

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

**TUESDAY, FEBRUARY 5, 2018
8:30 A.M.**

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

TIME	#	TOPIC	PRESENTER	PAGE
8:30	1	CALL REGULAR MEETING TO ORDER		
	2	APPROVAL OF MINUTES: January 15, 2019, Regular Meeting January 15, 2019, Closed Session		1
	3	APPROVAL OF THE FEBRUARY 5, 2019, AGENDA		9
8:35	4	WATAUGA COUNTY SCHOOLS UPDATE	DR. SCOTT ELLIOTT	11
8:40	5	WATAUGA COUNTY PUBLIC LIBRARY ANNUAL REPORT	MS. MONICA CARUSO	13
8:45	6	ECONOMIC DEVELOPMENT COMMISSION FUNDING RECOMMENDATIONS	MR. JOE FURMAN	25
8:50	7	PLANNING & INSPECTIONS MATTERS	MR. JOE FURMAN	
		A. Middle Fork Greenway Naming Opportunities		33
		B. Public Hearing Request for Proposed Amendments to An Ordinance To Provide for The Control of Soil Erosion and Sedimentation		41
8:55	8	PROPOSED CHANGES TO THE LICENSE PLATE AGENCY STANDARD OPERATING PROCEDURES (SOP)	MR. LARRY WARREN	71
9:00	9	BUDGET AMENDMENTS	MS. MISTY WATSON	119
9:05	10	MISCELLANEOUS ADMINISTRATIVE MATTERS	MR. DERON GEOUQUE	
		A. Tentative Agenda for Annual Pre-Budget Retreat		121
		B. Boards and Commissions		123
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9:10	11	PUBLIC COMMENT		138
10:10	12	BREAK		138
10:15	13	CLOSED SESSION Attorney/Client Matters – G. S. 143-318.11(a)(3) Personnel Matters – G. S. 143-318.11(a)(6)		138
10:30	14	ADJOURN		

AGENDA ITEM 2:

APPROVAL OF MINUTES:

January 15, 2018, Regular Meeting

January 15, 2018, Closed Session

DRAFT**MINUTES****WATAUGA COUNTY BOARD OF COMMISSIONERS
TUESDAY, JANUARY 15, 2019**

The Watauga County Board of Commissioners held a regular meeting, as scheduled, on Tuesday, January 15, 2019, at 5:30 P.M. in the Commissioners' Board Room of the Watauga County Administration Building, Boone, North Carolina.

PRESENT: Billy Kennedy, Vice-Chairman
Charlie Wallin, Commissioner
Perry Yates, Commissioner
Chelsea Garrett, County Attorney
Deron Geouque, County Manager
Anita J. Fogle, Clerk to the Board

Vice-Chairman Kennedy called the meeting to order at 5:33 P.M. and announced that Chairman Welch was not in attendance due to a previous commitment and Commissioner Turnbow was not in attendance due to a health issue.

[Clerk's Note: Chairman Welch arrived and joined the meeting at 6:14 P.M.]

Commissioner Yates opened with a prayer and Commissioner Wallin led the Pledge of Allegiance.

APPROVAL OF MINUTES

Vice-Chairman Kennedy called for additions and/or corrections to the December 18, 2018, regular meeting and closed session minutes.

Commissioner Wallin, seconded by Commissioner Yates, moved to approve the December 18, 2018, regular meeting minutes as presented.

VOTE: Aye-3(Kennedy, Wallin, Yates)
Nay-0
Absent-2(Welch, Turnbow)

Commissioner Wallin, seconded by Commissioner Yates, moved to approve the December 18, 2018, closed session minutes as presented.

VOTE: Aye-3(Kennedy, Wallin, Yates)
Nay-0
Absent-2(Welch, Turnbow)

APPROVAL OF AGENDA

Vice-Chairman Kennedy called for additions and/or corrections to the January 15, 2019, agenda.

Commissioner Yates, seconded by Commissioner Wallin, moved to approve the January 15, 2019, agenda as presented.

VOTE: Aye-3(Kennedy, Wallin, Yates)
 Nay-0
 Absent-2(Welch, Turnbow)

REQUEST FOR PHASE II OF SOUTH FORK RESTORATION PROJECT

Mr. George Santucci with the New River Conservancy (NRC) presented a request for funding for Phase II of the South Fork River restoration project adjacent to the County-owned Brookshire Park. Phase II would extend from Ted Mackorell Soccer Complex (at the location that Phase I began) back to the Highway 421 Bridge. NRC plans to submit a grant to the Clean Water Management Trust Fund (CWMTF) in the amount of \$485,000 by February 6, 2019. The grant request requires a \$100,000 match from both Watauga County and the Town of Boone. In the event that the County or Town does not provide the requested match the project would not be pursued. Mr. Santucci shared before and after pictures of Phase I of the project. Gradual slopes and step ups were being implemented to keep the river within the river banks during heavy rains and floods. Mr. Santucci stated that the project will also provide safe public access to the river and after the new vegetation grew the County would maintain trails via weed eating. Funds were previously approved to repair a small section that was undermining the Greenway Trail located at the Ted Mackorell Soccer Complex and Brookshire Park.

Commissioner Yates, seconded by Commissioner Wallin, moved to allocate \$100,000 from the Watauga County Fund Balance to the New River Conservancy (NRC) as a match for the Clean Water Management Trust Fund (CWMTF) grant the NRC plans to apply for by February 6, 2019, in the amount of \$485,000.

VOTE: Aye-3(Kennedy, Wallin, Yates)
 Nay-0
 Absent-2(Welch, Turnbow)

COMMUNITY RECREATION CENTER MATTERS

A. Community Recreation Center Update

Mr. Chad Roberson with Clark Nexsen presented an update on the progress of the new Community Recreation Center which is currently under construction. Mr. Roberson stated that building pad preparations were ongoing for the foundations and rigid inclusions were being installed. Construction has been ongoing for ninety-eight days with twenty-one weather impacts days. Mr. Roberson stated that the current completion date is April 10, 2020. Mr. Roberson shared a time-lapse video of the construction progress thus far. This report was given for information only.

B. Community Recreation Center GMP

Mr. Roberson shared the reconciled Guaranteed Maximum Price (GMP) based on the final receipt of bids for the vertical portion of the construction. The total project budget remains within the original allocation of \$32,937,626 with a total project budget of \$38,547,396.

Commissioner Yates, seconded by Commissioner Wallin, moved to approve the reconciled Guaranteed Maximum Price (GMP) for the Community Recreation Center as presented by Mr. Roberson.

VOTE: Aye-3(Kennedy, Wallin, Yates)
Nay-0
Absent-2(Welch, Turnbow)

TAX MATTERS***A. Monthly Collections Report***

Tax Administrator, Mr. Larry Warren, presented the Tax Collections Report for the month of December 2018. The report was presented for information only and, therefore, no action was required.

B. Refunds and Releases

Mr. Warren presented the Refunds and Releases Report for December 2018 for Board approval:

TO BE TYPED IN MINUTE BOOK

Commissioner Wallin, seconded by Commissioner Yates, moved to approve the Refunds and Releases Report for December 2018 as presented.

VOTE: Aye-3(Kennedy, Wallin, Yates)
Nay-0
Absent-2(Welch, Turnbow)

BUDGET AMENDMENTS

Ms. Misty Watson, Finance Director, reviewed the following budget amendments:

Account #	Description	Debit	Credit
103980-398121	Transfer from Capital Projects Fund		\$302,075
105921-459001	School Capital Outlay	\$302,075	
213991-399101	Appropriated Fund Balance		\$302,075
219800-498010	Transfer to General Fund	\$302,075	

The amendment allocates funds from CIP set aside funds for projects as requested by Caldwell Community College and Technical Institute per Board action on June 19, 2018.

145410-438800	Crisis intervention payments	\$41,895	
145410-440002	Low Income Energy Assistance Program	\$41,895	
143531-323000	Allocations – Federal and State		\$83,790

The amendment recognizes additional allocations received for the Low Income Energy Assistance Program and the Crisis Intervention Program.

103300-343317	Homeland Security Grant – Prime Mover		\$60,000
104330-454000	Capital Outlay – vehicles	\$60,000	

The amendment recognizes the acceptance of the Homeland Security Grant for the prime mover. No match is required.

103300-343302	NC OSBM Grant		\$50,000
104283-457003	Guy Ford River Access Grant	\$50,000	

The amendment recognizes the grant from the NC Office of State Budget and Management to assist with the Guy Ford Road River Access Project.

Commissioner Yates, seconded by Commissioner Wallin, moved to approve the budget amendments as presented by Ms. Watson.

VOTE: Aye-3(Kennedy, Wallin, Yates)
Nay-0
Absent-2(Welch, Turnbow)

MISCELLANEOUS ADMINISTRATIVE MATTERS

A. Proposed Resolution In Support of Local Control of School Calendar

County Manager Geouque stated that at the Watauga County School Board’s meeting on December 13, 2018, a resolution requesting local control of the school calendar was adopted. The School Board requested the Board of Commissioners support this effort by adopting a similar resolution. The County Manager presented the proposed resolution for consideration.

Commissioner Yates, seconded by Commissioner Wallin, moved to adopt the “Resolution Supporting Local Control of School Calendars” as presented.

VOTE: Aye-3(Kennedy, Wallin, Yates)
Nay-0
Absent-2(Welch, Turnbow)

B. Proposed Dates for Annual Pre-Budget Retreat

County Manager Geouque presented proposed dates for the Annual Pre-Budget Retreat as Monday, February 18, 2019, from 12:00 to 7:00 P.M. and Tuesday, February 19, 2019, from 9:00 A.M. to 1:00 P.M. A regular Board of Commissioners meeting is also scheduled for Tuesday, February 19, 2019, beginning at 5:30 P.M.

Commissioner Wallin, seconded by Commissioner Yates, moved to schedule the Annual Pre-Budget Retreat on Monday, February 18, 2019, from 12:00 to 7:00 P.M. and Tuesday, February 19, 2019, from 9:00 A.M. to 1:00 P.M. as presented by the County Manager.

VOTE: Aye-3(Kennedy, Wallin, Yates)
Nay-0
Absent-2(Welch, Turnbow)

C. Boards and Commissions

County Manager Geouque shared the following recommendations for appointment to Boards and Commissions:

Watauga Medical Center Board of Trustees

The Watauga Medical Center Board of Trustees has recommended Ms. Kim Miller, Mr. Kent Tarbutton, and Ms. Jan Winkler for re-appointment as Board Trustees. Each of their terms would be effective January 1, 2019, through December 31, 2021. These are second readings.

Commissioner Yates, seconded by Commissioner Wallin, moved to reappoint Ms. Kim Miller, Mr. Kent Tarbutton, and Ms. Jan Winkler to the Watauga Medical Center Board of Trustees each with a term that will end December 31, 2021.

VOTE: Aye-3(Kennedy, Wallin, Yates)
Nay-0
Absent-2(Welch, Turnbow)

Boone Rural Fire Protection Service District Board

Each Commissioner nominates a representative to the Boone Rural Fire Protection Service District Board whose terms 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. County Manager Geouque encouraged Commissioners to make their appointments soon.

D. Announcements

County Manager Geouque stated that, as a result of a recent meeting, morgue space will be available to the County at Watauga Medical Center. Expenses for equipment will be forthcoming. The County Manager thanked the Medical Center and Health Department for finding a solution for morgue space.

