71
	TAX RELEASES MOVED OUT OF STATE - PLT TURN-IN Reversal of release				2927 2793			-215.29
1550147 CHASE AUTO FINANCE 1111 POLAR PARKWAY COLUMBUS, OH 43240	MV 2012	23107	12/31/2012			18,825	C05	120.48
	XYB9272			C05			G01	58.92
	TAX RELEASES PLT TURN-IN				2928			179.40
1551882 CHURCH, MICHAEL DEAN 733 BAIRDS CREEK RD VILAS, NC 286929230	MV 2012	19207	12/31/2012			0	F07	7.72
	BDD7129			F07			G01	48.30
	TAX RELEASES REBILL INCORRECT TAX VALUE				2823			56.02
1618207 CLARK, JAMES W CLARK, BETSY DAVIS 160 CHESTNUT WAY BANNER ELK, NC 28604	MV 2012	11388	12/31/2012			2,700	C05	17.28
	XYB8543			C05			G01	8.45
	TAX RELEASES PLT TURN-IN.				2802			25.73

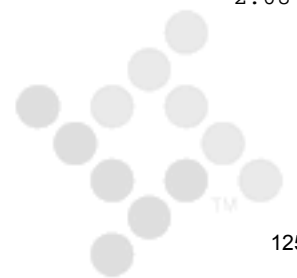


12/31/2012 20:01  
Larry.Warren

WATAUGA COUNTY  
RELEASES - 12/01/2012 TO 12/31/2012

PG 4  
tncrpt

OWNER NAME AND ADDRESS	CAT YEAR PROPERTY REASON	BILL	EFF DATE	JUR	REF NO	VALUE	CHARGE	AMOUNT
1633433 COFFEY, SALLY K LIFE ESTATE COFFEY, SAM CURTIS 1167 SOC HOUCK RD BOONE, NC 28607	RE 2012	1000012	12/31/2012			141,300	F09	70.65
	2922-39-6672-000			F09			G01	442.27
	TAX RELEASES SHOULD HAVE RECEIVED PUV				2814			512.92
1734921 COFFEY, SANDRA REID 1391 HOUND HAVEN LN LENOIR, NC 28645-9245	MV 2012	26750	12/31/2012			0	F02	3.12
	PRC3252			F02			G01	19.50
	TAX RELEASES OUT OF COUNTY / CALDWELL				2836			22.62
1597981 COLE, KENNETH RAY COLE MEAT PROCESSING CO 374 COLE DR VILAS, NC 28692	MV 2012	7560	12/31/2012			0	F09	.80
	BX75879			F09			G01	8.39
	REFUND RELEASE DUPLICATE BILLS / PD TWICE				2920			9.19
1597981 COLE, KENNETH RAY COLE MEAT PROCESSING CO 374 COLE DR VILAS, NC 28692	MV 2012	23222	12/31/2012			0	F07	1.34
	CB11506			F07			G01	8.39
	TAX RELEASES DUPLICATE BILL				2907			9.73
1734408 COLE, LEONARD RONALD COLE, DIANE HARRY 16115 EMERALD ESTATES DR WESTON, FL 33331-6102	MV 2012	23223	12/31/2012			12,000	C05	76.80
	YTB6508			C05			G01	37.56
	TAX RELEASES				2890			114.36
1592456 COLLINS, ELIZABETH HUGGIN 1346 PIONEER LN HIGH POINT, NC 272628327	MV 2012	23231	12/31/2012			0	C03	44.32
	BCE7982			C03			G01	49.55
	TAX RELEASES PLT TURNED IN SAME MONTH				2773			93.87
1593715 CRITCHER, RANDY NICK 135 MAJESTIC POND BOONE, NC 28607-6557	MV 2012	15390	12/31/2012			5,017	F02	2.51
	RCDEB			F02			G01	15.70
	TAX RELEASES PLT TURN-IN				2839			18.21
1601974 DANCEY, KENNETH ERIC 145 FRANK BROWN RD VILAS, NC 286928341	MV 2012	669	12/31/2012			975	F07	.49
	AKP1957			F07			G01	3.05
	TAX RELEASES PLT TURN-IN				2855			3.54
1601974 DANCEY, KENNETH ERIC 145 FRANK BROWN RD VILAS, NC 286928341	MV 2012	4169	12/31/2012			571	F07	.29
	XPS8960			F07			G01	1.79
	TAX RELEASES PLT TURN-IN				2856			2.08

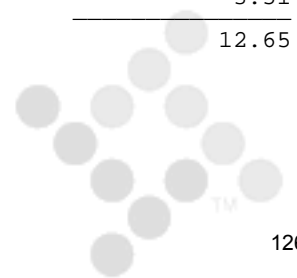


12/31/2012 20:01  
Larry.Warren

WATAUGA COUNTY  
RELEASES - 12/01/2012 TO 12/31/2012

PG 5  
tncrpt

OWNER NAME AND ADDRESS	CAT YEAR PROPERTY REASON	BILL	EFF DATE	JUR	REF NO	VALUE	CHARGE	AMOUNT
1731378 DANIEL H NGUYEN LIVING TR, UST DTD 03 2 NGUYEN, DANIEL HIEN 176 WIND WALKER CT BOONE, NC 28607-5349	MV 2012 BCK2896 TAX RELEASES RECEIVED SPECIALTY PLT BILL ON	7732	12/31/2012	C02	2818	0	C02 CF2 G01	98.05 5.00 82.95 <hr/> 186.00
1642176 DAVIS, DAVID JACOB 309 WILDWOOD LN BOONE, NC 286074486	MV 2011 AKN8775 TAX RELEASES TURN IN TAG	15462	12/31/2012	C02	2810	170	C02 G01	.63 .53 <hr/> 1.16
1734421 DAVIS, PATRICIA ANN PO BOX 322 BANNER ELK, NC 28604-0322	MV 2012 AEW7460 TAX RELEASES OUT OF COUNTY - AVERY	23450	12/31/2012	F08	2829	0	F08 G01	5.25 32.83 <hr/> 38.08
1597470 DEAL, JEFFERY GLENN 247 OLD BRISTOL RD BOONE, NC 28607	MV 2012 SNH9387 TAX RELEASES TURN IN TAG	19455	12/31/2012	C02	2840	540	C02 G01	2.00 1.69 <hr/> 3.69
1642187 DRUMHELLER, THOMAS CLAYTON PO BOX 812 BLOWING ROCK, NC 286050812	MV 2012 AJJ8163 TAX RELEASES DUPLICATE BILL 2 DIFFERENT PLATES	776	12/31/2012	F12	2917	0	F12 G01	2.82 17.69 <hr/> 20.51
1045202 DUCKWORTH, GURNEY JR AND MARTHA 495 NORMAN ROAD BOONE, NC 28607-	PP 2012 811989500 TAX RELEASES VEHICLE IS REGISTERED	1113	12/31/2012	F01	2755	0	G01 F01	7.14 1.14 <hr/> 8.28
1572658 EDMISTEN, BAXTER NORRIS 505 EDMISTEN RD BLOWING ROCK, NC 286059326	MV 2012 AX37371 TAX RELEASES INCORRECT VALUE ON TRAILER	23585	12/31/2012	F12	2929	700	F12 G01	.35 2.19 <hr/> 2.54
1734512 EDMISTEN, HEATHER ELLEN 3871 BUCKEYE RD SUGAR GROVE, NC 28679-9359	MV 2012 BCE7527 TAX RELEASES OUT OF COUNTY - AVERY	23587	12/31/2012	F07	2807	0	F07 G01	3.86 24.16 <hr/> 28.02
1580116 EGGERS, JOHN LEE 1078 MOUNTAIN DALE RD VILAS, NC 286929391	MV 2012 NSD4601 TAX RELEASES INCCORRECT FIRE DISTRICT - REBILL	19580	12/31/2012	C02	2782	0	C02 CF2 G01	4.14 5.00 3.51 <hr/> 12.65



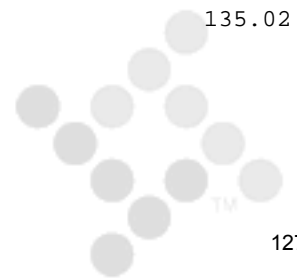


12/31/2012 20:01  
Larry.Warren

WATAUGA COUNTY  
RELEASES - 12/01/2012 TO 12/31/2012

PG 6  
tncraprt

OWNER NAME AND ADDRESS	CAT YEAR PROPERTY REASON	BILL	EFF DATE	JUR	REF NO	VALUE	CHARGE	AMOUNT
1643251 ESPY, MATTHEW RYAN ESPY, TERRY SANDERS 1395 NC HIGHWAY 105 BOONE, NC 286077609	MV 2011	18713	12/31/2012			0	F01	9.29
	YYT8079			F01			G01	58.16
	TAX RELEASES DUPLICATE 2011 BILL				2888			67.45
1577413 FANKHAUSER, GABE NEYHOUSE, TERESA J 310 WOODLAND DR BOONE, NC 28607	MV 2012	23658	12/31/2012			446	C02	1.65
	YZS5931			C02			G01	1.40
	TAX RELEASES ADJUST VALUE PER LARRY BILL OF SALE				2819			3.05
1724932 FOGEL, JENNIFER RUTH PO BOX 2172 BANNER ELK, NC 28604-2172	MV 2012	11847	12/31/2012			0	F02	2.40
	AEW9102			F02			G01	18.78
	TAX RELEASES DOUBLE BILLED				2785			21.18
1724932 FOGEL, JENNIFER RUTH PO BOX 2172 BANNER ELK, NC 28604-2172	MV 2012	11848	12/31/2012			0	F02	2.32
	AEW9102			F02			G01	18.15
	TAX RELEASES DOUBLE BILLED				2786			20.47
1724111 GEN, ZE-WA 5111 BLOCK HOUSE CT APT 711 CHARLOTTE, NC 28277-6541	MV 2012	19791	12/31/2012			7,406	F02	3.70
	VXP4581			F02			G01	23.18
	TAX RELEASES PLATE TURN-IN				2789			26.88
1731363 GENMAR CHEMICAL INC 168 CHESTNUT WAY RD BEECH MOUNTAIN, NC 28604-8051	MV 2012	8065	12/31/2012			9,930	C05	63.55
	AKN8499			C05			G01	31.08
	TAX RELEASES TURN IN TAG				2806			94.63
1559206 GINN, CHARLES PHILIP 223 KALMIA LN BOONE, NC 286078659	MV 2012	23818	12/31/2012			8,733	F02	4.37
	XZT8388			F02			G01	27.33
	TAX RELEASES PLT TURN-IN				2791			31.70
1734449 GIPSON, RYAN MATHEW 1812 HOLLOWAN DR FAYETTEVILLE, NC 28312-9245	MV 2012	23820	12/31/2012			0	F01	10.81
	ZST6493			F01			G01	67.64
	TAX RELEASES OUT OF COUNTY				2787			78.45
1588196 GLADIOLA GIRLS INC C/O RENEE FURMAN 549 W KING ST BOONE, NC 28607	PP 2012	1438	12/31/2012			0	C02	55.94
	588196999			MS1			G01	47.33
	TAX RELEASES BUSINESS NOW LAUREL MANGEMENT				2730		MS1	31.75
								135.02