County Manager Geouque announced that Frontier Natural Gas Company sent out Public Awareness materials focused around natural gas safety to Public Officials in all counties that they serve and have facilities in as they do every 3 years. Included in that email, they also attached their Effectiveness Evaluation Survey Questionnaire for Public Officials. The NC Utilities Commission requires that they document the effectiveness of their public awareness efforts. The County Manager stated that Frontier Natural Gas Company would greatly appreciate the time taken to complete the survey and send it back to them.

PUBLIC COMMENT

Sheriff Hagaman was at the meeting regarding space for a morgue and commended the County Manager as well as the North Carolina Chief Medical Officer for attending the meeting and finding a solution for morgue space as it is at times needed in relation to investigations.

CLOSED SESSION

At 6:13 P.M., Commissioner Wallin, 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-3(Kennedy, Wallin, Yates)
Nay-0
Absent-2(Welch, Turnbow)

[Clerk's Note: Chairman Welch arrived and joined the meeting at 6:14 P.M. and was, therefore, present for Closed Session.]

Vice-Chairman Kennedy, seconded by Commissioner Yates, moved to resume the open meeting at 8:12 P.M.

VOTE: Aye-4(Welch, Kennedy, Wallin, Yates)
Nay-0
Absent-1(Turnbow)

ADJOURN

Vice-Chairman Kennedy, seconded by Commissioner Wallin, moved to adjourn the meeting at 8:12 P.M.

VOTE: Aye-4(Welch, Kennedy, Wallin, Yates)
Nay-0
Absent-1(Turnbow)

John Welch, Chairman

ATTEST:
Anita J. Fogle, Clerk to the Board

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AGENDA ITEM 3:

APPROVAL OF THE FEBRUARY 5, 2019, AGENDA

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AGENDA ITEM 4:

WATAUGA COUNTY SCHOOLS UPDATE

MANAGER'S COMMENTS:

Dr. Scott Elliott, Watauga County School Superintendent, will update the Board on school matters. The update is for information only; therefore no Board action is required.

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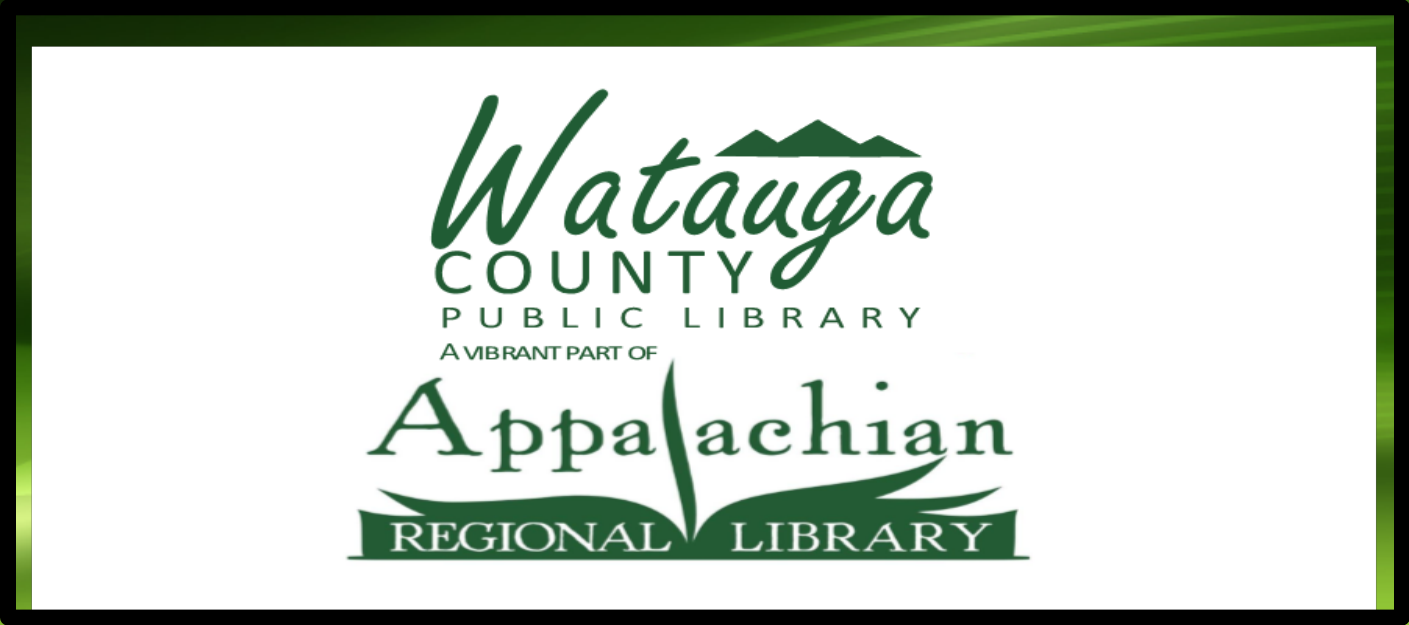
AGENDA ITEM 5:

WATAUGA COUNTY PUBLIC LIBRARY ANNUAL REPORT

MANAGER'S COMMENTS:

Ms. Monica Caruso, County Librarian, will present the Watauga County Public Library Annual Report.

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



Watauga County Public Library

2018

Four Service Priorities

➔ Technology

➔ Lifelong Learning

➔ Library as Place

➔ Reading

LONG RANGE PLAN 2015-2020

To create this plan, Appalachian Regional Library sought input from local residents, community leaders, and library staff about what services and programs your library should offer to bring the most value to library users. We distilled these responses into 12 goals, 4 service priorities, and a single purpose that will help our libraries serve you better.

one MISSION

The Appalachian Regional Library promotes knowledge, reading, and imagination; supports and encourages life-long learning; and contributes to the sense of community and the economic well-being of Ashe, Wilkes, and Watauga Counties.

four SERVICE PRIORITIES



DNCLIVE

Technology



Book A Librarian
One-On-One
Technology Help By Appointment

See staff at the Reference Desk to schedule an appointment
-OR-
Call (828) 264-8784 ext. 2



Lifelong Learning

The book cover for "CHEAP JOE" by Noyes Capehart. The title "CHEAP JOE" is written in large, yellow, serif font at the top. Below the title is a photograph of a man in a hat and vest standing in a body of water, painting on an easel. At the bottom, the author's name "Noyes Capehart" is written in a yellow serif font. A short blurb is visible above the author's name.

The improbable but true story of Joe Miller, a small town pharmacist who mastered the fickle technique of watercolor and along the way created one of the most successful art supply companies in America

Noyes Capehart

Coming This Month 020519 BCC Meeting

Compassionate Communication

Presentation

Tuesday and Thursday,

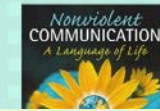
May 22 and 24

5:30 pm – 6:30 pm

presented by

Ed Rothstein, Daymark Recovery Services

Based
On
the
Book



Create Your Life, Your Relationships, and Your World in Harmony with Your Values by Marshall Rosenberg, PhD.

JOIN NORTH CAROLINA HUMANITIES COUNCIL OAD SCHOLAR AMRA WILSON FOR A SPECIAL PRESENTATION
'WHAT MAKES A SOUTHERN STORY SOUTHERN?'

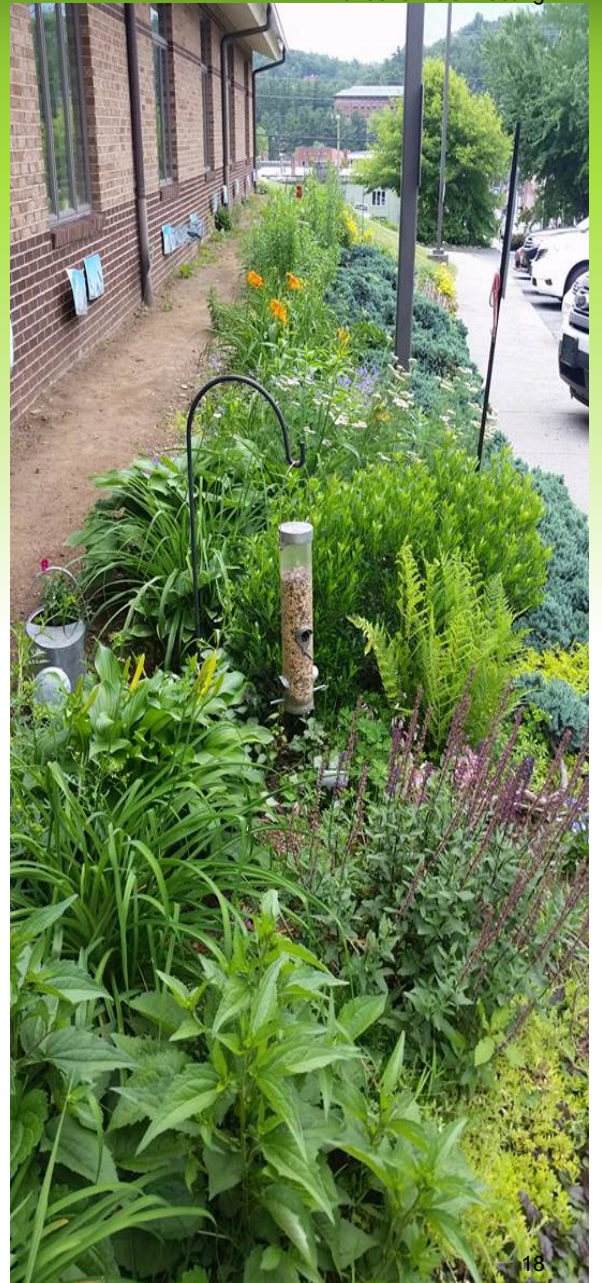


Thursday, September 13, 5:30 pm

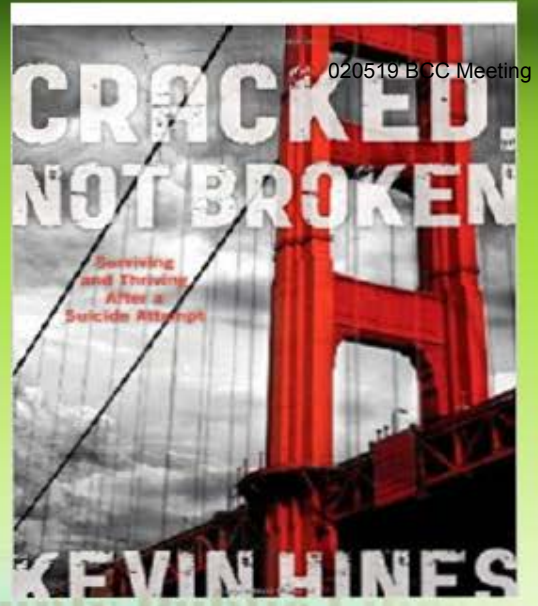
A grant is made possible by funding from the North Carolina Humanities Council, a charitable nonprofit affiliate of the National Endowment for the Humanities. Any views expressed in this program do not necessarily represent those of the North Carolina Humanities Council.



Library as Place



Reading



020519 BCC Meeting

Watauga County Public Library

Watauga County Public Library and Watauga County Schools Present **StudentAccess**

Beginning October 9th, Students may check out up to 10 books using their Student ID number.
StudentAccess numbers also allow access to our digital resources.

For more information, click here!

Apply for a StudentAccess card at the Library's Circulation Desk.

NO LATE FEES - SOME RESTRICTIONS APPLY

The project was made possible in part by the Institute of Museum and Library Services and the State Library of North Carolina



READING CHALLENGE

2018

Cove Creek



Green Valley



Hardin Park 1



Hardin Park 2



Hardin Park 3



Kindergarten Field Trips to the Watauga County Public Library

November/December 2018



Valle Crucis

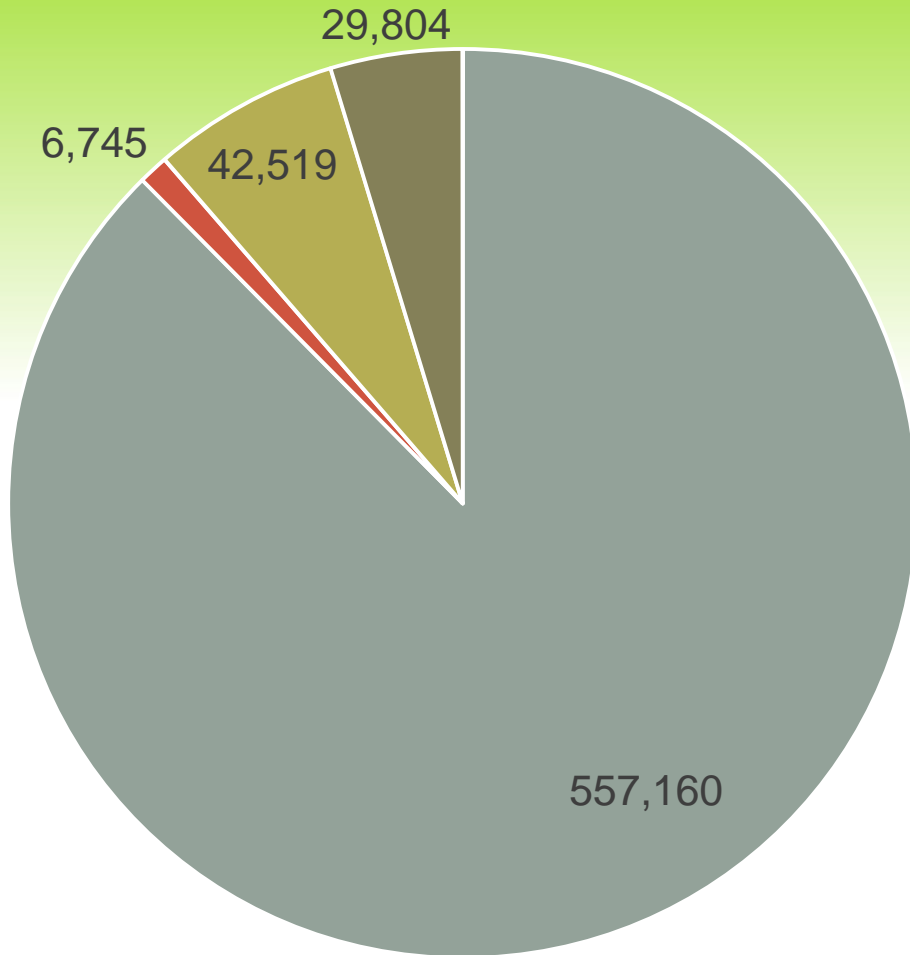
Revenue

Total = \$636,228

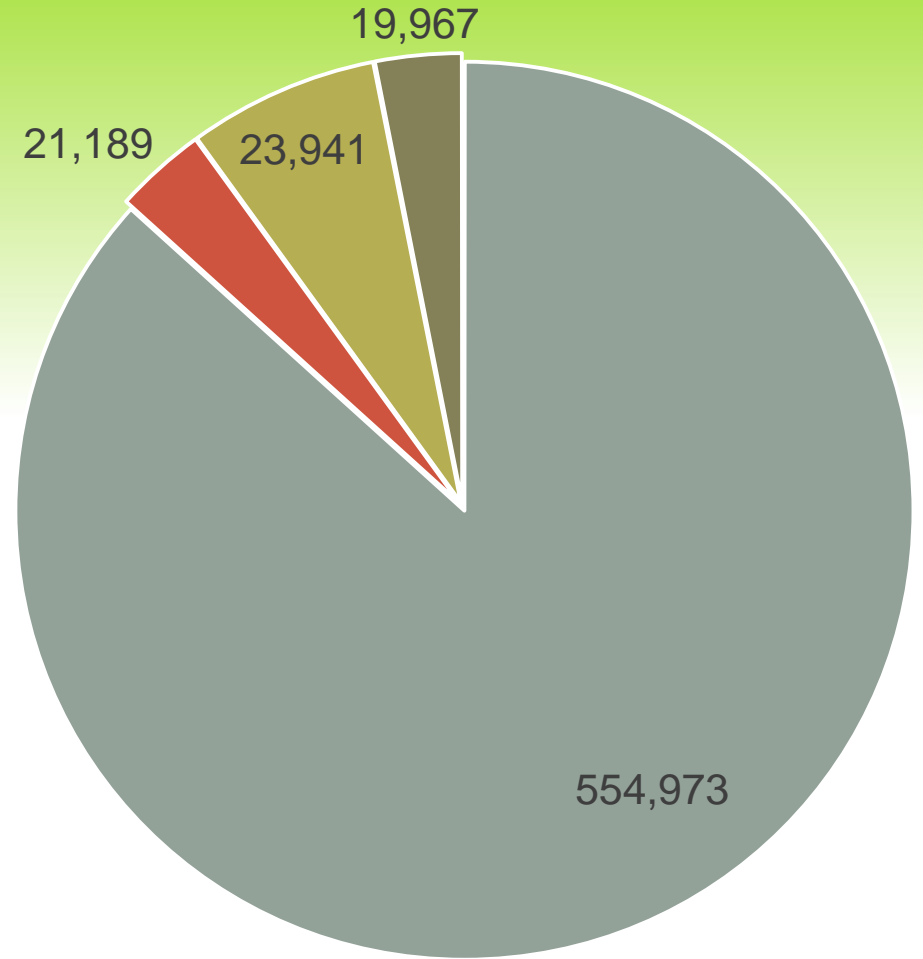
FY18

Expenditures

Total = \$620,070



- County
- Friends/Endowment
- Grants
- Fines/Fees



- Personnel
- Collections
- Operations
- Programming

Fascinating Numbers, 2018

	Main	Branch
Library Cards:	25,161	1,300
Circulation:	227,328	16,761
Door Count	142,661	8,194
Programs	248	51
Attendance	4,318	538



We love our volunteers!

Hours: 5,336

Number: 273

Value: \$131,745

Taken from Independent Sector

Thank you for your support!

AGENDA ITEM 6:**ECONOMIC DEVELOPMENT COMMISSION FUNDING RECOMMENDATIONS****MANAGER'S COMMENTS:**

In February of 2018, the EDC recommended a \$25,000 one-time allocation for the Appalachian Theatre in addition to the \$10,000 reoccurring allocation approved by the Board of Commissioners for the past four (4) years. The \$10,000 reoccurring allocation was in lieu of the \$100,000 annually ten (10) year allocation previously requested by the Appalachian Theatre. The Board did approve the \$25,000 request. The Appalachian Theatre is now requesting an additional \$100,000 allocation from the Economic Development Commission (EDC) which would require Commissioners approval. If the new request is approved the total amount provided by the County to the Appalachian Theatre would be \$165,000.

An additional request of \$33,463 is being requested by the EDC to provide funding for the High Country Local First to provide co-working space for entrepreneur development.

The funds would be allocated from the Economic Development Commission Capital Reserve. Board action is required to approve the \$100,000 and \$33,463 funding request by the Appalachian Theatre and the High Country Local First.



020519 BCC Meeting

PO Box 404

Boone, NC 28607

(828)264-3082 (p)

(828)265-8080 (f)

TTY – Use 711

www.WataugaEDC.org

Memorandum

Date: January 17, 2019

To: Board of Commissioners

From: Joe Furman

RE: Funding from Economic Development Capital reserve account

At its January 10, 2019 meeting, the Economic Development Commission (EDC) considered funding requests from the Appalachian Theatre of the High Country (ATHC) and High Country Local First (HCLF). Both of these organizations are non-profits. The EDC voted to recommend that the Board of Commissioners approve funding from the Economic Development Capital Reserve account in the amounts of \$100,000 for ATHC and \$33,463 for HCLF. The members agreed that the ATHC, once operational, will have a significant economic impact on the county. Development of a co-working space for entrepreneur development is one of the primary goals of the EDC; partnering with HCLF as discussed will help achieve that goal. The EDC and HCLF will develop a memorandum of understanding for the partnership and operation of the co-working space. Included will be a provision that ownership of furniture, fixtures, and equipment, including technology equipment purchased with County funds for the space will revert to the County should the co-working space cease to exist.

Attached are draft minutes of the EDC meeting as well as some supporting materials.



October 31, 2018

Campaign Cabinet

John Cooper
Campaign Chair

- Jonathan Allen
- Bill Barbour
- John Blackburn
- Bettie Bond
- Hanes Boren
- Sterling Carroll
- Caroline Catoe
- Brian Crutchfield
- Shelia and Jim Deal
- Alfred Glover
- Gail Hearn
- Keith Martin
- Susan McCracken
- Jerry Moretz
- Peter Petschauer
- Nancy Reigel
- Max Smith
- Bobby Snead
- Tommy Sofield
- Kay Stacy
- Emily Stallings
- Cullie Tarleton

Joe Furman

Director, Watauga County Planning & Inspections and Economic Development
126 Poplar Grove Connector, Suite 201
Boone, NC 28607

Dear Mr. Furman,

On behalf of the Appalachian Theatre of the High Country, we would like to request the Economic Development Commission consider funding the \$11.5 million renovation of the High Country's only historic theatre at the \$100,000 level.

Once completed and fully operational, this project stands to make a substantial contribution to the economic vitality of the county by bringing in new business and tax revenues. Even before opening, new businesses like the Horton Hotel, Lost Province and the new hotel on West King and Water Streets decided to locate in downtown Boone in part because of the Appalachian Theatre.

We just received a \$100,000 check from the Town of Boone. At this critical juncture, the support of the Economic Development Commission at the \$100,000 level will enable us to hit the ground running and immediately start contributing to the local economy.

Thank you for your consideration and past support.

Sincerely,

John E. Cooper, Jr.

Chair, Appalachian Theatre Board of Trustees

Chair, Campaign to Renovate and Restore the Appalachian Theatre

enclosures

APPALACHIAN THEATRE OF THE HIGH COUNTRY, INC.

P.O. Box 11 DTS
Boone, NC 28607
828.865.3000

F, F, + E Items

	Item	No.	Per unit	Price	Notes
Breakroom					
	Fridge	1	1300	1300	
	Microwave	1	275	275	
	Dishwasher	1	600	600	
	Commercial Coffee M	1	450	450	
	Dishware/Utensils	1	500	500	
Conference Rooms					
	Conference Table	4	900	3600	
	Chair	24	110	2640	
	lighting	4	375	1500	
Common Area					
	Communal Table	3	2000	6000	Seats 6, includes filing cabinets.
	Desk Chairs	18	110	1980	
	Couch	1		900	
	Coffee table	2		250	
	Filing Cabinets	5	85	425	2 drawer with lock
	Lounge Chairs	4	300	1200	
	Rugs	4	250	1000	
	Lighting			3000	
Reception	Desktop			500	
	Check-in desk			750	
	Chair	1	110	110	
TOTALS				\$ 26,980	

Technology Items

Totals

One Time

No.	Item	Description	Price per Unit	
1	RFID Access Control	RFID Front Door cards, unit and install	1,750.00	1,750.00
2	Surveillance Cam	Nest Indoor Cam for 2 doors	250.00	500.00
				0.00
2	Flat Screen	Small Conf Room 50" flat screen	200.00	400.00
3	Access Point	Ubiquiti Unifi or Similar	75.00	225.00
1	AP Accessories and install	Ubiquiti Unifi or Similar	500.00	500.00
1	Printer/Copier	leased office printer and copier		0.00

\$3,375

Recurring

1	Broadband	Skyline Business Fiber	200.00	2,400.00
1	Cloud Video Storage	Monthly access NEST cloud services	10.00	120.00
1	Website	Hosted website		
1	Point of Sale	CRM, Invoicing, Billing system monthly	\$ 49.00	588
1	Installation			
1	Printer/Copier	Lease from WJ office		

3,108.00

Grand Total

\$ 6,483

WATAUGA COUNTY ECONOMIC DEVELOPMENT COMMISSION
MEETING MINUTES

DRAFT

Date: January 10, 2019

Presiding: Walter Kaudelka EDC Chair

Members Present: Marshall Ashcraft, Charles Hardin, David Jackson, Susan McCracken, Larry Turnbow, James Bance, Angela Weaver, Tad Dolbier, Eric Lanier

Staff Present: Joe Furman, John Spear

The meeting was called to order by Chair Kaudelka at 3:00 pm in the Appalachian Enterprise Center Meeting Room.