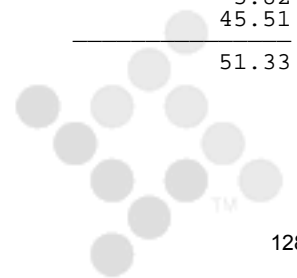


12/31/2012 20:01  
Larry.Warren

WATAUGA COUNTY  
RELEASES - 12/01/2012 TO 12/31/2012

PG 7  
tncraprt

OWNER NAME AND ADDRESS	CAT YEAR PROPERTY REASON	BILL	EFF DATE	JUR	REF NO	VALUE	CHARGE	AMOUNT
1724494 GRAGG, DAVID PO BOX 1040 BOONE, NC 28607	RE 2012	34680	12/31/2012			0	GB	25.00
	2901-11-0698-000			F02			SWF	62.00
	TAX RELEASES				2895			
	SHOULD HAVE ONLY BEEN 1 SWF 1 GB							87.00
1645165 GREER, BRENDA CASTNER PO BOX 201 SUGAR GROVE, NC 286790201	MV 2011	34187	12/31/2012			600	F07	.30
	ZYJ7029			F07			G01	1.88
	TAX RELEASES				2909			
	SALES PRICE INCORRECT VALUE							2.18
1645165 GREER, BRENDA CASTNER PO BOX 201 SUGAR GROVE, NC 286790201	MV 2011	34187	12/31/2012			-600	F07	-.30
	ZYJ7029			F07			G01	-1.88
	TAX RELEASES				2910			
	SALES PRICE INCORRECT VALUE							-2.18
	Reversal of release				2909			
1645165 GREER, BRENDA CASTNER PO BOX 201 SUGAR GROVE, NC 286790201	MV 2011	34187	12/31/2012			2,440	F07	1.22
	ZYJ7029			F07			G01	7.64
	TAX RELEASES				2911			
	INCORRECT TAX VALUE							8.86
1731848 GREER, NICKLAS 1465 LEE GUALTNEY RD BANNER ELK, NC 28604-9365	MV 2012	12070	12/31/2012			4,800	F08	2.40
	AEW6803			F08			G01	15.02
	TAX RELEASES				2868			
	PLATE WENT INACTIVE							17.42
1583865 GREGG, CHARLES DOUGLAS 7302 OLD US HIGHWAY 421 ZIONVILLE, NC 286989328	MV 2012	15911	12/31/2012			5,385	F06	2.69
	VWL8686			F06			G01	16.86
	TAX RELEASES				2820			
	PLT TURN-IN							19.55
1642769 HAGAMAN, DANIEL CHRISTOPHER HAGAMAN, KATHRYN LEIGH 990 NC HIGHWAY 194 N APT 1 BOONE, NC 286078785	MV 2011	20116	12/31/2012			0	F02	5.82
	YPY4692			F02			G01	45.51
	REFUND RELEASE				2869			
	DUPLICATE BILL PD BOTH							51.33
1642769 HAGAMAN, DANIEL CHRISTOPHER HAGAMAN, KATHRYN LEIGH 990 NC HIGHWAY 194 N APT 1 BOONE, NC 286078785	MV 2011	20116	12/31/2012			0	F02	-5.82
	YPY4692			F02			G01	-45.51
	REFUND RELEASE				2870			
	DUPLICATE BILL PD BOTH							-51.33
	Reversal of release				2869			
1642769 HAGAMAN, DANIEL CHRISTOPHER HAGAMAN, KATHRYN LEIGH 990 NC HIGHWAY 194 N APT 1 BOONE, NC 286078785	MV 2011	20116	12/31/2012			0	F02	5.82
	YPY4692			F02			G01	45.51
	REFUND RELEASE				2872			
	DUPLICATE BILL PD BOTH							51.33
	Reversal of release				2870			

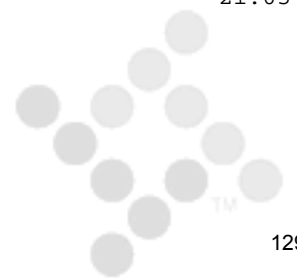


12/31/2012 20:01  
Larry.Warren

WATAUGA COUNTY  
RELEASES - 12/01/2012 TO 12/31/2012

PG 8  
tncrapt

OWNER NAME AND ADDRESS	CAT YEAR PROPERTY REASON	BILL	EFF DATE	JUR	REF NO	VALUE	CHARGE	AMOUNT
1559238 HENSON, ARLIE LEE 484 SMITH HENSON RD SUGAR GROVE, NC 286799450	MV 2012	20116	12/31/2012			0	F04	1.78
	XH8655			F04			G01	11.11
	TAX RELEASES				2873			
	DUPLICATE 2012 BILL							12.89
1550318 HERSCHELL, JAY DEANE PO BOX 3174 BOONE, NC 286073174	MV 2012	20133	12/31/2012			0	F02	.64
	XX6354			F02			G01	4.01
	TAX RELEASES				2796			
	PLT TURN-IN							4.65
1649582 HP, INC PO BOX 2180 BOONE, NC 286072180	MV 2012	27777	12/31/2012			0	F07	3.72
	ZWF9365			F07			G01	23.26
	TAX RELEASES				2827			
	VEHICLE SALVAGED REBILL CORRECT VALUE							26.98
1538467 HUBERT, BARRY E HUBERT, LORI 313 SLEEPY VALLEY DR BOONE, NC 28607	MV 2012	16274	12/31/2012			2,215	F02	1.11
	WPY1534			F02			G01	6.93
	TAX RELEASES				2805			
	TURN IN TAG							8.04
1579497 HYATT, MARJORIE HEIDER PO BOX 188 BLOWING ROCK, NC 286050188	MV 2012	16309	12/31/2012			5,565	F02	2.78
	RTR4196			F02			G01	17.42
	TAX RELEASES				2902			
	PLT TURN-IN							20.20
1562321 INGALLS, BARBARA KREIDT INGALLS, ROBERT W PO BOX 1959 BANNER ELK, NC 286041959	MV 2012	16320	12/31/2012			4,684	F08	2.34
	SWY9664			F08			G01	14.66
	TAX RELEASES				2867			
	PLT TURN-IN							17.00
1577879 JAMES, BRENDA BYERS JAMES, THOMAS LEE 605 CHURCH HOLLOW RD BOONE, NC 28607	MV 2012	20375	12/31/2012			2,466	F01	1.23
	TYL1560			F01			G01	7.72
	REFUND RELEASE				2925			
	PLT TURN-IN							8.95
1621941 JOHN TOVEY HASTINGS COUNTRY FARM HOUSE PO BOX 681 VALLE CRUCIS, NC 286910681	MV 2012	24371	12/31/2012			2,197	F07	1.10
	CFARM			F07			G01	6.88
	TAX RELEASES				2803			
	PLT TURN-IN							7.98
1536373 JOHNSON, ADAM BARRETT 186 WESTSIDE DRIVE BOONE, NC 28607	MV 2012	24374	12/31/2012			3,082	C02	11.40
	BCE8027			C02			G01	9.65
	TAX RELEASES				2795			
	PLT TURN-IN							21.05



12/31/2012 20:01  
Larry.Warren

WATAUGA COUNTY  
RELEASES - 12/01/2012 TO 12/31/2012

PG 9  
tncrapt

OWNER NAME AND ADDRESS	CAT YEAR PROPERTY REASON	BILL	EFF DATE	JUR	REF NO	VALUE	CHARGE	AMOUNT
1643328 KRUMRINE, JOHN ADAMS KRUMRINE, LETA A 145 WOODHAVEN LN BOONE, NC 28607	MV 2012	8824	12/31/2012			3,987	F02	1.59
	ZRX4449			F02			G01	12.48
	TAX RELEASES				2770			
	PLT TURN-IN MOVED OUT OF STATE							14.07
9101555 LATENDRESSE, JAMES J 256 CREST DR PO BOX 190 BOONE, NC 286073813	MV 2012	24531	12/31/2012			5,738	C02	21.23
	4T4408			C02			G01	17.96
	TAX RELEASES				2862			
	PLT TURN-IN							39.19
9101555 LATENDRESSE, JAMES J 256 CREST DR PO BOX 190 BOONE, NC 286073813	MV 2012	20602	12/31/2012			5,583	C02	20.66
	4V8796			C02			G01	17.47
	TAX RELEASES				2863			
	PLT TURN-IN							38.13
9101555 LATENDRESSE, JAMES J 256 CREST DR PO BOX 190 BOONE, NC 286073813	MV 2012	16541	12/31/2012			862	C02	3.19
	AEW8701			C02			G01	2.70
	TAX RELEASES				2857			
								5.89
1586901 LATENDRESSE, JESSE ERIN 256 CREST DR BOONE, NC 286073813	MV 2012	28009	12/31/2012			5,738	C02	21.23
	5C6536			C02			G01	17.96
	TAX RELEASES				2858			
	PLT TURN-IN							39.19
1586901 LATENDRESSE, JESSE ERIN 256 CREST DR BOONE, NC 286073813	MV 2012	28009	12/31/2012			5,738	C02	1.93
	5C6536			C02			G01	1.63
	TAX RELEASES				2859			
								3.56
1586901 LATENDRESSE, JESSE ERIN 256 CREST DR BOONE, NC 286073813	MV 2012	28009	12/31/2012			-5,738	C02	-21.23
	5C6536			C02			G01	-17.96
	TAX RELEASES				2860			
	PLT TURN-IN Reversal of release				2858			-39.19
1586901 LATENDRESSE, JESSE ERIN 256 CREST DR BOONE, NC 286073813	MV 2012	28009	12/31/2012			-5,738	C02	-1.93
	5C6536			C02			G01	-1.63
	TAX RELEASES				2861			
	Reversal of release				2859			-3.56
1515226 MANDLE, ALAN J. & JANE M. PO BOX 9558 HICKORY, NC 28603-9558	PP 2012	2364	12/31/2012			0	G01	20.09
	280			C05				
	TAX RELEASES				2710			
	NO HSLD PERSONAL PROPERTY							