REVIEW OF MINUTES

The minutes of the October 2, 2018 regular meeting were approved as written.

Motion to Approve: Jackson; 2nd: Lanier

Aye: 10

Nay: 0

APPALACHIAN THEATER OF THE HIGH COUNTRY

Mr. Kaudelka introduced John Cooper and Laura Kratt. Mr. Cooper provided a progress report on construction and funding before introducing Ms. Kratt, the ATHC’s Executive Director. Ms. Kratt discussed her background and the theaters business plan. She discussed potential usage, community support and vision for this project. Mr. Cooper noted the theater funding is \$1.2 M short of the \$10.7 M goal. They believe public sector funding has fallen short of monies typically provided for similar projects. He also noted there has been interest shown in new redevelopment projects downtown as a direct result of this renovation. Ms. Kratt stated 68% of all tourism is driven by the arts and thus far, the ATHC has 25 dates already on the books. They expanded upon artistic programming the ATHC’s focus on the performing arts. They also noted several prospective partnership opportunities, including Appalachian Performing Arts.

Commission members discussed the potential to transform the character of the downtown area and probable economic impact. Mr. Kaudelka thanked them for the presentation.

MOUNTAIN BIZWORKS

Chris Grasinger returned to discuss the organizational structure for Mountain BizWorks and to provide an update on BizWorks funding activities and client success. He introduced the ‘Growing Outdoors Initiative’ an ARC project designed to benefit the growing number of outdoor industry-oriented small businesses. He also discussed the ScaleUp WNC program, eligibility criteria and application deadline.

CO-WORKING SPACE

Chris Grasinger provided a progress report on development of permanent co-working space downtown. He presented survey results from Silicon Hollar attendees indicating overwhelming support of such a space. In addition, Grasinger provided a description of the most desired amenities and proposed elements of the space; the success they've had with monthly 'Pop-Up' co-working sessions; and a proposed EDC contract with High Country Local First to assist in the establishment of 'Route Co-working'. The contract includes a funding request of approximately \$50,000 for year 1 which includes \$15,000 for operating subsidy, with additional subsidies of \$12,000 ear-marked for years 2 and 3. Route would provide space for local entrepreneurs to start, house and grow their business in a cost effective, professional environment.

Mr. Kaudelka thanked him for the presentation.

REVIEW OF FUNDING POLICY

Mr. Furman provided and discussed the current EDC funding policy adopted in 2004 & 2005. Mr. Furman also discussed the EDC's current balance in both the Capitol Reserve and Operating accounts.

CONSIDERATION OF FUNDING REQUESTS

1. Appalachian Theater

Commission members agreed significant local economic impacts are created by the arts. Motion to recommend approval of \$100,000 from Capital Reserve: Kaudelka; 2nd: Lanier

Aye: 10

Nay: 0

2. Co-working Space

Commission members reiterated their support for co-working space. Motion to recommend approval of Year 1 funding in the amounts of \$33,463 from Capital Reserve and \$15,000 from Operating funds; timing of Operating funds to be revisited closer to opening of the space: Ashcraft; 2nd: McCracken

Aye: 10

Nay: 0

The Commission appointed a Co-working Space subcommittee consisting of members Bance, Jackson and Greer.

UPDATES

Mr. Furman noted Watauga County's recent achievement as a certified ACT Work Ready Community. Also noted: the EDC's new website and landing page are now live;

'Talent Jam/Work It Watauga' is scheduled for April 4, 2019; NWNC Vision is planned for May 22, 2019; and the Andrew Davis workshop is scheduled for August 2, 2019 in conjunction with the Boone Area Chambers Annual Meeting.

With no further business, the meeting adjourned at 4:45 pm.

John E. Spear, AICP

Approved by EDC

AGENDA ITEM 7:**PLANNING AND INSPECTIONS MATTERS*****A. Middle Fork Greenway Naming Opportunities*****MANAGER'S COMMENTS:**

The Blue Ridge Conservancy is requesting authority to name different aspects of the Middle Fork Greenway in order to raise funds for the project. Most of the land associated with the Middle Fork Greenway will be owned by the County. The County currently has in place a Facility, Property, and Space Naming Policy. The policy does have a provision for the Board to waive or modify any requirement of this policy as it deems appropriate on a case-by-case basis.

If the Board chooses to waive this policy which would be appropriate it may wish to request from the Blue Ridge Conservancy what criteria they will utilize in accepting donations for naming rights. This will ensure appropriate naming of facilities since the County will own the property along with those individuals, companies, and businesses granted naming rights.

Board action is required to grant the waiving of the policy.



WATAUGA COUNTY

126 Poplar Grove Connector, Suite 201 Boone, NC 28607

Department of
Planning & Inspections

Phone (828) 265-8043
TTY 1-800-735-2962
Voice 1-800-735-8262
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FAX (828) 265-8080

Memorandum

Date: January 31, 2019

To: Board of Commissioners

From: Joe Furman

RE: Middle Fork Greenway Naming Opportunities

The Blue Ridge Conservancy is constantly engaged in fund-raising for all of its activities, including for the Middle Fork Greenway. An effective strategy used universally to raise funds is to offer naming opportunities. For example, on a very large scale, the Carolina Panthers' stadium is named Bank of America Stadium in return for a sizable donation. On a much smaller scale, the Blue Ridge Conservancy intends to raise funds for construction of the Middle Fork Greenway by, among other methods, providing naming opportunities (please see attached plan). Most of the land upon which the greenway and associated pocket parks will be constructed is or will be owned by Watauga County. The County has a Facility, Property, and Space Naming Policy (attached). This policy is not oriented towards fund-raising activities, and in fact, could be a hindrance to the Conservancy's efforts. Section V(K) of the policy allows the Board of Commissioners to waive or modify any requirements of it on a case-by-case basis. Accordingly, I request that the policy be waived in regard to fund-raising by the Blue Ridge Conservancy for the Middle Fork Greenway.



Naming Opportunities

Trailhead Boulders: (Multi-year pledge donations can be discussed)

\$500,000 and above	Front Runners
\$250,000 to \$499,999	Trail Runners
\$100,000 to \$249,999	Trail Blazers
\$25,000 to \$99,999	Pathfinders

Limited Project Element Opportunities:

\$5,000,000	Legacy Naming of Greenway
\$1,000,000	Park Naming Rights
\$100,000	Shelters (limited quantities)
\$10,000	Bench Sponsorship (limited quantities)
\$5,000	Tree sign in Picnic Park (limited quantities)
\$100	One foot of trail (certificate of virtual ownership)

Donation Level	Publicity Options
\$10,000	Listed on website, e-newsletter, posted on all social media outlets
\$50,000	\$10K options + 1/4 page donor profile in printed Annual Newsletter
\$100,000 +	\$10K options + 1/2 page donor profile in printed Annual Newsletter and Press Release to all local newspaper outlets

All campaign donors: Recognition on the Middle Fork Greenway website will be provided unless anonymity is requested.

WATAUGA COUNTY FACILITY, PROPERTY, AND SPACE NAMING POLICY

I. PURPOSE

The purpose of this policy is to establish a process for the naming or dedication of public buildings, structures, memorials, plaques, markers, areas, and facilities owned by the County.

II. AUTHORIZATION

The Board of County Commissioners shall name, rename, and dedicate all public buildings, structures, memorials, areas, and facilities. County staff may name initial construction projects to identify the site and location for delivery of materials, services, and inspections.

III. OBJECTIVES

The following objectives have been established for naming or dedication of public buildings, structures, memorials, plaques, markers, areas, and facilities:

- A. Provide appropriate name identification for public buildings, structures, memorials, areas, and facilities in the County.
- B. Provide citizen input into the process of naming, renaming and dedication of public buildings, structures, memorials, plaques, markers, areas, and facilities in the County.
- C. Ensure control for the naming, renaming and dedication of public buildings, structures, memorials, plaques, markers, areas, and facilities in the County.

IV. QUALIFYING NAMES

- A. Public buildings, structures, memorials, plaques, markers, areas, and facilities shall be named in a manner that will provide an easy and recognizable reference and individual identity of the area or facility for the citizens of the County. Potential options include:
 1. The geographic location of the facility.
 2. A geologic, historical, botanical, horticultural, or scientific feature inherent to the area.
 3. An outstanding feature of the facility.
 4. The adjoining subdivision, school, or street.
 5. Commonly recognized historical event, group or individual.
 6. An individual, donor or group who contributed significantly to the acquisition or development of the individual facility.
 7. An individual or group who demonstrated exceptional service(s) or outstanding achievement(s) in the interest of the community as a whole.
 8. A resident of the County with sound moral and social character and whose life was exemplary and worthy of recognition.
- B. Public buildings, structures, memorials, plaques, markers, areas, and facilities may be named, renamed or dedicated for an individual only after that individual has been deceased for at least one (1) year. A person currently holding a local elected office or serving on a County advisory board may not be considered for the naming, renaming, or dedication of public buildings, structures, memorials, areas, and facilities.

V. PROCESS OF CONSIDERATION

Naming, renaming, and dedication of public buildings, structures, memorials, plaques, markers, areas, and facilities proposals shall originate in the following manner: An individual or an organization may file an application recommending the naming or dedication of public buildings, structures, memorials, plaques, markers, areas, and facilities. The format is shown in the Watauga County Public Facility, Property, and Space Naming Application. County buildings, structures, memorials, plaques, markers, areas, and facilities to be named must not currently be named.

A. Making an Application:

1. All applications must be submitted on the form entitled "Watauga County Public Facility, Property, and Space Naming Application," which may be obtained on the County website (www.wataugacounty.org) or in person at the Watauga County Manager's Office located at 814 West King Street, Boone, NC 28607.
2. The application must be supported by official documentation including but not limited to:
 - i. Naming for an individual:
 - a. Current resume, if living; source-identified, dated copy of obituary, if deceased (the resume may cover b-d below).
 - b. List of volunteer/service activities, including dates of involvement and offices held.
 - c. List of professional accomplishments.
 - d. List of honors/awards, both volunteer and professional, including dates awarded.
 - e. Narrative as to why the individual should be honored with the naming, renaming or dedication of a County building, structure, memorial, or area.
 - f. Information regarding any significant donations, gifts, financial support or contributions made by the individual to the County.
 - ii. Naming for an organization:
 - a. A copy of the Charter of the organization, including mission statement.
 - b. A copy of the Minutes of the meeting or authentic copy of the proclamation made that substantiates the organization's desire to seek a naming, renaming or dedication of public building, structure, memorial, area, or facility opportunity.
 - c. List of service to community, both volunteer and monetary, including dates of involvement and results.
 - d. Authentic copies of recognitions awarded by a national organization of which the local organization is an affiliate.
 - e. List of other honors/awards earned by organization.
 - f. Narrative as to why the organization should be honored with the naming, renaming or dedication of public building, structure, memorial, area, or facility.
 - g. Information regarding any significant donations, gifts, financial support or contributions made by the organization to the County.