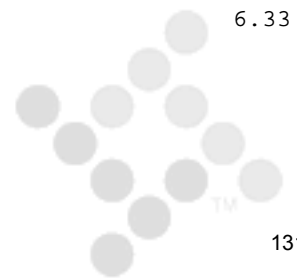


12/31/2012 20:01  
Larry.Warren

WATAUGA COUNTY  
RELEASES - 12/01/2012 TO 12/31/2012

PG 10  
tncrapt

OWNER NAME AND ADDRESS	CAT YEAR PROPERTY REASON	BILL	EFF DATE	JUR	REF NO	VALUE	CHARGE	AMOUNT
1561566 MCCONKEY, GLENN FRANCIS 260 LONNIE LANE FLEETWOOD, NC 28626	MV 2012	16741	12/31/2012			1,833	F06	.92
	AAF1849			F06			G01	5.74
	TAX RELEASES PLT TURN-IN				2775			6.66
1576714 MCLEAN, TRAVIS D MCLEAN, ANGELA C 610 TWIN OAKS LN BANNER ELK, NC 28604	MV 2012	24768	12/31/2012			14,450	F01	7.23
	ZXF3570			F01			G01	45.23
	TAX RELEASES TURN IN TAG				2900			52.46
1564866 MCMAHON, LIAM 671 BAIRDS CREEK RD VILAS, NC 286929229	MV 2012	28235	12/31/2012			12,450	F07	6.23
	RYS4978			F07			G01	38.97
	TAX RELEASES PLT TURN-IN				2816			45.20
1734874 MEAT CAMP VOL. FIRE DEPT. 1574 BURKETT RD BOONE, NC 28607-8255	MV 2012	28244	12/31/2012			0	F09	5.29
	67957T			F09			G01	33.08
	TAX RELEASES EXEMPT				2924			38.37
1734912 MEAT CAMP VOLUNTEER FIRE, DEPARTMENT 1574 BURKETT RD BOONE, NC 28607-8255	MV 2012	28245	12/31/2012			0	F09	5.16
	67960T			F09			G01	32.27
	TAX RELEASES EXEMPT				2923			37.43
1603555 MORGAN, JAMES EDWARD JR 314 MEADOWVIEW DR APT 704 BOONE, NC 286075228	MV 2012	21053	12/31/2012			3,158	F02	1.58
	SYC4854			F02			G01	9.88
	TAX RELEASES PLT TURN-IN				2811			11.46
1598808 NEW RIVER BUILDING SUPPLY PO BOX 2960 BOONE, NC 286072960	MV 2012	24997	12/31/2012			0	C02	47.58
	ZWF9072			F02			CF2	5.00
	TAX RELEASES WRONG FIRE DISTRICT - RE-BILL				2779		G01	40.25
								92.83
1559356 ONG, NAM VINH 136 HAMPTON CT BOONE, NC 286079420	MV 2012	25061	12/31/2012			8,440	F02	4.22
	VYX3392			F02			G01	26.42
	TAX RELEASES TURN IN TAG				2778			30.64
1702548 ORLANDO, BRANDON P 314 MEADOWVIEW DR APT 611 BOONE, NC 28607-5222	MV 2011	27817	12/31/2012			928	C02	3.43
	ZXS5956			C02			G01	2.90
	TAX RELEASES PLT TURN-IN				2908			6.33

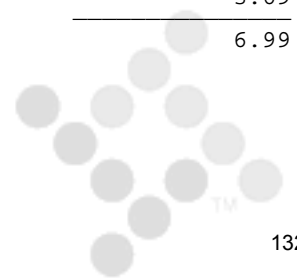


12/31/2012 20:01  
Larry.Warren

WATAUGA COUNTY  
RELEASES - 12/01/2012 TO 12/31/2012

PG 11  
tncraprt

OWNER NAME AND ADDRESS	CAT YEAR PROPERTY REASON	BILL	EFF DATE	JUR	REF NO	VALUE	CHARGE	AMOUNT
1524584 PEARSON, DELENA SHORE 210 TOM PEARSON RD BLOWING ROCK, NC 286059423	MV 2011	27879	12/31/2012			2,220	F12	1.11
	NSH2123			F12			G01	6.95
	REFUND RELEASE TURN IN TAG				2798			8.06
1542851 PEEK, MELANIE MCGREW 115 BURKETT RD BOONE, NC 28607	MV 2011	35247	12/31/2012			183	C02	.68
	RYK4423			C02			G01	.57
	TAX RELEASES PLT TURN IN				2828			1.25
1580920 PENDLEY, KRISTIN LYNNE 358 MARION CORNETT RD BOONE, NC 286077304	MV 2012	13348	12/31/2012			1,455	F02	.58
	4Z5296			F02			G01	4.55
	TAX RELEASES PLT TURN-IN				2799			5.13
1555747 PIERCE, MARGARET MILLER PIERCE, WILLIAM CLYDE 1266 SHERWOOD RD VILAS, NC 286928901	MV 2012	28582	12/31/2012			0	F07	.48
	VYX3879			F07			G01	3.00
	TAX RELEASES INCORRECT COMPUTER GENERATED TAX VALUE				2844			3.48
1648913 POYNER, CLINTON ROY 117 GRAGG ST # B BOONE, NC 286073562	MV 2012	28631	12/31/2012			825	C02	3.05
	BCE8227			C02			G01	2.58
	TAX RELEASES TURN IN TAG				2916			5.63
1648401 PRUITT, ANDREW DANIEL 1407 RAVENS RIDGE RD BOONE, NC 286077725	MV 2012	9657	12/31/2012			1,100	F02	.44
	WXA7735			F02			G01	3.44
	REFUND RELEASE PLT TURN-IN				2905			3.88
1728472 RESORT AREA MINISTRIES IN, C PO BOX 24 BOONE, NC 28607-0024	MV 2012	25369	12/31/2012			0	C02	4.22
	AEX1101			MS1			CF2	5.00
	TAX RELEASES				2792		G01	3.57
	EXEMPT						MS1	2.39
								15.18
1629367 REYNOLDS, RUTH FRANCES 1121 TAZWELL PL RALEIGH, NC 276124770	MV 2012	25372	12/31/2012			6,666	F09	3.33
	TZB9950			F09			G01	20.86
	TAX RELEASES PLT TURN-IN				2804			24.19
1546000 RHODES, PAMELA JEAN RHODES, DEAN ADEL P. O. BOX 1546 BOONE, NC 28607	MV 2012	17425	12/31/2012			1,178	C03	3.30
	AEW8879			C03			G01	3.69
	TAX RELEASES PLT TURN-IN				2831			6.99

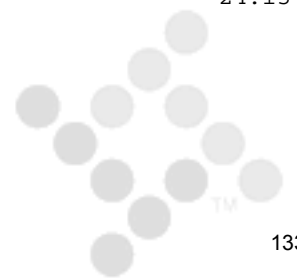


12/31/2012 20:01  
Larry.Warren

WATAUGA COUNTY  
RELEASES - 12/01/2012 TO 12/31/2012

PG 12  
tncrpt

OWNER NAME AND ADDRESS	CAT YEAR PROPERTY REASON	BILL	EFF DATE	JUR	REF NO	VALUE	CHARGE	AMOUNT
1634327 RICHARD TURK WOLF TURK LLC 257 ASCOT LANE BOONE, NC 28607	PP 2012	3154	12/31/2012			0	G01	16.62
	634327999			F12			F12	2.66
	TAX RELEASES				2732			
	OUT OF BUSINESS 2010							19.28
1622369 RICHARDS, MICHAEL COLLIN PO BOX 1833 BLOWING ROCK, NC 28605-1833	MV 2012	28746	12/31/2012			0	F02	9.46
	VYX5401			F02			G01	59.19
	TAX RELEASES				2834			
	VALUE TO HIGH FOR DAMAGE/MILAGE							68.65
1733737 ROBERTSON, JAMES HEWLETTE III 282 CHARLES ST BOONE, NC 28607-3418	MV 2012	21577	12/31/2012			5,000	C02	18.50
	BCE7281			C02			G01	15.65
	TAX RELEASES				2903			
	plt tur-in							34.15
1702324 ROBINETTE, BEAVER ROSS 537 BENTLEY RD SUGAR GROVE, NC 28679	MV 2012	17469	12/31/2012			1,875	F07	.94
	AEX1272			F07			G01	5.87
	TAX RELEASES				2815			
	PLT TURN-IN							6.81
1628683 ROBINSON, HENRY A 11080 HIGHLAND CIRCLE BOCA RATON, FL 33428	MV 2012	17477	12/31/2012			437	C05	2.80
	WWZ9477			C05			G01	1.37
	TAX RELEASES				2914			
								4.17
1602226 ROGERS, HOWARD WILBON III 150 B MARGO TRL BOONE, NC 286079543	MV 2012	17484	12/31/2012			0	F02	5.86
	XPS4079			F02			G01	45.82
	TAX RELEASES				2842			
	DUPLICATE BILL							51.68
1602226 ROGERS, HOWARD WILBON III 150 B MARGO TRL BOONE, NC 286079543	MV 2012	21596	12/31/2012			0	F02	5.86
	XPS4079			F02			G01	45.82
	TAX RELEASES				2843			
	TRIPLICATE BILL FOR 2012							51.68
1731819 ROMINGER, DONNA MARIE PO BOX 1503 BLOWING ROCK, NC 28605	MV 2012	13628	12/31/2012			106	F08	.05
	BCE4341			F08			G01	.33
	TAX RELEASES				2824			
	TURN IN TAG							.38
1569182 ROONEY, SUSAN HAVNER 867 MILLERS POND LN BOONE, NC 286079356	MV 2012	6116	12/31/2012			7,040	F09	2.11
	FLSTU1			F09			G01	22.04
	TAX RELEASES				2850			
	TURN IN TAG							24.15

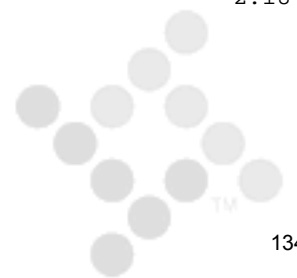


12/31/2012 20:01  
Larry.Warren

WATAUGA COUNTY  
RELEASES - 12/01/2012 TO 12/31/2012

PG 13  
tncrapt

OWNER NAME AND ADDRESS	CAT YEAR PROPERTY REASON	BILL	EFF DATE	JUR	REF NO	VALUE	CHARGE	AMOUNT
1731841 ROSS, RYAN CASEY 129 WILLIAMS PRIDE RD BANNER ELK, NC 28604-9990	MV 2012	13638	12/31/2012			0	F02	1.76
	4T4264			F02			G01	13.80
	TAX RELEASES OUT OF COUNTY - AVERY				2919			15.56
1731841 ROSS, RYAN CASEY 129 WILLIAMS PRIDE RD BANNER ELK, NC 28604-9990	MV 2012	13637	12/31/2012			0	F02	.94
	BCE4165			F02			G01	7.39
	TAX RELEASES OUT OF COUNTY - AVERY				2918			8.33
1568465 ROWELL, JOHN WAVERLY PO BOX 796 VALLE CRUCIS, NC 286910796	MV 2012	25442	12/31/2012			14,421	F01	7.21
	BDR9904			F01			G01	45.14
	TAX RELEASES TURN IN TAG				2809			52.35
1621489 SCHARNS, WENDY MICHELLE 656 ROCKY CREEK RD BOONE, NC 286078952	MV 2011	31797	12/31/2012			0	F02	1.25
	AAF1169			F02			G01	9.77
	TAX RELEASES MOVED OUT OF STATE				2901			11.02
1642934 SCHULTZ, WILLIAM NEWBOLD SCHULTZ, STEPHANIE SERRI 249 HUBER HL BOONE, NC 286079882	MV 2012	17570	12/31/2012			6,620	F08	1.66
	HD64444			F08			G01	10.36
	TAX RELEASES PLT TURN-IN				2875			12.02
1564987 SHINE, JAMES WILLIAM SHINE, SUSANNE MAYER 280 EMORY GREER RD ZIONVILLE, NC 28698	MV 2012	13746	12/31/2012			4,124	F06	2.06
	ZNP3610			F06			G01	12.91
	TAX RELEASES PLATE TURN-IN				2771			14.97
1579641 SIGMAN, HAL COX PO BOX 635 BLOWING ROCK, NC 286050635	MV 2012	25586	12/31/2012			1,508	F12	.75
	BCE8051			F12			G01	4.72
	TAX RELEASES PLT TURN-IN				2794			5.47
1609671 SIMPSON, JACK R .SIMPSON FAMILY TRUST PO BOX 153 SUGAR GROVE, NC 28679	RE 2012	14708	12/31/2012			43,100	F07	21.55
	1962-50-9951-000			F07			G01	134.90
	TAX RELEASES FAILED TO RECEIVE PUV				2746			156.45
1568482 SMITH, MARK EUGENE 381 JIMMY BILLINGS RD VILAS, NC 28692-8335	MV 2012	13824	12/31/2012			600	F07	.30
	BH49632			F07			G01	1.88
	REFUND RELEASE PLT TURN-IN				2874			2.18



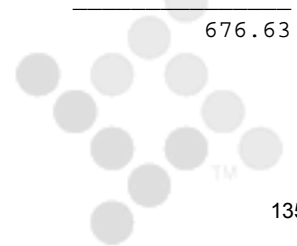


12/31/2012 20:01  
Larry.Warren

WATAUGA COUNTY  
RELEASES - 12/01/2012 TO 12/31/2012

PG 14  
tncraprt

OWNER NAME AND ADDRESS	CAT YEAR PROPERTY REASON	BILL	EFF DATE	JUR	REF NO	VALUE	CHARGE	AMOUNT
1537841 SOUTH, LENORE BEASLEY 150 GRIZZLY LN BOONE, NC 28607	MV 2012	21877	12/31/2012			13,100	F10	6.55
	JWSLBS			F10			G01	41.00
	TAX RELEASES TURN IN TAG				2800			47.55
1734972 SPANIER, GRANT DAVID 119 BEST PLACE CT N APT T BOONE, NC 28607-6072	MV 2012	29029	12/31/2012			14,584	C02	53.96
	AEX1189			C02			G01	45.65
	TAX RELEASES PLT TURN-IN				2832			99.61
1534092 STAPLETON, DAVID STAPLETON, SHANNON 167 SUNBURST LN BOONE, NC 28607-6812	RE 2012	41532	12/31/2012			45,400	F02	22.70
	2920-07-2709-000			F02			G01	142.10
	TAX RELEASES				2912		GB	25.00
	UNFINISHED BASEMENT						SWF	62.00
								251.80
1724199 SWISHER, STEPHANIE LEIGH 386 LITTLE RIVER RD SUGAR GROVE, NC 28679-8023	MV 2012	17844	12/31/2012			28,075	F07	14.04
	4TBSGS			F07			G01	87.87
	TAX RELEASES plt turn-in				2866			101.91
1585084 TAYLOR, JODIE LYN 894 FAIRWAY DR BOONE, NC 286078941	MV 2012	17872	12/31/2012			0	C02	43.51
	BCE7101			C02			CF2	5.00
	TAX RELEASES				2821		G01	36.81
	INCORRECT TAX VALUE OVER BILL OF SALE							85.32
1537819 TEETERS, THOMAS T TEETERS, DORIT L 365 CASTLE FORD RD BOONE, NC 28607	MV 2012	29163	12/31/2012			0	F09	1.50
	PPY3509			F09			G01	9.39
	TAX RELEASES				2826			
	INCORRECT VALUE VALUE JUMPED UP 2500.							10.89
1734304 THOMAS, JEFFERY ALLEN 2901 W BRUSHY FORK RD ZIONVILLE, NC 28698-9235	MV 2012	25800	12/31/2012			0	F06	1.00
	RYK7227			F06			G01	6.23
	TAX RELEASES OUT OF COUNTY - ASHE				2915			7.23
1728344 TOWN OF BEECH MOUNTAIN 403 BEECH MOUNTAIN PKWY BEECH MOUNTAIN, NC 28604-8012	MV 2012	29215	12/31/2012			0	C05	146.82
	17999V			C05			G01	71.80
	TAX RELEASES EXEMPT				2881			218.62
1728344 TOWN OF BEECH MOUNTAIN 403 BEECH MOUNTAIN PKWY BEECH MOUNTAIN, NC 28604-8012	MV 2012	29219	12/31/2012			0	C05	454.40
	44202V			C05			G01	222.23
	TAX RELEASES				2885			
	EXEMPT							676.63



12/31/2012 20:01  
Larry.Warren

WATAUGA COUNTY  
RELEASES - 12/01/2012 TO 12/31/2012

PG 15  
tncrpt

OWNER NAME AND ADDRESS	CAT YEAR PROPERTY REASON	BILL	EFF DATE	JUR	REF NO	VALUE	CHARGE	AMOUNT
1728344 TOWN OF BEECH MOUNTAIN 403 BEECH MOUNTAIN PKWY BEECH MOUNTAIN, NC 28604-8012	MV 2012	29217	12/31/2012			0	C05	227.97
	44212V			C05			G01	111.49
	TAX RELEASES EXEMPT				2883			339.46
1728344 TOWN OF BEECH MOUNTAIN 403 BEECH MOUNTAIN PKWY BEECH MOUNTAIN, NC 28604-8012	MV 2012	29211	12/31/2012			0	C05	72.19
	44215V			C05			G01	35.31
	TAX RELEASES EXEMPT				2877			107.50
1728344 TOWN OF BEECH MOUNTAIN 403 BEECH MOUNTAIN PKWY BEECH MOUNTAIN, NC 28604-8012	MV 2012	29218	12/31/2012			0	C05	245.25
	44218V			C05			G01	119.94
	TAX RELEASES EXEMPT				2884			365.19
1728344 TOWN OF BEECH MOUNTAIN 403 BEECH MOUNTAIN PKWY BEECH MOUNTAIN, NC 28604-8012	MV 2012	29212	12/31/2012			0	C05	44.48
	44220V			C05			G01	21.75
	TAX RELEASES EXEMPT				2878			66.23
1728344 TOWN OF BEECH MOUNTAIN 403 BEECH MOUNTAIN PKWY BEECH MOUNTAIN, NC 28604-8012	MV 2012	29213	12/31/2012			0	C05	1.92
	44224V			C05			G01	.94
	TAX RELEASES EXEMPT				2879			2.86
1728344 TOWN OF BEECH MOUNTAIN 403 BEECH MOUNTAIN PKWY BEECH MOUNTAIN, NC 28604-8012	MV 2012	29220	12/31/2012			0	C05	168.83
	44228V			C05			G01	82.57
	TAX RELEASES EXEMPT				2886			251.40
1728344 TOWN OF BEECH MOUNTAIN 403 BEECH MOUNTAIN PKWY BEECH MOUNTAIN, NC 28604-8012	MV 2012	29214	12/31/2012			0	C05	156.99
	44229V			C05			G01	76.78
	TAX RELEASES EXEMPT				2880			233.77
1728344 TOWN OF BEECH MOUNTAIN 403 BEECH MOUNTAIN PKWY BEECH MOUNTAIN, NC 28604-8012	MV 2012	29216	12/31/2012			0	C05	299.20
	44230V			C05			G01	146.33
	TAX RELEASES EXEMPT				2882			445.53
11197 TOWN OF BLOWING ROCK 1036 MAIN ST BLOWING ROCK, NC 28605	MV 2012	29222	12/31/2012			0	C03	73.61
	67935T			C03			G01	82.29
	TAX RELEASES EXEMPT				2892			155.90



12/31/2012 20:01  
Larry.Warren

WATAUGA COUNTY  
RELEASES - 12/01/2012 TO 12/31/2012

PG 16  
tncrpt

OWNER NAME AND ADDRESS	CAT YEAR PROPERTY REASON	BILL	EFF DATE	JUR	REF NO	VALUE CHARGE	AMOUNT
11197 TOWN OF BLOWING ROCK 1036 MAIN ST BLOWING ROCK, NC 28605	MV 2012	29223	12/31/2012			0 C03	71.06
	67939T			C03		G01	79.44
	TAX RELEASES EXEMPT				2893		150.50
11197 TOWN OF BLOWING ROCK 1036 MAIN ST BLOWING ROCK, NC 28605	MV 2012	29227	12/31/2012			0 C03	6.19
	67941T			C03		G01	6.92
	TAX RELEASES EXEMPT				2898		13.11
11197 TOWN OF BLOWING ROCK 1036 MAIN ST BLOWING ROCK, NC 28605	MV 2012	29224	12/31/2012			0 C03	3.16
	67942T			C03		G01	3.54
	TAX RELEASES EXEMPT				2894		6.70
11197 TOWN OF BLOWING ROCK 1036 MAIN ST BLOWING ROCK, NC 28605	MV 2012	29225	12/31/2012			0 C03	4.20
	67945T			C03		G01	4.70
	TAX RELEASES EXEMPT				2896		8.90
11197 TOWN OF BLOWING ROCK 1036 MAIN ST BLOWING ROCK, NC 28605	MV 2012	29226	12/31/2012			0 C03	4.79
	67951T			C03		G01	5.35
	TAX RELEASES EXEMPT				2897		10.14
11197 TOWN OF BLOWING ROCK 1036 MAIN ST BLOWING ROCK, NC 28605	MV 2012	29221	12/31/2012			0 F12	9.54
	67952T			F12		G01	59.72
	TAX RELEASES EXEMPT				2891		69.26
1628750 TRIPLETT, LEOTA GOULDS TRIPLETT, RODNEY ARNOLD 668 DOGWOOD RD BOONE, NC 286074529	MV 2012	17991	12/31/2012			10,656 C02	39.43
	WWY9894			C02		G01	33.35
	TAX RELEASES TURN IN TAG				2841		72.78
1565023 TRUETT, CAROL ANN 1655 SUNSET DR BLOWING ROCK, NC 286059246	MV 2012	25897	12/31/2012			8,235 C03	23.06
	DRCAT			C03		G01	25.78
	TAX RELEASES PLT TURN-IN				2904		48.84
1637418 VANCE, CRYSTAL LYNN 246 WES JONES RD NEWLAND, NC 286579232	MV 2012	10536	12/31/2012			0 F08	8.43
	TYF8487			F08		G01	52.74
	TAX RELEASES OUT OF COUNTY / AVERY				2817		61.17