The burden of supporting the application rests with the individual or group submitting the application.

- B. The Watauga County Public Facility, Property, and Space Naming Application shall be submitted with all required supporting documentation to the Watauga County Manager, 814 West King Street, Boone, NC 28607.
- C. During a 15 business day period following the filing of an application, the County Manager will verify the documentation presented with the application.
- D. At the end of the verification period, the County Manager will place the application on the agenda of a regularly scheduled meeting of the Board of Commissioners for its consideration.
- E. The Board of County Commissioners will review and consider the application. After review and consideration of the application, the Board will schedule a public hearing to seek comments and input on the application from County citizens.
- F. Once the public hearing has been completed, the Board will vote in favor or against the application. Upon a unanimous vote of the Board, the naming, or dedication of the public building, structure, memorial, plaque, marker, area, or facility will be initiated.
- G. The renaming of a public building, structure, memorial, area, or facility is strongly discouraged. It is recommended that efforts to change a name be subject to the most critical examination so as not to diminish the original justification for the name or discount the value of the prior contributions.
 - 1. Public buildings, structures, memorials, plaques, markers, areas, and facilities named after individuals should not be changed unless it is found that the individual's personal character is or was such that the continued use of his/her name would not be in the best interest of the community.
 - 2. In order for a public building, structure, memorial, plaques, markers, area, and facility to be considered for renaming, the recommended name must qualify according to this Policy.
- H. Public buildings, structures, memorials, plaques, markers, areas, or facilities donated to the County can be named by deed restrictions by the donor. The naming and acceptance is subject to approval by the Board of Commissioners.
- I. In lieu of naming a facility; plaques, markers, and memorials may be considered and are subject to the requirements and standards as set forth in this policy. The Board of Commissioners shall determine the style, size, and placement on a case-by-case basis. In general, the plaque, sign, or marker shall blend or compliment the facility or area. Any plaque, sign, or marker approved by the Board must meet all County and Town regulations when applicable.
- J. The County will make every effort to preserve any dedication plaque or other dedicated object such as a tree, bench, etc. If necessary, due to repair of surrounding areas, construction or redesign of an area or facility, the plaque or dedication object may be relocated. If the plaque or other dedication object cannot continue to be maintained or after a reasonable period of time, it may be removed by the County.
- K. The County Commissioners may waive or modify any requirement of this policy as it deems appropriate on a case-by-case basis.

VI. APPLICABILITY

This policy governs only those applications made to request Watauga County buildings, structures, memorials, plaques, markers, areas, facilities and spaces naming or renaming opportunities.

VII. LIMITATIONS

- A. Although the Board of County Commissioners should be sensitive to the need for continuity in designating Naming Opportunities and to the recognition given to generous donors throughout its history, it cannot guarantee the continued designation of a Naming Opportunity.
- B. Designation of a Naming Opportunity will only apply to that particular County building, structure, memorial, plaque, marker, area, or facility and the name cannot be transferred to another County building, structure, memorial, plaque, marker, area, or facility without being proposed using the formal process outlined in the Policy.
- C. The use and ownership of any County facility, property, or space may change; consequently, the designation of a Naming Opportunity is not a guarantee that the use or ownership of the County building, structure, memorial, plaques, marker, area, or facility will remain the same in perpetuity.
- D. The naming of any County building, structure, memorial, plaques, marker, area, or facility by the Board of County Commissioners shall not create a property interest in the Naming Opportunity.

VIII. RESPONSIBILITY

- A. The County Manager is responsible for monitoring and ensuring regular review of this Policy.
- B. All costs associated with the publication of the notice shall be paid by the applicant. If the designation is approved by the County Commissioners, all costs associated with the signage and installation shall be the responsibility of the applicant.
- C. Any individual, family, group or organization sponsoring a dedication or memorial must provide sufficient funds to purchase, install and maintain any plaque or other form of label associated with the recognition.
- D. The County will make every effort to preserve any dedication plaque or other dedicated object such as a tree, bench, etc.
- E. If the dedication includes the gift of a tree or other plant, the County will provide its regular standard of landscape care for the planting. If the planting does not survive, the County is not obligated to provide a replacement.
- F. The County Commissioners may waive or modify any requirement of this policy as it deems appropriate on a case-by-case basis.

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AGENDA ITEM 7:**PLANNING AND INSPECTIONS MATTERS*****B. Public Hearing Request for Proposed Amendments to An Ordinance To Provide for The Control of Soil and Erosion and Sedimentation*****MANAGER'S COMMENTS:**

Staff for the State Sedimentation Control Commission has notified the County that the model erosion control ordinance for local programs has been updated with changes made to the NC General Statutes – Sedimentation Pollution Control Act – over the past several years. As such, the County's local ordinance needs to be updated to comply with the model. The County's ordinance was last updated in 2003 with a marginal amendment in 2011.

Mr. Furman has attached the model. Red ink indicates recent statutory changes; yellow highlighting denotes Watauga County provisions carried forward from our current ordinance that exceed or expand upon the model. The link to the current ordinance is http://www.wataugacounty.org/App_Pages/Dept/Planning/viewordinances.aspx?DbID=8. A comparison will show not only the additions, but also that the new model reorganizes some of the provisions.

Staff requests the Commissioners schedule a public hearing for the February 19th evening meeting for consideration and adoption of the revised ordinance.

Board action is required to schedule a public hearing for February 19, 2019 at 5:30 PM for consideration and adoption of the revised ordinance.

MODEL LOCAL ORDINANCE

SOIL EROSION and SEDIMENTATION CONTROL

Revised **November 2018**

SEDIMENTATION CONTROL COMMISSION

RALEIGH, NORTH CAROLINA

11/15/2018

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ORDINANCE NO. _____

AN ORDINANCE TO PROVIDE FOR THE CONTROL OF SOIL EROSION AND
SEDIMENTATION.

NOW, THEREFORE, BE IT ORDAINED that the Board of Commissioners of Watauga County hereby adopts the following ordinance.

SECTION 1 Title

This ordinance may be cited as the Watauga County Soil Erosion and Sedimentation Control Ordinance.

SECTION 2 Purpose

This ordinance is adopted for the purposes of:

- (a) regulating certain land-disturbing activity to control accelerated erosion and sedimentation in order to prevent the pollution of water and other damage to lakes, watercourses, and other public and private property by sedimentation; and
- (b) establishing procedures through which these purposes can be fulfilled.

SECTION 3 Definitions

As used in this ordinance, unless the context clearly indicates otherwise, the following definitions apply:

- (a) Accelerated Erosion - means any increase over the rate of natural erosion as a result of land-disturbing activity.
- (b) Act - means the North Carolina Sedimentation Pollution Control Act of 1973 and all rules and orders adopted pursuant to it.
- (c) Adequate Erosion Control Measure, Structure, or Device - means one which controls the soil material within the land area under responsible control of the person conducting the land-disturbing activity.
- (d) Affiliate – means a person that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control of another person.

- (e) Being Conducted - means a land-disturbing activity has been initiated and permanent stabilization of the site has not been completed.
- (f) Borrow - means fill material which is required for on-site construction and is obtained from other locations.
- (g) Buffer Zone - means the strip of land adjacent to a lake or natural watercourse.
- (h) Coastal Counties - means the following counties: Beaufort, Bertie, Brunswick, Camden, Carteret, Chowan, Craven, Currituck, Dare, Gates, Hertford, Hyde, New Hanover, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Tyrrell and Washington.
- (i) Commission - means the North Carolina Sedimentation Control Commission.
- (j) Completion of Construction or Development - means that no further land-disturbing activity is required on a phase of a project except that which is necessary for establishing a permanent ground cover.
- (k) Department - means the North Carolina Department of Environmental Quality.
- (l) Director - means the Director of the Division of Energy Mineral and Land Resources of the Department of Environment and Natural Resources.
- (m) Discharge Point - means that point at which storm water runoff leaves a tract of land.
- (n) District - means the Watauga County Soil and Water Conservation District created pursuant to Chapter 139, North Carolina General Statutes.
- (o) Energy Dissipator - means a structure or a shaped channel section with mechanical armoring placed at the outlet of pipes or conduits to receive and break down the energy from high velocity flow.
- (p) Erosion - means the wearing away of land surfaces by the action of wind, water, gravity, or any combination thereof.
- (q) Ground Cover - means any natural vegetative growth or other material which renders the soil surface stable against accelerated erosion.
- (r) High Quality Waters - means those classified as such in 15A NCAC 2B.0101(e) (5) - General Procedures, which is incorporated herein by reference to include further amendments pursuant to G.S. 150B-14(c).
- (s) High Quality Water (HQW) Zones –means, for the Coastal Counties, areas within

575 feet of High Quality Waters; and for the remainder of the state, areas within one mile and draining to HQW's.

- (t) Lake or Natural Watercourse – means any stream, river, brook, swamp, sound, bay, creek, run, branch, canal, waterway, estuary, and any reservoir, lake or pond, natural or impounded in which sediment may be moved or carried in suspension, and which could be damaged by accumulation of sediment.
- (u) Land-disturbing Activity - means any use of the land by any person in residential, industrial, education, institutional, or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation.
- (v) Local Government - means any county, incorporated village, town or city, or any combination of counties, incorporated villages, towns, and cities, acting through a joint program pursuant to the provisions of the Act.
- (w) Natural Erosion - means the wearing away of the earth's surface by water, wind, or other natural agents under natural environmental conditions undisturbed by man.
- (x) Parent – means an affiliate that directly, or indirectly through one or more intermediaries, controls another person.
- (y) Person - means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, or other legal entity.
- (z) Person Conducting land-Disturbing Activity - means any person who may be held responsible for violation unless expressly provided otherwise by this Ordinance, the Act, or any order adopted pursuant to this Ordinance or the Act.
- (aa) Person Responsible for the Violation - means:
 - (1) the developer or other person who has or holds himself out as having financial or operation control over the land-disturbing activity; or
 - (2) the landowner or person in possession or control of the land that has directly or indirectly allowed the land-disturbing activity, or benefited from it or failed to comply with a duty imposed by any provision of this Ordinance, the Act, or any order adopted pursuant to this Ordinance or the Act.
- (bb) Phase of Grading - means one of two types of grading: rough or fine.
- (cc) Plan - means an erosion and sedimentation control plan

- (dd) Sediment - means solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin.
- (ee) Sedimentation - means the process by which sediment resulting from accelerated erosion has been or is being transported off the sit of the land-disturbing activity or into a lake or natural watercourse.
- (ff) Siltation - means sediment resulting from accelerated erosion which is settleable or removable by properly designed, constructed, and maintained control measures; and which has been transported from its point of origin within the site of a land-disturbing activity; and which has been deposited, or is in suspension in water.
- (gg) Storm Drainage Facilities - means the system of inlets, conduits, channels, ditches and appurtenances which serve to collect and convey storm water through and from a given drainage area.
- (hh) Storm Water Runoff - means the surface flow of water resulting from precipitation in any form and occurring immediately after rainfall or melting.
- (ii) Subsidiary – means an affiliate that is directly, or indirectly through one or more intermediaries, controlled by another person.
- (jj) Ten-Year Storm - means the storm water runoff resulting from precipitation of an intensity expected to be equaled or exceeded, on the average, once in ten years, and of a duration which will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.
- (kk) Tract - means all contiguous land and bodies of water being disturbed or to be disturbed as a unit, regardless of ownership.
- (ll) Twenty-five Year Storm - means the storm water runoff resulting from precipitation of an intensity expected to be equaled or exceeded on the average, once in 25 years, and of a duration which will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.
- (mm) Uncovered - means the removal of ground cover from, on, or above the soil surface.
- (nn) Undertaken - means the initiating of any activity, or phase of activity, which results or will result in a change in the ground cover or topography of a tract of land.
- (oo) Velocity - means the average velocity of flow through the cross section of the

main channel at the peak flow of the storm of interest. The cross section of the main channel shall be that area defined by the geometry of the channel plus the area of flow below the flood height defined by vertical lines at the main channel banks. Overload flows are not to be included for the purpose of computing velocity of flow.