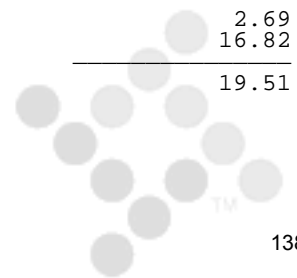


12/31/2012 20:01  
Larry.Warren

WATAUGA COUNTY  
RELEASES - 12/01/2012 TO 12/31/2012

PG 17  
tncrapt

OWNER NAME AND ADDRESS	CAT YEAR PROPERTY REASON	BILL	EFF DATE	JUR	REF NO	VALUE	CHARGE	AMOUNT
1167691 VOSBURGH, EDWIN B JR AND ELEANOR PO BOX 705 BLOWING ROCK, NC 286050705	MV 2012	22216	12/31/2012			0	C03	12.74
	BDH2716			C03			G01	14.24
	TAX RELEASES PLT TURN IN				2906			26.98
1598936 WALKER DEVELOPEMENT LLC 4369 NC HWY 194S BANNER ELK, NC 28604	MV 2012	22235	12/31/2012			0	F01	.70
	W123			F01			G01	4.38
	TAX RELEASES VEHICLE SHOWSINCORRECT PLT ON IT				2812			5.08
1380 WATAUGA COUNTY 842 WEST KING ST BOONE, NC 28607	MV 2012	29399	12/31/2012			0	C02	100.23
	68047T			C02			CF2	5.00
	TAX RELEASES EXEMPT				2845		G01	84.79
								190.02
1239532 WATSON, MATA CAROLEEN 6070 OLD HWY 421 S DEEP GAP, NC 28618	MV 2012	29431	12/31/2012			0	F10	3.93
	BCE8093			F10			G01	24.60
	TAX RELEASES INCORRECT BILL				2847			28.53
1598237 WATSON, NORMAN FILMORE 6070 OLD 421 SOUTH DEEP GAP, NC 28618	MV 2012	14375	12/31/2012			0	F10	4.50
	XE9532			F10			G01	28.17
	TAX RELEASES DUPLICATE DUE TO SPECIALTY PLT Reversal of release				2848			32.67
1598237 WATSON, NORMAN FILMORE 6070 OLD 421 SOUTH DEEP GAP, NC 28618	MV 2012	14375	12/31/2012			0	F10	-4.50
	XE9532			F10			G01	-28.17
	TAX RELEASES DUPLICATE DUE TO SPECIALTY PLT Reversal of release				2849			-32.67
1598237 WATSON, NORMAN FILMORE 6070 OLD 421 SOUTH DEEP GAP, NC 28618	MV 2012	14375	12/31/2012			0	F10	-4.50
	XE9532			F10			G01	-28.17
	TAX RELEASES DUPLICATE DUE TO SPECIALTY PLT Reversal of release				2846			-32.67
1598237 WATSON, NORMAN FILMORE 6070 OLD 421 SOUTH DEEP GAP, NC 28618	MV 2012	14375	12/31/2012			0	F10	4.50
	XE9532			F10			G01	28.17
	TAX RELEASES DUPLICATE DUE TO SPECIALTY PLT				2833			32.67
1614009 WESTERMAN, JAMES WILLIAM WESTERMAN, JENNIFER HUGHES 1946 POPLAR GROVE RD S BOONE, NC 286076850	MV 2012	29468	12/31/2012			5,375	F02	2.69
	7989BP			F02			G01	16.82
	TAX RELEASES PLT TRANSFERRED				2865			19.51

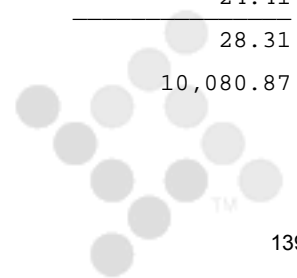


12/31/2012 20:01  
Larry.Warren

WATAUGA COUNTY  
RELEASES - 12/01/2012 TO 12/31/2012

PG 18  
tncrpt

OWNER NAME AND ADDRESS	CAT YEAR PROPERTY REASON	BILL	EFF DATE	JUR	REF NO	VALUE	CHARGE	AMOUNT
1576082 WHITLEY, VERNON RUDOLPH JR 186 PHEASANT WALK WAY VILAS, NC 286928371	MV 2012 RYK8693 TAX RELEASES PLT TURN-IN	26098	12/31/2012	F01	2780	0	F01 G01	2.98 18.65 <hr/> 21.63
1735046 WILSON, DAVID PATRICK 195 CHRIST CHURCH DR VILAS, NC 28692-8536	MV 2012 DW3086 TAX RELEASES PLT TURN-IN	29529	12/31/2012	F04	2913	28,858	F04 G01	14.43 90.33 <hr/> 104.76
1734961 WILSON, DONALD REID WILSON, MARGARET LINDA 276 SUMMIT PARK CIR BOONE, NC 28607-7064	MV 2012 PSP7960 TAX RELEASES PD OUT OF COUNTY MECKLANBERG	29530	12/31/2012	F12	2864	0	F12 G01	7.45 46.64 <hr/> 54.09
1734428 WILSON, JOSHUA DON WILSON, RACHEL BETH 518 INDIAN PAINT BRUSH DR UNIT R 01 BANNER ELK, NC 28604-6772	MV 2012 BDJ7172 TAX RELEASES INCORRECT PLT BRP TO BILL NEST TAPE	26145	12/31/2012	F01	2825	0	F01 G01	13.69 85.70 <hr/> 99.39
1732941 WOOD, MARTHA CLAIR 292 E RIDGE DR BOONE, NC 28607-4414	MV 2012 BBV6242 TAX RELEASES OUT OF STATE REGISTRATION PER SRP	18431	12/31/2012	C02	2854	11,440	C02 G01	42.33 35.81 <hr/> 78.14
1721782 WOODARD, JANICE AUTON WOODARD, CHARLES LAYMOND 454 HARLEY PERRY RD ZIONVILLE, NC 28698-9794	MV 2012 BCE6579 TAX RELEASES RE-BILL INCORRECT TAX VALUE	18433	12/31/2012	F06	2822	0	F06 G01	1.29 8.04 <hr/> 9.33
1732036 WURST, MATTHEW ERIC 297 CHERRY DR BOONE, NC 28607-3718	MV 2012 BCE6466 TAX RELEASES PLT INACTIVE	14604	12/31/2012	C02	2837	3,967	C02 G01	14.68 12.42 <hr/> 27.10
1544918 YATES, DOROTHY C 1293 DECK HILL RD BOONE, NC 28607	MV 2012 XWC4098 TAX RELEASES WRONG FIRE CODE	26221	12/31/2012	F02	2776	0	C02 CF2 G01	58.46 5.00 49.45 <hr/> 112.91
1732935 YOUNG, ANDREA LEIGH PO BOX 2012 BANNER ELK, NC 28604-2012	MV 2012 BCE6830 TAX RELEASES OUT OF COUNTY - AVERY	18485	12/31/2012	F02	2830	0	F02 G01	3.90 24.41 <hr/> 28.31
DETAIL SUMMARY	COUNT: 162	RELEASES - TOTAL	603,348					10,080.87



12/31/2012 20:01  
Larry.Warren

WATAUGA COUNTY  
RELEASES - 12/01/2012 TO 12/31/2012

PG 19  
tncraprt

RELEASES - CHARGE SUMMARY FOR ALL CLERKS

YEAR	CAT	CHARGE	AMOUNT	
2011	MV	C02	BOONE MV	4.74
2011	MV	F01	FOSCOE FIRE MV	9.29
2011	MV	F02	BOONE FIRE MV	14.96
2011	MV	F07	COVE CREEK FIRE MV	1.22
2011	MV	F12	BLOWING ROCK FIRE MV	1.11
2011	MV	G01	WATAUGA COUNTY MV	193.78
			2011 TOTAL	225.10
2012	RE	F02	BOONE FIRE RE	22.70
2012	RE	F07	COVE CREEK FIRE RE	21.55
2012	RE	F09	MEAT CAMP FIRE RE	70.65
2012	RE	G01	WATAUGA COUNTY RE	719.27
2012	RE	GB	GREEN BOX RE	50.00
2012	RE	SWF	SOLID WASTE FEE	124.00
2012	PP	C02	BOONE PP	88.81
2012	PP	F01	FOSCOE FIRE PP	1.14
2012	PP	F12	BLOWING ROCK FIRE PP	2.66
2012	PP	G01	WATAUGA COUNTY PP	1,279.47
2012	PP	MS1	BOONE MUNICIPAL SERV DIST PP	347.59
2012	PP	MS1L	BOONE MUNICIPAL SERV DIST LATE	31.58
2012	MV	C02	BOONE MV	720.99
2012	MV	C03	BLOWING ROCK MV	246.43
2012	MV	C04	SEVEN DEVILS MV	19.99
2012	MV	C05	BEECH MOUNTAIN MV	2,172.56
2012	MV	CF2	BOONE MV FEE	50.00
2012	MV	F01	FOSCOE FIRE MV	46.46
2012	MV	F02	BOONE FIRE MV	66.27
2012	MV	F04	BEAVER DAM FIRE MV	16.21
2012	MV	F05	STEWART SIMMONS FIRE MV	1.38
2012	MV	F06	ZIONVILLE FIRE MV	7.96
2012	MV	F07	COVE CREEK FIRE MV	40.51
2012	MV	F08	SHAWNEEHAW FIRE MV	20.72
2012	MV	F09	MEAT CAMP FIRE MV	22.09
2012	MV	F10	DEEP GAP FIRE MV	10.48
2012	MV	F12	BLOWING ROCK FIRE MV	23.87
2012	MV	G01	WATAUGA COUNTY MV	3,628.04
2012	MV	MS1	BOONE MUNICIPAL SERV DIST MV	2.39
			2012 TOTAL	9,855.77
			SUMMARY TOTAL	10,080.87



12/31/2012 20:01  
Larry.Warren

WATAUGA COUNTY  
RELEASES - 12/01/2012 TO 12/31/2012

PG 20  
tncrapt

RELEASES - JURISDICTION SUMMARY FOR ALL CLERKS

JUR	YEAR	CHARGE	AMOUNT
C02	2011	C02 BOONE MV	4.74
C02	2011	G01 WATAUGA COUNTY MV	4.00
C02	2012	C02 BOONE MV	643.60
C02	2012	CF2 BOONE MV FEE	35.00
C02	2012	G01 WATAUGA COUNTY PP	1,687.86
C02 TOTAL			2,375.20
C03	2012	C03 BLOWING ROCK MV	246.43
C03	2012	G01 WATAUGA COUNTY MV	292.59
C03	2012	MS1 BOONE MUNICIPAL SERV DIST PP	315.84
C03	2012	MS1L BOONE MUNICIPAL SERV DIST LATE	31.58
C03 TOTAL			886.44
C04	2012	C04 SEVEN DEVILS MV	19.99
C04	2012	G01 WATAUGA COUNTY MV	12.27
C04 TOTAL			32.26
C05	2012	C05 BEECH MOUNTAIN MV	2,172.56
C05	2012	G01 WATAUGA COUNTY PP	1,082.61
C05 TOTAL			3,255.17
F01	2011	F01 FOSCOE FIRE MV	9.29
F01	2011	G01 WATAUGA COUNTY MV	58.16
F01	2012	F01 FOSCOE FIRE PP	47.60
F01	2012	G01 WATAUGA COUNTY PP	297.96
F01 TOTAL			413.01
F02	2011	F02 BOONE FIRE MV	14.96
F02	2011	G01 WATAUGA COUNTY MV	117.03
F02	2012	C02 BOONE MV	106.04
F02	2012	CF2 BOONE MV FEE	10.00
F02	2012	F02 BOONE FIRE MV	88.97
F02	2012	G01 WATAUGA COUNTY MV	684.06
F02	2012	GB GREEN BOX RE	50.00
F02	2012	SWF SOLID WASTE FEE	124.00
F02 TOTAL			1,195.06
F04	2012	F04 BEAVER DAM FIRE MV	16.21
F04	2012	G01 WATAUGA COUNTY MV	101.44
F04 TOTAL			117.65
F05	2012	F05 STEWART SIMMONS FIRE MV	1.38
F05	2012	G01 WATAUGA COUNTY MV	8.64
F05 TOTAL			10.02
F06	2012	F06 ZIONVILLE FIRE MV	7.96
F06	2012	G01 WATAUGA COUNTY MV	49.78