- (pp) Waste - means surplus materials resulting from on-site land-disturbing activities and being disposed of at other locations.
- (qq) Working Days - means days exclusive of Saturday and Sunday during which weather conditions or soil conditions permit land-disturbing activity to be undertaken.

SECTION 4 Scope and Exclusions

- (a) Geographical Scope of Regulated Land-Disturbing Activity. This ordinance shall apply to land-disturbing activity within the territorial jurisdiction of the County and as allowed by agreement between local governments, the extent of annexation or other appropriate legal instrument or law.
- (b) Exclusions from Regulated Land-Disturbing Activity. Notwithstanding the general applicability of this ordinance to all land-disturbing activity, this ordinance shall not apply to the following types of land-disturbing activity:
 - (1) **Activities, including the production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture undertaken on agricultural land for the production of plants and animals useful to man, including, but not limited to:**
 - (i) forage and sod crops, grain and feed crops, tobacco, cotton, and peanuts.
 - (ii) dairy animals and dairy products.
 - (iii) poultry and poultry products.
 - (iv) livestock, including beef cattle, llamas, sheep, swine, horses, ponies, mules, and goats.
 - (v) bees and apiary products.
 - (vi) fur producing animals.

- (vii) mulch, ornamental plants, and other horticultural products. For purposes of this section, "mulch" means substances composed primarily of plant remains or mixtures of such substances.
- (2) An Activity undertaken on forestland for the production and harvesting of timber and timber products and conducted in accordance with standards defined by the Forest Practice Guidelines Related to Water Quality (Best Management Practices), as adopted by the North Carolina Department of Agriculture and Consumer Services. If land-disturbing activity undertaken on forestland for the production and harvesting of timber and timber products is not conducted in accordance with standards defined by the Forest Practice Guidelines Related to Water Quality, the provisions of this ordinance shall apply to such activity and any related land-disturbing activity on the tract.
- (3) An activity for which a permit is required under the Mining Act of 1971, Article 7 of Chapter 74 of the General Statutes.
- (4) A land-disturbing activity over which the State has exclusive regulatory jurisdiction as provided in G.S. 113A-56(a).
- (5) An activity which is essential to protect human life during an emergency.
- (6) Activities undertaken to restore the wetland functions of converted wetlands to provide compensatory mitigation to offset impacts permitted under Section 404 of the Clean Water Act.
- (7) Activities undertaken pursuant to Natural Resources Conservation Service standards to restore the wetlands functions of converted wetlands as defined in Title 7 Code of Federal Regulations § 12.2
- (c) Plan Approval Requirement for Land-Disturbing Activity. No person shall undertake any land-disturbing activity subject to this ordinance without first obtaining a Plan approval therefor from the County.
- (d) Protection of Property - Persons conducting land-disturbing activity shall take all reasonable measures to protect all public and private property from damage caused by such activity.
- (e) More Restrictive Rules Shall Apply - Whenever conflicts exists between federal, state, or local laws, ordinance, or rules, the more restrictive provision shall apply.

- (f) Plan Approval Exceptions. Notwithstanding the general requirement to obtain a Plan approval prior to undertaking land-disturbing activity, a Plan approval shall not be required for land-disturbing activity that does not exceed 21,780 square feet in surface area. In determining the area, lands under one or diverse ownership being developed as a unit will be aggregated.

SECTION 5 Mandatory Standards for Land-Disturbing Activity

No land-disturbing activity subject to the control of this ordinance shall be undertaken except in accordance with the following mandatory standards:

- (a) Buffer zone
- (1) Standard Buffer. No land-disturbing activity during periods of construction or improvement to land shall be permitted in proximity to a lake or natural watercourse unless a buffer zone is provided along the margin of the watercourse of sufficient width to confine visible siltation within the twenty-five percent (25%) of the buffer zone nearest the land-disturbing activity.
- (i) Projects On, Over or Under Water. This subdivision shall not apply to a land-disturbing activity in connection with the construction of facilities to be located on, over, or under a lake or natural watercourse.
- (ii) Buffer Measurement. Unless otherwise provided, the width of a buffer zone is measured horizontally from the edge of the water to the nearest edge of the disturbed area, with the 25 percent of the strip nearer the land-disturbing activity containing natural or artificial means of confining visible siltation.
- (2) Trout Buffer. Waters that have been classified as trout waters by the Environmental Management Commission shall have an undisturbed buffer zone 25 feet wide or of sufficient width to confine visible siltation within the twenty-five percent (25%) of the buffer zone nearest the land-disturbing activity, whichever is greater. Provided, however, that the Commission may approve plans which include land-disturbing activity along trout waters when the duration of said disturbance would be temporary and the extent of said disturbance would be minimal.
- (i) Projects On, Over or Under Water. This subdivision shall not apply to a land-disturbing activity in connection with the construction of facilities to be located on, over, or under a lake or natural watercourse.

- (ii) Trout Buffer Measurement. The 25-foot minimum width for an undisturbed buffer zone adjacent to designated trout waters shall be measured horizontally from the top of the bank to the nearest edge of the disturbed area.
 - (iii) Limit on Land Disturbance. Where a temporary and minimal disturbance has been permitted as an exception to the trout buffer, land-disturbing activities in the buffer zone adjacent to designated trout waters shall be limited to a maximum of ten percent (10%) of the total length of the buffer zone within the tract to be disturbed such that there is not more than 100 linear feet of disturbance in each 1000 linear feet of buffer zone. Larger areas may be disturbed with the written approval of the Director.
 - (iv) Limit on Temperature Fluctuations. No land-disturbing activity shall be undertaken within a buffer zone adjacent to designated trout waters that will cause adverse temperature fluctuations in the trout waters, as set forth in 15 NCAC 2B.0211 “Fresh surface Water Classification and Standards.”
- (b) Graded Slopes and Fills. The angle for graded slopes and fills shall be no greater than the angle that can be retained by vegetative cover or other adequate erosion control devices or structures. In any event, slopes left exposed will, within 21 calendar days of completion of any phase of grading, be planted or otherwise provided with temporary or permanent ground cover, devices, or structures sufficient to restrain erosion. The angle for graded slopes and fills must be demonstrated to be stable. Stable is the condition where the soil remains in its original configuration, with or without mechanical constraints.
- (c) Fill Material. Unless a permit from the Department’s Division of Waste Management to operate a landfill is on file for the official site, acceptable fill material shall be free of organic or other degradable materials, masonry, concrete and brick in sizes exceeding twelve (12) inches, and any materials which would cause the site to be regulated as a landfill by the State of North Carolina.
- (d) Ground Cover. Whenever land-disturbing activity that will disturb more than one acre is undertaken on a tract, the person conducting the land-disturbing activity shall install erosion and sedimentation control devices and practices that are sufficient to retain the sediment generated by the land disturbing activity within the boundaries of the tract during construction upon and development of said tract, and shall plant or otherwise provide a permanent ground cover sufficient to restrain erosion after completion of construction or development. Except as provided in Section 8(b)(5) of this ordinance, provisions for a ground cover sufficient to restrain erosion must be accomplished within 15 working days or 90 calendar days following completion of construction or development, whichever period is shorter.

B. Prior Plan Approval. No person shall initiate any land-disturbing activity that will disturb more than one acre on a tract unless, thirty (30) or more days prior to initiating the activity, a Plan for the activity is filed with and approved by the County or unless for land-disturbing activity of more than a half acre but less than an acre the requirement for such plan had been waived as specified in Section 6. The County will attempt to review plans as quickly as possible. The initiation of land-disturbing activities shall not be restricted when the plan is approved and permit issued in less than 30 days.

- (e) The County shall forward to the Director of the Division of Water Resources a copy of each Plan for a land-disturbing activity that involves the utilization of ditches for the purpose of de-watering or lowering the water table of the tract.
- (f) The land-disturbing activity shall be conducted in accordance with the approved erosion and sedimentation control plan.

SECTION 6 Erosion and Sedimentation Control Plans

A. (a) Plan Submission. A Plan shall be prepared for all land-disturbing activities subject to this ordinance whenever the proposed activity will disturb more than one-half acre on a tract. For land-disturbing activity of a half acre or more but less than one acre, the Watauga County Department of Planning and Inspection may waive the submission of an erosion control plan if, upon site inspection a determination is made that the site does not have the potential to cause erosion or off-site damage. A plan is required for all land-disturbing activity of one acre or more.

Three (3) copies of the Plan shall be filed with the County; a copy shall be simultaneously submitted to the Watauga County Soil and Water Conservation District at least 30 days prior to the commencement of the proposed activity.

- (b) **Financial Responsibility and Ownership.** Plans may be disapproved unless accompanied by an authorized statement of financial responsibility and ownership. This statement shall be signed by the person financially responsible for the land-disturbing activity or his attorney in fact. The statement shall include the mailing and street addresses of the principal place of business of (1) the person financially responsible, (2) the owner of the land, and (3) any registered agents. If the person financially responsible is not a resident of North Carolina, a North Carolina agent must be designated in the statement for the purpose of receiving notice of compliance or non-compliance with the Plan, the Act, this ordinance, or rules or orders adopted or issued pursuant to this ordinance. Except as provided in subsections (b1) or (j) of this section, if the applicant is not the owner of the land to be disturbed, the draft erosion and sedimentation control plan must include the owner's written consent for the applicant to submit a draft

erosion and sedimentation control plan and to conduct the anticipated land-disturbing activity.

- (b1) If the applicant is not the owner of the land to be disturbed and the anticipated land-disturbing activity involves the construction of utility lines for the provision of water, sewer, gas, telecommunications, or electrical service, the draft erosion and sedimentation control plan may be submitted without the written consent of the owner of the land, so long as the owner of the land has been provided prior notice of the project.
- (c) Environmental Policy Act Document. Any Plan submitted for a land-disturbing activity for which an environmental document is required by the North Carolina Environment Policy Act (G.S. 113A-1, et seq.) shall be deemed incomplete until a complete environmental document is available for review. The County shall promptly notify the person submitting the Plan that the 30-day time limit for review of the Plan pursuant to this ordinance shall not begin until a complete environmental document is available for review.
- (d) Content. The Plan required by this section shall contain architectural **or** engineering drawings, maps, assumptions, calculations, and narrative statements as needed to adequately describe the proposed development of the tract and the measures planned to comply with the requirements of this ordinance. Plan content may vary to meet the needs of specific site requirements. Detailed guidelines for Plan preparation may be obtained from the County on request.
- (e) Soil and Water Conservation District Comments. The District shall review the Plan and submit any comments and recommendations to the County within 20 days after the District received the Plan, or within any shorter period of time as may be agreed upon by the District and the County. Failure of the District to submit its comments and recommendations within 20 days or within any agreed-upon shorter period of time shall not delay final action on the Plan.
- (f) Timeline for Decisions on Plans. The County will review each complete Plan submitted to them and within 30 days of receipt thereof will notify the person submitting the Plan that it has been approved, approved with modifications, approved with performance reservations, or disapproved. Failure to approve, approve with modifications, or disapprove a complete Plan within 30 days of receipt shall be deemed approval. The County will review each revised Plan submitted to them and within 15 days of receipt thereof will notify the person submitting the Plan that it has been approved, approved with modifications, approved with performance reservations, or disapproved. Failure to approve, approve with modifications, or disapprove a revised Plan within 15 days of receipt shall be deemed approval.