12/31/2012 20:01  
Larry.Warren

WATAUGA COUNTY  
RELEASES - 12/01/2012 TO 12/31/2012

PG 21  
tncraprt

RELEASES - JURISDICTION SUMMARY FOR ALL CLERKS

JUR	YEAR	CHARGE	AMOUNT
		F06 TOTAL	57.74
F07	2011	F07 COVE CREEK FIRE MV	1.22
F07	2011	G01 WATAUGA COUNTY MV	7.64
F07	2012	F07 COVE CREEK FIRE RE	62.06
F07	2012	G01 WATAUGA COUNTY RE	388.32
		F07 TOTAL	459.24
F08	2012	F08 SHAWNEEHAW FIRE MV	20.72
F08	2012	G01 WATAUGA COUNTY MV	129.65
		F08 TOTAL	150.37
F09	2012	F09 MEAT CAMP FIRE MV	92.74
F09	2012	G01 WATAUGA COUNTY MV	608.99
		F09 TOTAL	701.73
F10	2012	F10 DEEP GAP FIRE MV	10.48
F10	2012	G01 WATAUGA COUNTY MV	65.60
		F10 TOTAL	76.08
F12	2011	F12 BLOWING ROCK FIRE MV	1.11
F12	2011	G01 WATAUGA COUNTY MV	6.95
F12	2012	F12 BLOWING ROCK FIRE PP	26.53
F12	2012	G01 WATAUGA COUNTY PP	166.11
		F12 TOTAL	200.70
MS1	2012	C02 BOONE PP	60.16
MS1	2012	CF2 BOONE MV FEE	5.00
MS1	2012	G01 WATAUGA COUNTY PP	50.90
MS1	2012	MS1 BOONE MUNICIPAL SERV DIST PP	34.14
		MS1 TOTAL	150.20
		SUMMARY TOTAL	10,080.87





**AGENDA ITEM 10:****BID AWARD REQUEST FOR USDA DATA ROOM PROJECT****MANAGER'S COMMENTS:**

Bids were solicited for the construction of a data room as required by the new USDA lease with the County. Four bids were received with Houck Contracting, LLC the lowest bidder in the amount of \$18,630. Mr. Marsh contacted the two lowest bidders to request a price for a ceiling cassette mounted A/C unit. The base bid included an A/C unit that satisfies the USDA requirements and the cassette mounted unit would provide more space to locate other equipment in the proposed data room. Houck Contracting, LLC was again the low bidder in the amount of \$19,610 including the cassette mounted A/C unit.

Mr. Marsh is recommending the Board accept Houck Contracting, LLC's bid in the amount of \$19,610 (\$18,630 base bid plus \$980 for the cassette unit) to include the ceiling cassette mounted A/C unit. Funds have been identified in the Maintenance Department budget along with the additional revenue from the new lease to cover the cost of the construction.

Staff requests Board action.



## W A TAUTA COUNTY MAINTENANCE DEPARTMENT

969 West King St., Boone, NC 28607 - Phone (828) 264-1430

TO: Deron Geouque, County Manager

FROM: Robert Marsh, Maintenance Director *RM*

SUBJECT: Request for Bid Award – USDA Data Room Project

DATE: January 8, 2013

### BACKGROUND

In February 2012 the County and USDA entered into a new lease agreement for office space in the West Annex Building/FSA Office. The lease requires the County to construct a data room in an area within the leased space currently serving as a file room for the FSA Office. The Maintenance Department received bids for this work on Tuesday, January 7, 2013.

### BID SUMMARY

CONTRACTOR	NCCL #	CONTACT	BID	Rec. 12/18/12 Revision	Completion Date
Greene Construction, Inc. 525 George Wilson Road Boone, NC 28607	1610	Jason Vestal	\$20,000.00	Yes	30 days
Dallas Lawrence Construction 4844 NC Hwy. 105 South Boone, NC 28607		Dallas Lawrence	\$22,763.00	Yes	15 working days from start
David Stapleton Construction, Inc. 167 Sunburst Lane Boone, NC 28607	46298	David Stapleton	\$23,720.10		TBD
Houck Contracting, LLC 184 Pleasant Pointe Drive Hickory, NC 28601	49615	Randal G. Houck	\$18,630.00	Yes	February 15 <sup>th</sup> , 2013 (Depending on availability of equipment.)

After receiving the bids, the two low bidders were asked to provide pricing for a ceiling cassette mounted A/C unit. The base bid includes an A/C unit that satisfies the USDA requirements, however a ceiling cassette unit will allow more space to locate other equipment in the proposed data room. The two low bidders provided pricing for this upgrade as follows:

- Houck Contracting                      Ceiling Cassette \$980 + Base Bid \$18,630 = Total Bid \$19,610
- Greene Constructing                    Ceiling Cassette \$802 + Base Bid \$20,000 = Total Bid \$20,802

#### RECOMMENDATION

Staff recommends the low bidder, Houck Contracting, LLC, for the Bid Award in the amount of \$19,610. Houck has worked for the County on prior occasions with good results. Randy Houck, the owner of the company, said that he will immediately order the equipment for this project upon receiving a Notice to Proceed from the County and a Town of Boone Building Permit.

#### BUDGET IMPACT

Money has been identified in the Maintenance Department budget that will cover the cost of this project.

**BID FORM**

USDA Data Room Project  
971 West King Street  
Boone, NC 28607

Houck Contracting LLC  
Name of Contractor

184 Pleasant Pointe Drive

Hickory

North Carolina 28601  
Address

# 49615  
NC Contractor's License Number

I have received the December 18, 2012 revised construction prints and general notes.

Houck Contracting LLC bids \$ 18,630 .00 for labor and installation of  
(Name of Contractor) (Amount of Bid)

the USDA Data Room Project with a completion date of February 15<sup>th</sup>, 2013.  
( Depending on availability of equipment )

Randal G. Houck  
Signature of Owner

**AGENDA ITEM 11:**

**BUDGET AMENDMENTS**

**MANAGER'S COMMENTS:**

Ms. Margaret Pierce, Finance Director, will review budget amendments as included in your packet.

Board approval is requested.



# WATAUGA COUNTY

## FINANCE OFFICE

---

814 West King St., Room 216 - Boone, NC 28607 - Phone (828) 265-8007 Fax (828) 265-8006

### MEMORANDUM

TO: Deron Geouque, County Manager  
FROM: Margaret Pierce, Finance Director  
SUBJECT: Budget Amendments-FY 2012/13  
DATE: January 8, 2013

The following budget amendments require approval of the Watauga County Board of Commissioners.

<u>Account#</u>	<u>Description</u>	<u>Debit</u>	<u>Credit</u>
103300-341600	US DOJ Drug Court Grant		\$36,563
105890-469851	Blue Ridge Mediation Drug Court	\$36,563	

To recognize grant award from the US Department of Justice for drug court service contracted with Blue Ridge Mediation and Restorative Justice. County match is already present in the budget.

<u>Account #</u>	<u>Description</u>	<u>Debit</u>	<u>Credit</u>
103839-343100	Donation to Sheriff's Department		\$1,000
104310-439500	Employee Training	\$1,000	

To recognize funds received by the Sheriff's Office from the Walmart Foundation. These funds will be used to purchase additional ammunition for training exercises and recertification of officers.

**AGENDA ITEM 12:**

**MISCELLANEOUS ADMINISTRATIVE MATTERS**

*A. Natural Gas Easement Request*

**MANAGER'S COMMENTS:**

Frontier Natural Gas is requesting an easement from the County, as the owner of the new High School property, in order for natural gas to be run to the residence at 112 Rolling Hills Drive in Boone. A map showing the current gas line on the High School property and the proposed easement has been included for review. Notification was provided to the School Board on the easement for any possible concerns they may have and will be discussed at their January 14, 2013, meeting.

Board action, contingent upon County Attorney review, is required to approve the easement as presented.



EXHIBIT "A"

NAME 1 <b>WATAUGA COUNTY</b>		PROPERTY ADDR: 300 GO PIONEERS		PARCEL # 2910-88-3456-000		DRAWN: TMG		DATE: 12/14/19	
NAME 2 50		MAILING ADDR: 814 WEST KING ST BOONE, NC 28607		DEED BK: P020		TOWNSHIP		CHECKED: GGM	
				DEED PG: 445					



Tract No.  
2910-88-3456-000

STATE of North Carolina  
COUNTY of Watauga

**RIGHT-OF-WAY AGREEMENT**

Grantor for and in consideration of the sum of zero Dollars (\$\_0\_), paid by FRONTIER NATURAL GAS, LLC, having its principal place of business at 110 PGW Drive, Elkin, North Carolina 28621 ("Grantee"), to Watauga County ("Grantor"), the receipt and sufficiency of which is hereby acknowledged, does hereby give, grant, bargain, sell and convey unto Grantee, its successors and assigns, subject to the limitations and reservations herein stated, a permanent ten foot (10') wide right of way and easement for the purpose of laying, constructing, inspecting, maintaining, operating, altering, replacing, repairing, abandoning and removing a pipeline or pipelines, data acquisition, above or below grade valves, tie-overs, meters, regulators, cathodic protection devices, pig launchers/receivers and other appurtenant facilities, all of which shall be and remain the property of Grantee, for the transmission of natural gas and all by-products thereof or any liquids, gases, or substances which can be transported through a pipeline, over, under, across and upon the Property.

Property is located on PIN number 2910-88-3456-000 Book 20 page 78. Right of way shall start approximately one-hundred ninety-one feet (191') South of the intersection of Hilltop Drive and Cecil Miller Road then leaving Cecil Miller Road and shall be ten (10') feet in width as it runs through said property, Running Southwest to Northeast approximately twenty seven feet (27') to common property line between said property and property located on PIN number 2910-88-9718-000. Exhibit "A" is attached hereto and made a part hereof for illustrative purposes only.

Grantor and Grantee acknowledge that after the completion of the construction and installation of the pipeline, a survey of the Property may be conducted by Grantee at Grantee's expense and, in the event the pipeline and its appurtenances are found not located along said Right of way, the foregoing description of the Property will be amended to reflect a description of the Property as shown on the survey which includes ten (10') feet of right-of-way starting at the edge of Cecil Miller Road and its appurtenances (the "Amended Description") and this Option and Right-Of-Way Agreement (the "Agreement") will be amended with the Amended Description (the "Amended Agreement").

Grantor reserves the right to use and enjoy said land except as may be necessary for the purpose(s) herein granted, provided Grantor shall not construct or permit to be constructed any house, structure, paving, reservoir, or other obstruction or excavation on, over, or within said RIGHT-OF-WAY and shall not change the grade over any pipeline constructed hereunder without first obtaining the written permission of Grantee. At the conclusion of Grantee's operations, said Grantee will clean up the right-of-way in a workmanlike manner and restore the premises as nearly as practicable to the same condition as it was before construction.

The rights, title and privileges herein granted may, in whole or in part, be sold, leased, assigned, pledged, and mortgaged, and shall be binding upon and inure to the benefit of the parties hereto, their respective heirs, executors, administrators, successors, assigns and legal representatives.

The failure of Grantee to exercise any rights herein conveyed in any single instance shall not be considered a waiver of such right or rights and shall not bar Grantee from exercising such right or rights, or if necessary, seeking any appropriate remedy in conjunction with such right or rights.

Grantor understands and agrees that the person securing this grant is without authority from Grantee to make any agreement in respect to the subject matter hereof not herein expressed. This Agreement contains the entire agreement between the parties and cannot be modified except by written agreement between the parties.

Grantor warrants that it is seized of good and marketable title to the property subject to this Agreement and has the full power and authority to enter into and execute this Agreement. Grantor agrees to cooperate with Grantee in Grantee's efforts to obtain a non-disturbance agreement from any lien holder with a valid superior encumbrance on the Property.

This Agreement shall run with the land and shall be binding upon the parties, as well as their successors, heirs, and assigns.

An original counterpart of the Agreement shall be recorded in the public registry in the County in which the Property is located.

**SIGNATURES FOLLOW**

IN WITNESS WHEREOF, the parties hereto have executed the foregoing Agreement under seal this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Grantee: \_\_\_\_\_

\_\_\_\_\_  
(SEAL)

Grantee: \_\_\_\_\_

\_\_\_\_\_  
(SEAL)

Witness to signature of \_\_\_\_\_: \_\_\_\_\_ (SEAL)

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, a notary public for said \_\_\_\_\_ county and state, certify that \_\_\_\_\_ personally appeared before me this day, and being duly sworn, stated in her presence \_\_\_\_\_, Member of Management of Frontier Natural Gas signed foregoing instrument.

WITNESS my hand and official seal this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires:  
\_\_\_\_\_

Grantor: \_\_\_\_\_

\_\_\_\_\_  
SEAL)

Grantor: \_\_\_\_\_

\_\_\_\_\_  
SEAL)

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, a notary public for said \_\_\_\_\_ county and state, do hereby certify that \_\_\_\_\_ personally appeared before me this day and acknowledged the due execution and seal of the foregoing instrument.

WITNESS my hand and official seal this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires:  
\_\_\_\_\_

Blank Page

**AGENDA ITEM 12:****MISCELLANEOUS ADMINISTRATIVE MATTERS*****B. Boards & Commissions*****MANAGER'S COMMENTS:**

The Watauga Medical Center Board of Trustees has recommended Mr. Keith Tester and Ms. Jan Winkler for reappointment as Board Trustees. Each of their terms would be effective January 1, 2013, through December 31, 2015. A recommendation for the third three-year trustee is forthcoming and will be presented for consideration at a future meeting.

The term of Watauga County Adult Care Home Community Advisory Committee (ACCAC) member, Ms. Glenda Hodges, will expire January 17, 2013. High Country Council of Governments' Ombudsman, Ms. Julie Wiggins, has nominated Ms. Hodges for reappointment. Ms. Hodges is willing to continue to serve is so appointed.

The above are all first readings and, therefore, no action is required at this time; however, customary second readings could be waived, if the Board so desired, and appointments made due to the timing of the expiration of the current appointments.

Each Commissioner appoints a representative to the Boone Rural Fire Protection Service District Board whose term will run concurrent with the term of the appointing Commissioner. Boone Rural Fire Service District Board members must own property and reside within that Fire Service District.

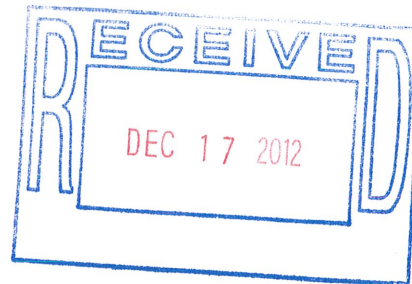
Each Commissioner nominates a representative to the Watauga County Planning Board whose term will run concurrent with the term of the appointing Commissioner. Planning Board members must live within the appointing Commissioners District and action must be taken by the entire Board of Commissioners to make these appointments.



**APPALACHIAN**  
*Regional Healthcare System*

Richard G. Sparks, FACHE  
President

December 12, 2012



Mr. Deron Geouque, Manager  
Watauga County  
814 West King Street, Suite 205  
Boone, NC 28607

Dear Deron:

The Watauga Medical Center, Inc. Board of Trustees at a called meeting on December 12, 2012 accepted a report from its Nominating Committee and subsequently unanimously approved to recommend the following individuals for reappointment to three year terms on the Board of Trustees.

Mr. Keith Tester, Blowing Rock  
Mrs. Jan Winkler, Boone

These terms would begin January 1, 2013 and end December 31, 2015.

Due to some last minute issues, a candidate for the third three year trustee position was not identified by the Committee and therefore the Board of Trustees has no recommendation at this time, but will by the end of January 2013. Please feel free to contact me if you or any of the Commissioners have a question.

Thank you for your assistance in this matter .

Sincerely,



Richard G. Sparks



Robert L. Johnson  
Chairman of the Board

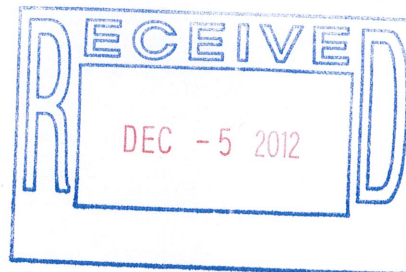
Gary D. Blevins  
Vice Chairman

Brenda Lyerly  
Secretary

Danny McIntosh  
Treasurer

Rick Herndon  
Executive Director

December 4, 2012



Ms. Anita Fogle  
Clerk to the Board  
814 West King Street  
Suite 205  
Boone, North Carolina 28607

Dear Ms. Fogle:

The term of appointment for Ms. Glenda Hodges to the Watauga County Adult Care Home Community Advisory Committee will expire January 17, 2013. She has indicated her desire to be reappointed for an additional three-year term.

Please submit Ms. Hodges' name to the Commissioners for their consideration and let me know their decision at your earliest convenience. The request for renomination is attached.

Sincerely,

A handwritten signature in blue ink that reads 'Julie'.

Julie Wiggins  
Regional Ombudsman

Enclosure

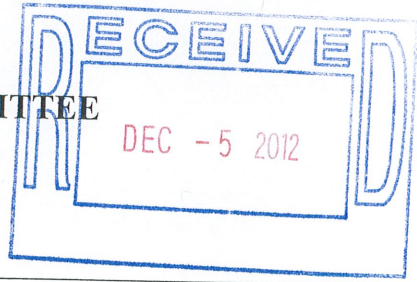
468 New Market Blvd.  
Boone, NC 28607

Phone: 828-265-5434  
Fax: 828-265-5439  
TTY: 1-800-735-2962  
Voice: 1-800-735-8262

Web: [www.regiond.org](http://www.regiond.org)

# RENOMINATION FORM

## LONG TERM CARE COMMUNITY ADVISORY COMMITTEE



Nominee Background Information

Name Blenda J Hodges

Home Address 810 Parkcrest Dr.  
Boone, NC 28607

Phone(H) 828-264-8529

Zip Code \_\_\_\_\_

Business Address \_\_\_\_\_

Phone (W) \_\_\_\_\_

Zip Code \_\_\_\_\_

Email Address \_\_\_\_\_

Occupation homemaker

Number of hours available per month for this position whatever is needed

Education 12<sup>th</sup> grade

Business and civic experience and skills \_\_\_\_\_

\_\_\_\_\_

Areas of expertise and interest/skills \_\_\_\_\_

\_\_\_\_\_

THE FOLLOWING PERSONS ARE EXCLUDED BY LEGISLATION FROM SERVING ON THE COMMITTEE:

1. Persons or immediate family member of persons with a financial interest in a home served by a committee.
2. An employee or governing board member or immediate family member of an employee or governing board member of a home served by a committee. (A person paid by a home as a consultant is considered an employee).
3. The immediate family member of a patient in a home served by a committee. An "immediate family member" is defined as mother, father, sister, brother, spouse, child, grandmother, grandfather, and in-laws for the above.

I CERTIFY THAT NONE OF THE EXCLUSIONS LISTED ABOVE APPLY TO ME. I UNDERSTAND THAT I MUST NOTIFY THE OMBUDSMAN IMMEDIATELY IF MY SITUATION CHANGES WITH RESPECT TO THE ABOVE EXCLUSIONS.

Blenda J Hodges  
Signature of Applicant Date 11-1-12

Nomination form submitted by Julie Wiggins, Ombudsman  
Name



**BOARD OF DIRECTORS  
BOONE RURAL FIRE PROTECTION SERVICE DISTRICT**

**METHOD OF APPOINTMENT:** Each Commissioner nominates a person who resides and owns property in the Boone Rural Fire Service District. Terms are concurrent with the Commissioner of the District they represent.

**COMPENSATION:** None

**REGULAR MEETING TIME AND PLACE:** Second Thursday Following the Quarter  
7:00 P.M. @ Boone Fire Station #2

<b><u>MEMBERS</u></b>		<b><u>APPOINTED</u></b>	<b><u>TERM EXPIRES</u></b>
Joe Edmisten (Commissioner Futrelle)	District 1	04/21/09	December, 2012
James Coffey (Commissioner Gable)	District 2	02/01/11	December, 2012
Jimmy Marsh (Commissioner Deal)	District 3	12/21/04	December, 2012
Weldon Critcher (Commissioner Blust)	District 4	02/01/11	December, 2014
Reggie Hassler (Commissioner Miller)	District 5	01/18/11	December, 2014

## WATAUGA COUNTY PLANNING BOARD

**METHOD OF APPOINTMENT:** Each County Commissioner makes a nomination from his/her district. Each nominee must be approved by the entire Board. Two at-large members shall be appointed by the entire Board. The terms of appointees representing districts shall be concurrent with the term of the County Commissioner elected to represent the district. The at-large appointees shall serve a term of four years.

**REGULAR MEETING TIME & PLACE:** 3<sup>rd</sup> Monday of Each Month @ at 6:00 P.M.  
Commissioners' Board Room  
Watauga County Administrative Building.

<b><u>PRESENT MEMBERS</u></b>		<b><u>APPOINTED</u></b>	<b><u>TERM EXPIRES</u></b>
Jeff Deal (Commissioner Futrelle)	District 1	01/09	December 2012
Frank Gioscio (Commissioner Gable)	District 2	01/11	December 2012
Jim Fox (Commissioner Deal)	District 3	01/09 (reappointed)	December 2012
Jim West (Commissioner Blust)	District 4	01/11	December 2014
Patrick Morgan (Commissioner Miller)	District 5	01/11	December 2014
<b><u>AT-LARGE MEMBERS</u></b>			
Jamey Hodges		12/11	December 2014
Richard Mattar		01/10 (Reappointed)	December 2013

**AGENDA ITEM 12:****MISCELLANEOUS ADMINISTRATIVE MATTERS***C. Announcements***MANAGER'S COMMENTS:**

The NCACC Legislative Goals Conference will be held January 24-25, 2013, in Durham. If you wish to attend, please notify Anita who will assist with your registration. The NCACC also requests that any counties attending the Conference appoint a voting delegate to represent the member counties.