- (g) Approval. The County shall only approve a Plan upon determining that it complies with all applicable State and local regulations for erosion and sedimentation control. Approval assumes the applicant's compliance with the federal and state water quality laws, regulations and rules. The County shall condition approval of Plans upon the applicant's compliance with federal and state water quality laws, regulations and rules. The County may establish an expiration date, not to exceed three (3) years, for Plans approved under this ordinance.
- (h) Disapproval for Content. The County **may** disapprove a Plan or draft Plan based on its content. A disapproval based upon a Plan's content must specifically state in writing the reasons for disapproval.
- (i) Other Disapprovals. The County shall disapprove an erosion and sedimentation control plan if implementation of the plan would result in a violation of rules adopted by the Environmental Management Commission to protect riparian buffers along surface waters. The County may disapprove an erosion and sedimentation control plan or disapprove a transfer of a plan under subsection (j) of this section upon finding that an applicant or a parent, subsidiary, or other affiliate of the applicant:
- (1) Is conducting or has conducted land-disturbing activity without an approved plan, or has received notice of violation of a plan previously approved by the Commission or a local government pursuant to this Article and has not complied with the notice within the time specified in the notice.
 - (2) Has failed to pay a civil penalty assessed pursuant to this Article or a local ordinance adopted pursuant to this Article by the time the payment is due.
 - (3) Has been convicted of a misdemeanor pursuant to G.S. 113A-64(b) or any criminal provision of a local ordinance adopted pursuant to this Article.
 - (4) Has failed to substantially comply with State rules or local ordinances and regulations adopted pursuant to this Article.

In the event that an erosion and sedimentation control plan or a transfer of a plan is disapproved by the County pursuant to subsection (i) of this section, the local government shall so notify the Director of the Division of Energy, Mineral, and Land Resources within 10 days of the disapproval. The County shall advise the applicant or the proposed transferee and the Director in writing as to the specific reasons that the plan was disapproved. Notwithstanding the provisions of Section 17(a), the applicant may appeal the local government's disapproval of the plan directly to the Commission.

For purposes of this subsection, an applicant's record or the proposed transferee's record may be considered for only the two years prior to the application date.

- (j) The County administering an erosion and sedimentation control program may transfer an erosion and sedimentation control plan approved pursuant to this section without the consent of the plan holder to a successor-owner of the property on which the permitted activity is occurring or will occur as provided in this subsection.
- (1) The County may transfer a plan if all of the following conditions are met:
 - a. The successor-owner of the property submits to the local government a written request for the transfer of the plan and an authorized statement of financial responsibility and ownership.
 - b. The County finds all of the following:
 1. The plan holder is one of the following:
 - I. A natural person who is deceased.
 - II. A partnership, limited liability corporation, corporation, or any other business association that has been dissolved.
 - III. A person who has been lawfully and finally divested of title to the property on which the permitted activity is occurring or will occur.
 - IV. A person who has sold the property on which the permitted activity is occurring or will occur.
 2. The successor-owner holds title to the property on which the permitted activity is occurring or will occur.
 3. The successor-owner is the sole claimant of the right to engage in the permitted activity.
 4. There will be no substantial change in the permitted activity.
 - (2) The plan holder shall comply with all terms and conditions of the plan until such time as the plan is transferred.
 - (3) The successor-owner shall comply with all terms and conditions of the plan once the plan has been transferred.
 - (4) Notwithstanding changes to law made after the original issuance of the plan, the County may not impose new or different terms and conditions in the plan without the prior express consent of the successor-owner. Nothing in this subsection shall prevent the County from requiring a revised plan pursuant to G.S. 113A-54.1(b).
- (k) Notice of Activity Initiation. No person may initiate a land-disturbing activity before notifying the agency that issued the Plan approval of the date that land-disturbing activity will begin.

- (l) Preconstruction Conference. When deemed necessary by the approving authority a preconstruction conference may be required.
- (m) Display of Plan Approval. A Plan approval issued under this article shall be prominently displayed until all construction is complete, all permanent sedimentation and erosion control measures are installed, and the site has been stabilized. A copy of the approved plan shall be kept on file at the job site.
- (n) Required Revisions. After approving a Plan, if the County either upon review of such Plan or on inspection of the job site, determines that a significant risk of accelerated erosion or off-site sedimentation exists, the County shall require a revised Plan. Pending the preparation of the revised Plan, work shall cease or shall continue under conditions outlined by the appropriate authority. If following commencement of a land-disturbing activity pursuant to an approved Plan, the County determines that the Plan is inadequate to meet the requirements of this ordinance, the County may require any revision of the Plan that is necessary to comply with this ordinance.
- (o) Amendment to a Plan. Applications for amendment of a Plan in written and/or graphic form may be made at any time under the same conditions as the original application. Until such time as said amendment is approved by the County, the land-disturbing activity shall not proceed except in accordance with the Plan as originally approved.
- (p) Failure to File a Plan. Any person engaged in land-disturbing activity who fails to file a Plan in accordance with this ordinance, or who conducts a land-disturbing activity except in accordance with provisions of an approved Plan shall be deemed in violation of this ordinance.
- (q) Self-Inspections. The landowner, the financially responsible party, or the landowner's or the financially responsible party's agent shall perform an inspection of the area covered by the plan after each phase of the plan has been completed and after establishment of temporary ground cover in accordance with G.S. 113A-57(2). The person who performs the inspection shall maintain and make available a record of the inspection at the site of the land-disturbing activity. The record shall set out any significant deviation from the approved erosion control plan, identify any measures that may be required to correct the deviation, and document the completion of those measures. The record shall be maintained until permanent ground cover has been established as required by the approved erosion and sedimentation control plan. The inspections required by this subsection shall be in addition to inspections required by G.S. 113A-61.1.

Where inspections are required by Section 6 (p) of this Ordinance and G.S. 113A-54.1(e), the following apply:

- (i) The person who performs the inspection shall make a record of the site inspection by documenting the following items:
- (a) all of the erosion and sedimentation control measures, practices and devices, as called for in a construction sequence consistent with the approved erosion and sedimentation control plan, including but not limited to sedimentation control basins, sedimentation traps, sedimentation ponds, rock dams, temporary diversions, temporary slope drains, rock check dams, sediment fence or barriers, all forms of inlet protection, storm drainage facilities, energy dissipaters, and stabilization methods of open channels, have initially been installed and do not significantly deviate (as defined in Sub-item (1)(e) of this Rule) from the locations, dimensions and relative elevations shown on the approved erosion and sedimentation plan. Such documentation shall be accomplished by initialing and dating each measure or practice shown on a copy of the approved erosion and sedimentation control plan or by completing, dating and signing an inspection report that lists each measure, practice or device shown on the approved erosion and sedimentation control plan. This documentation is required only upon the initial installation of the erosion and sedimentation control measures, practices and devices as set forth by the approved erosion and sedimentation control plan or if the measures, practices and devices are modified after initial installation;
 - (b) the completion of any phase of grading for all graded slopes and fills shown on the approved erosion and sedimentation control plan, specifically noting the location and condition of the graded slopes and fills. Such documentation shall be accomplished by initialing and dating a copy of the approved erosion and sedimentation control plan or by completing, dating and signing an inspection report;
 - (c) the location of temporary or permanent ground cover, and that the installation of the ground cover does not significantly deviate (as defined in Sub-item (1)(e) of this Rule) from the approved erosion and sedimentation control plan. Such documentation shall be accomplished by initialing and dating a copy of the approved erosion and sedimentation control plan or by completing, dating and signing an inspection report;
 - (d) that maintenance and repair requirements for all temporary and permanent erosion and sedimentation control measures, practices and devices have been performed. Such documentation shall be accomplished by completing, dating and signing an inspection report (the general storm water permit monitoring form may be used to verify the maintenance and repair requirements); and
 - (e) any significant deviations from the approved erosion and sedimentation control plan, corrective actions required to correct the deviation and completion of the corrective actions. Such documentation shall be accomplished by initialing and dating a copy of the approved erosion and sedimentation control plan or by completing, dating and signing an

inspection report. A significant deviation means an omission, alteration or relocation of an erosion or sedimentation control measure that prevents the measure from performing as intended.

- (ii) The documentation, whether on a copy of the approved erosion and sedimentation control plan or an inspection report, shall include the name, address, affiliation, telephone number, and signature of the person conducting the inspection and the date of the inspection. Any relevant licenses and certifications may also be included. Any documentation of inspections that occur on a copy of the approved erosion and sedimentation control plan shall occur on a single copy of the plan and that plan shall be made available on the site. Any inspection reports shall also be made available on the site.
- (iii) The inspection shall be performed during or after each of the following phases of a plan:
 - (a) installation of perimeter erosion and sediment control measures;
 - (b) clearing and grubbing of existing ground cover;
 - (c) completion of any phase of grading of slopes or fills that requires provision of temporary or permanent ground cover pursuant to G.S. 113A-57(2);
 - (d) completion of storm drainage facilities;
 - (e) completion of construction or development; and
 - (f) quarterly until the establishment of permanent ground cover sufficient to restrain erosion or until the financially responsible party has conveyed ownership or control of the tract of land for which the erosion and sedimentation control plan has been approved and the agency that approved the plan has been notified. If the financially responsible party has conveyed ownership or control of the tract of land for which the erosion and sedimentation control plan has been approved, the new owner or person in control shall conduct and document inspections quarterly until the establishment of permanent ground cover sufficient to restrain erosion.

SECTION 7 Basic Control Objectives

An erosion and sedimentation control Plan may be disapproved if the Plan fails to address the following control objectives:

- (a) Identify Critical Areas - On-site areas which are subject to severe erosion, and off-site areas which are especially vulnerable to damage from erosion and/or sedimentation, are to be identified and receive special attention.

- (b) Limit Time of Exposure - All land-disturbing activities are to be planned and conducted to limit exposure to the shortest feasible time.
- (c) Limit Exposed Areas - All land-disturbing activity is to be planned and conducted to minimize the size of the area to be exposed at any one time.
- (d) Control Surface Water - Surface water runoff originating upgrade of exposed areas should be controlled to reduce erosion and sediment loss during the period of exposure.
- (e) Control Sedimentation - All land-disturbing activity is to be planned and conducted so as to prevent off-site sedimentation damage.
- (f) Manage Storm Water Runoff - When the increase in the velocity of storm water runoff resulting from a land-disturbing activity is sufficient to cause accelerated erosion of the receiving watercourse, a Plan is to include measures to control the velocity to the point of discharge so as to minimize accelerated erosion of the site and increased sedimentation of the stream.