The UNC School of Government and the North Carolina Association of County Commissioners (NCACC) jointly hold a two-day orientation to county government in four locations across the state. The 2013 Essentials of County Government Course, which includes required ethics training, is for newly elected officials, veteran elected officials and managers. Please notify Anita if you wish to attend.

Proposed dates for the Annual Pre-Budget Retreat are February 21, 22, and 23, 2013, or February 28, March 1<sup>st</sup> and 2<sup>nd</sup>, 2013, with times proposed as 12–6 P.M. on Thursday or Friday and 9 A.M.–12 P.M. on Saturday. Two days are required for the Retreat and should the Board wish to meet on Thursday and Friday times could be adjusted accordingly. Direction from the Board is requested to set the date of the Retreat.



January 7, 2013

To: County Clerks and Managers that have not returned Voting Delegate Form

From: Sheila Sammons, NCACC Clerk to the Board

Re: Voting Delegate Designation Form

I wanted to remind you that each Board of County Commissioners has been requested to designate a voting delegate for the upcoming NCACC Legislative Goals Conference on January 24-25, at Sheraton Imperial, RTP.

The deadline for returning this signed form is Friday, January 11, 2013. I had previously sent a notice to you, but wanted to remind you and attach another form for your convenience.

Please return the voting delegate form as soon as possible to:

Sheila Sammons, e-mail: [Sheila.sammons@ncacc.org](mailto:Sheila.sammons@ncacc.org) or

Fax: 919-733-1065

Thank you for your participation in this important process.



## Memorandum

### RETURN FORM BY JANUARY 11, 2013

## VOTING DELEGATE DESIGNATION FORM LEGISLATIVE GOALS CONFERENCE January 24-25, 2013 (Thursday – Friday) Sheraton Imperial - RTP

**NOTE: Please place this action on your board meeting agenda.**

Each Board of County Commissioners is hereby requested to designate a commissioner or other official as a voting delegate. Each voting delegate should complete and sign the following statement and **RETURN IT TO THE ASSOCIATION NO LATER THAN FRIDAY, JANUARY 11, 2013.**

**PLEASE RETURN FORM TO SHEILA SAMMONS, CLERK TO THE BOARD BY EMAIL: [SHEILA.SAMMONS@NCACC.ORG](mailto:SHEILA.SAMMONS@NCACC.ORG) OR FAX: 919-733-1065.**

I, \_\_\_\_\_, hereby certify that I am the duly designated voting delegate for \_\_\_\_\_ County at the North Carolina Association of County Commissioners 2013 Legislative Goals Conference.

Signed: \_\_\_\_\_

Title: \_\_\_\_\_

Article VI, Section of the Association’s Constitution provides:

“On all questions, including the election of officers, each county represented shall be entitled to one vote, which shall be the majority expression of the delegates of that county. The vote of any county in good standing may be cast by any one of its County Commissioners who is present at the time the vote is taken; provided, if no commissioner be present, such vote may be cast by another county official, elected or appointed, who holds elective office or an appointed position in the county whose vote is being cast and who is formally designated by the Board of County Commissioners. These provisions shall likewise govern district meetings of the Association. A county in good standing is defined as one which has paid the current year’s dues.”

**From:** Todd McGee <todd.mcgee@ncacc.org>  
**Sent:** Thursday, January 03, 2013 11:15 AM  
**To:** Anita.Fogle  
**Subject:** Registration continues for NCACC Legislative Goals Conference



**Registration continues for Legislative Goals Conference**

**Pre-registration deadline is Friday, Jan. 11**

The NCACC will host its bi-annual Legislative Goals Conference on Jan. 24-25, 2013, at the Sheraton RTP in Durham County. The conference is the culmination of a months-long process to determine the county legislative agenda for the upcoming biennium of the N.C. General Assembly. Each county is encouraged to send at least one representative to make sure your county's voice is heard.



If you have not pre-registered, please do so before the close of business Jan. 11. After Jan. 11, advance registrations (\$99) will no longer be accepted, and you will have to register on-site and pay the on-site registration fee of \$125. Visit the [NCACC's registration site](#) to pre-register.

Every member county appoints a voting delegate to the conference. Every county in attendance has one vote. The voting delegate can be any county official, including non-elected officials, and a county may choose an alternate. No proxies are allowed. Goals are presented by subject category. Upon motion of any voting delegate, a proposal can be set aside for detailed discussion. Majority votes are required to approve or alter the proposed goals, and new goals may be submitted during the conference. Any new proposals must be submitted to the registration desk by 1 p.m.

on Jan. 24 in order to be considered by the Screening Committee later that afternoon. Any goals approved by the screening committee will be brought to the floor on Jan. 25 for a vote.

If you have not yet designated your voting delegate, please complete the [voting delegate form](#) and send it to the Association no later than Jan. 11.

**The Association**

Founded in 1908, the North Carolina Association of County Commissioners (NCACC) is one of the most successful and active statewide local government associations in the nation. The NCACC was established for the betterment of county government in North Carolina.



North Carolina's 100 counties are vibrant and essential partners with state government in providing services to the state's more than nine million citizens. As the form of government closest to the people, counties offer a unique perspective that makes them critical players in decisions affecting their citizens. The NCACC serves as the counties' advocate before the executive, legislative and judicial branches of state government.





Published on *School of Government* (<http://www.sog.unc.edu>)

[Home](#) > Essentials of County Government 2013

---

# Essentials of County Government 2013

After the November elections, the UNC School of Government and the North Carolina Association of County Commissioners jointly hold a two-day orientation to county government in four locations across the state. This program is for newly elected officials, veteran elected officials and managers. Entire boards are encouraged to attend.

This program offers participants points toward recognition in the [Local Elected Leaders Academy \(LELA\)](#) [1]

## Agenda

### Day One

**8:00 AM-3:00 PM Essentials of County Government-** For newly elected officials, veteran elected officials and entire boards

- Context for NC county governments
- What counties do and how they do it
- Governing board roles and responsibilities

**OR**

**8:00 AM-3:00 PM *Water and Economically Vibrant Communities: What Every Local Leader Needs to Know* - LeaderShop for county and municipal veteran elected officials**

**3:00 PM-5:00 PM-Ethics for Elected Officials** (satisfies state mandated training)  
Both Essentials and LeaderShop registrations include ethics training

### Day Two

**8:00 AM -5:00 PM-Essentials of County Government-**For newly elected officials, veteran elected officials and entire boards

- Financing county government
- Working with others
- County responsibility for public school financing
- "*Bottom Line*" – a budget simulation

## PRINTABLE AGENDAS

[ECG Agenda Link \(two days\)](#) [2]

[Water Workshop Agenda Link \(one day\)](#) [3]

\*For those registered for a combination of the above courses, print both agendas

## Registration Options:

**1. Essentials of County Government (2 days)** – For newly elected officials and veteran elected officials who wish to accompany newly elected officials (including managers) and entire boards

**Includes:** Day One Essentials, Ethics and Day Two Essentials (includes "*Bottom Line*" – a budget simulation), and the "*Handbook for NC County Commissioners*"

**2. Essentials with Leadership for Veteran Elected Officials (2 days)** – Open to veteran county elected officials and managers

**Includes:** Day One LeaderShop – *Water and Economically Vibrant Communities: What Every Local Leader Needs to Know*; Ethics and Day Two Essentials (includes "*Bottom Line*" – a budget simulation), and the "*Handbook for NC County Commissioners*"

**3. Water and Economically Vibrant Communities: What Every Local Leader Needs to Know (1 day)** – *LeaderShop for veteran elected officials* – Open to both county and municipal veteran elected officials and managers

**Includes:** Day One LeaderShop for veteran elected officials and state mandated ethics training. Does **NOT** include Day Two Essentials; "*Bottom Line*" – a budget simulation; or "*Handbook for NC County Commissioners*"

### HELPFUL INFORMATION:

For information about hotel reservations; state mandated ethics; "*Bottom Line*" – a budget simulation and/or CLE information; click on your date preference below and review the sections titled "Site Information" and "Program" towards the bottom of the page.

### SCHOLARSHIP OPPORTUNITIES FOR ELECTED OFFICIALS:

Scholarships are made available for Essentials of County Government and LeaderShop: Water and Economically Vibrant Communities by the generous support of the following:

- Food Lion
- Local Government Federal Credit Union
- Progress Energy
- Prudential Financial

Click [here](#) [4] for application

## Program Options

Please select one of the options below for more information

- [Asheville, Wed/Thu, January 9 and/or 10, Doubletree Biltmore](#) [5]
- [New Bern, Wed/Thu, January 30 and/or 31, New Bern Convention Center](#) [6]
- [Winston-Salem, Tu/Wed, February 12 and/or 13, Marriott Twin City Quarter](#) [7]
- [Chapel Hill, Fri/Sat, February 22 and/or 23, Sheraton Chapel Hill](#) [8]



Knapp-Sanders Building  
Campus Box 3330  
[UNC-Chapel Hill](http://www.sog.unc.edu), Chapel Hill, NC 27599-3330  
T: 919.966.5381 | F: 919.962.0654

---

**Source URL:** <http://www.sog.unc.edu/node/1195>

**Links:**

- [1] <http://www.sog.unc.edu/programs/lela>
- [2] [http://www.sog.unc.edu/sites/www.sog.unc.edu/files/2013agenda\\_ECG\\_Letterhead\\_1.doc](http://www.sog.unc.edu/sites/www.sog.unc.edu/files/2013agenda_ECG_Letterhead_1.doc)
- [3] [http://www.sog.unc.edu/sites/www.sog.unc.edu/files/RL\\_Agenda\\_2013\\_0.doc](http://www.sog.unc.edu/sites/www.sog.unc.edu/files/RL_Agenda_2013_0.doc)
- [4] [http://www.sog.unc.edu/sites/www.sog.unc.edu/files/ECG-RL%20Scholarship%20App%202013\\_UPDATED\\_0.pdf](http://www.sog.unc.edu/sites/www.sog.unc.edu/files/ECG-RL%20Scholarship%20App%202013_UPDATED_0.pdf)
- [5] <http://www.sog.unc.edu/node/1195/sog-program/view-offering/417>
- [6] <http://www.sog.unc.edu/node/1195/sog-program/view-offering/418>
- [7] <http://www.sog.unc.edu/node/1195/sog-program/view-offering/419>
- [8] <http://www.sog.unc.edu/node/1195/sog-program/view-offering/420>

**AGENDA ITEM 13:**

**PUBLIC COMMENT**

**AGENDA ITEM 14:**

**BREAK**

**AGENDA ITEM 15:**

**CLOSED SESSION**

Attorney/Client Matters – G. S. 143-318.11(a)(3)  
Personnel Matters – G. S. 143-318.11(a)(6)

**AGENDA ITEM 16:**

**POSSIBLE ACTION AFTER CLOSED SESSION**