SECTION 8 Design and Performance Standards

- (a) Except as provided in Section 8(b)(2) of this ordinance, erosion and sedimentation control measures, structures, and devices shall be planned, designed, and constructed to provide protection from the calculated maximum peak rate of runoff from the ten-year storm. Runoff rates shall be calculated using the procedures in the USDA, Soil Conservation Service's "National Engineering Field Manual for Conservation Practices", or other acceptable calculation procedures.
- (b) HQW Zones. In High Quality Water (HQW) zones the following design standards shall apply:
 - (1) Limit on Uncovered Area. Uncovered areas in HQW zones shall be limited at any time to a maximum total area of twenty acres within the boundaries of the tract. Only the portion of the land-disturbing activity within a HQW zone shall be governed by this section. Larger areas may be uncovered within the boundaries of the tract with the written approval of the Director.
 - (2) Maximum Peak Rate of Runoff Protection. Erosion and sedimentation control measures, structures, and devices within HQW zones shall be planned, designed and constructed to provide protection from the runoff of the twenty-five year storm which produces the maximum peak rate of runoff as calculated according to procedures in the United States

Department of Agriculture Soil Conservation Service's "National Engineering Field Manual for Conservation Practices" or according to procedures adopted by any other agency of this state or the United States or any generally recognized organization or association.

- (3) Settling Efficiency. Sediment basins within HQW zones shall be designed and constructed such that the basin will have a settling efficiency of at least 70% for the 40 micron (0.04 millimeter) size soil particle transported into the basin by the runoff of that two year storm which produces the maximum peak rate of runoff as calculated according to procedures in the United States Department of Agriculture Soil Conservation Service's "National Engineering Field Manual for Conservation Practices" or according to procedures adopted by any other agency of this state or the United States or any generally recognized organization or association.
- (4) Grade. Newly constructed open channels in HQW zones shall be designed and constructed with side slopes no steeper than two horizontal to one vertical if a vegetative cover is used for stabilization unless soil conditions permit a steeper slope or where the slopes are stabilized by using mechanical devices, structural devices or other acceptable ditch liners. In any event, the angle for side slopes shall be sufficient to restrain accelerated erosion.
- (5) Ground Cover. Ground cover sufficient to restrain erosion must be provided for any portion of a land-disturbing activity in a HQW zone within 15 working days or 60 calendar days following completion of construction or development, whichever period is shorter.

SECTION 9 Storm Water Outlet Protection

- (a) Intent. Stream banks and channels downstream from any land disturbing activity shall be protected from increased degradation by accelerated erosion caused by increased velocity of runoff from the land disturbing activity.
- (b) Performance standard. Persons shall conduct land-disturbing activity so that the post construction velocity of the 10-year storm runoff in the receiving watercourse to the discharge point does not exceed the greater of:
 - (1) the velocity established by the Maximum Permissible Velocities Table set out within this subsection; or
 - (2) the velocity of the ten-year storm runoff in the receiving watercourse prior to development.

If condition (1) or (2) of this Paragraph cannot be met, then the receiving watercourse to and including the discharge point shall be designed and constructed to withstand the expected velocity anywhere the velocity exceeds the “prior to development” velocity by 10%.

Maximum Permissible Velocities Table

The following is a table for maximum permissible velocity for storm water discharges in feet per second (F.P.S.) and meters per second (M.P.S.):

<u>Material</u>	F.P.S.	M.P.S.
Fine sand (noncolloidal)	2.5	.8
Sandy loam (noncolloidal)	2.5	.8
Silt loam (noncolloidal)	3.0	.9
Ordinary firm loam	3.5	1.1
Fine gravel	5.0	1.5
Stiff clay (very colloidal)	5.0	1.5
Graded, loam to cobbles (noncolloidal)	5.0	1.5
Graded, silt to cobbles (Colloidal)	5.5	1.7
Alluvial silts (noncolloidal)	3.5	1.1
Alluvial silts (colloidal)	5.0	1.5
Coarse gravel (noncolloidal)	6.0	1.8
Cobbles and shingles	5.5	1.7
Shales and hard pans	6.0	1.8

Source - Adapted from recommendations by Special Committee on Irrigation Research, American Society of Civil Engineers, 1926, for channels with straight alignment. For sinuous channels, multiply allowable velocity by 0.95 for slightly sinuous, by 0.9 for moderately sinuous channels, and by 0.8 for highly sinuous channels.

- (c) Acceptable Management Measures - Measures applied alone or in combination to satisfy the intent of this section are acceptable if there are no objectionable secondary consequences. The County recognizes that the management of storm water runoff to minimize or control downstream channel and bank erosion is a developing technology. Innovative techniques and ideas will be considered and may be used when shown to have the potential to produce successful results. Some alternatives, while not exhaustive, are to:

- (1) Avoid increases in surface runoff volume and velocity by including measures to promote infiltration to compensate for increased runoff from areas rendered impervious;
 - (2) Avoid increases in storm water discharge velocities by using vegetated or roughened swales and waterways in place of closed drains and high velocity paved sections;
 - (3) Provide energy dissipators at outlets of storm drainage facilities to reduce flow velocities to the point of discharge;
 - (4) Protect watercourses subject to accelerated erosion by improving cross sections and/or providing erosion-resistant lining; and
 - (5) Upgrade or replace the receiving device structure, or watercourse such that it will receive and conduct the flow to a point where it is no longer subject to degradation from the increased rate of flow or increased velocity.
- (d) Exceptions - This rule shall not apply where it can be demonstrated to the County that storm water discharge velocities will not create an erosion problem in the receiving watercourse.

SECTION 10 Borrow and Waste Areas

When the person conducting the land-disturbing activity is also the person conducting the borrow or waste disposal activity, areas from which borrow is obtained and which are not regulated by the provisions of the Mining Act of 1971, and waste areas for surplus materials other than landfills regulated by the Department's Division of Waste Management shall be considered as part of the land-disturbing activity where the borrow material is being used or from which the waste material originated. When the person conducting the land-disturbing activity is not the person obtaining the borrow and/or disposing of the waste, these areas shall be considered a separate land-disturbing activity.

SECTION 11 Access and Haul Roads

Temporary access and haul roads, other than public roads, constructed or used in connection with any land-disturbing activity shall be considered a part of such activity.

SECTION 12 Operations in Lakes or Natural Watercourses

Land disturbing activity in connection with construction in, on, over, or under a lake or natural watercourse shall minimize the extent and duration of disruption of the stream channel.

Where relocation of a stream forms an essential part of the proposed activity, the relocation shall minimize unnecessary changes in the stream flow characteristics.

SECTION 13 Responsibility for Maintenance

During the development of a site, the person conducting the land-disturbing activity shall install and maintain all temporary and permanent erosion and sedimentation control measures as required by the approved plan or any provision of this Ordinance, the Act, or any order adopted pursuant to this ordinance or the Act. After site development, the landowner or person in possession or control of the land shall install and/or maintain all necessary permanent erosion and sediment control measures, except those measures installed within a road or street right-of-way or easement accepted for maintenance by a governmental agency.

SECTION 14 Additional Measures

Whenever the County determines that significant erosion and sedimentation is occurring as a result of land-disturbing activity, despite application and maintenance of protective practices, the person conducting the land-disturbing activity will be required to and shall take additional protective action.

SECTION 15 Existing Uncovered Areas

- (a) All uncovered areas existing on the effective date of this ordinance which resulted from land-disturbing activity, exceed one acre, are subject to continued accelerated erosion, and are causing off-site damage from sedimentation, shall be provided with a ground cover or other protective measures, structures, or devices sufficient to restrain accelerated erosion and control off-site sedimentation.
- (b) The County shall serve upon the landowner or other person in possession or control of the land a written notice to comply with the Act, this ordinance, a rule or order adopted or issued pursuant to the Act by the Commission or by the County. The notice to comply shall be sent by registered or certified mail, return receipt requested, or other means provided in GS 1A-1, Rule 4. The notice will set forth the measures needed to comply and will state the time within which such measures must be completed. In determining the measures required and the time allowed for compliance, the authority serving notice shall take into consideration the economic feasibility, technology, and quantity of work required, and shall set reasonable and attainable time limits of compliance.
- (c) The County reserves the right to require preparation and approval of a Plan in any instance where extensive control measures are required.

- (d) This rule shall not require ground cover on cleared land forming the future basin of a planned reservoir.

SECTION 16 Fees

- (a) The County may establish a fee schedule for the review and approval of Plans.
- (b) In establishing the fee schedule, the County shall consider the administrative and personnel costs incurred for reviewing the Plans and for related compliance activities.

SECTION 17 Plan Appeals

- (a) Except as provided in Section 17(b) of this ordinance, the appeal of a disapproval or approval with modifications of a Plan shall be governed by the following provisions:
 - (1) The disapproval or modification of any proposed Plan by the County shall entitle the person submitting the Plan to a public hearing if such person submits written demand for a hearing within 15 days after receipt of written notice of disapproval or modifications.
 - (2) A hearing held pursuant to this section shall be conducted by the Watauga County Planning Board within thirty (30) days after the date of the written appeal or request for a hearing.
 - (3) The Planning Board shall make recommendations to the Board of Commissioners within seven (7) days after the date of the hearing on any Plan.
 - (4) The Board of Commissioners will render its final decision on any Plan within five (5) days of receipt of the recommendations from the agency conducting the hearing.
 - (5) If the Board of Commissioners upholds the disapproval or modification of a proposed Plan following the hearing, the person submitting the Plan shall then be entitled to appeal the County's decision to the Commission as provided in G.S. 113A-61(c) and 15A NCAC 4B .0118(d)
- (b) In the event that a Plan is disapproved pursuant to Section 6(i) of this ordinance, the applicant may appeal the County's disapproval of the Plan directly to the Commission.

SECTION 18 Inspections and Investigations

- (a) Inspection. Agents, officials, or other qualified persons authorized by the County will periodically inspect land-disturbing activities to ensure compliance with the Act, this ordinance, or rules or orders adopted or issued pursuant to this ordinance, and to determine whether the measures required in the Plan are effective in controlling erosion and sedimentation resulting from land-disturbing activity. Notice of the right to inspect shall be included in the certificate of approval of each Plan.
- (b) Willful Resistance, Delay or Obstruction. No person shall willfully resist, delay, or obstruct an authorized representative, employee, or agent of the County while that person is inspecting or attempting to inspect a land-disturbing activity under this section.
- (c) Notice of Violation. If the County determines that a person engaged in land-disturbing activity has failed to comply with the Act, this ordinance, or rules, or orders adopted or issued pursuant to this ordinance, a notice of violation shall be served upon that person. The notice may be served by any means authorized under GS 1A-1, Rule 4. The notice shall specify a date by which the person must comply with the Act, or this ordinance, or rules, or orders adopted pursuant to this ordinance, and inform the person of the actions that need to be taken to comply with the Act, this ordinance, or rules or orders adopted pursuant to this ordinance. Any person who fails to comply within the time specified is subject to additional civil and criminal penalties for a continuing violation as provided in G.S. 113A-64 and this ordinance.
- (d) Investigation. The County shall have the power to conduct such investigation as it may reasonably deem necessary to carry out its duties as prescribed in this ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigating and inspecting the sites of any land-disturbing activity.
- (e) Statements and Reports. The County shall also have the power to require written statements, or filing of reports under oath, with respect to pertinent questions relating to land-disturbing activity.

Section 19 Stop Orders

Wherever land-disturbing activity is being undertaken in a manner which is in violation of this ordinance, the Watauga County Department of Planning and Inspection may order the work that is in violation to be immediately stopped. The stop order shall be in writing and directed to the person responsible for the violation, and shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Appeals from a stop order shall be made as prescribed in Section 18 of this ordinance.

Pending the ruling on the appeal, no further work may take place in violation of a stop order. Violation of a stop order constitutes a misdemeanor.

In addition, in accordance with N.C.G.S. 153A-361, the Watauga County Building Inspectors are authorized to issue stop orders for building permits where violations of this ordinance are taking place in connection with construction authorized by the building permit.

N.C.G.S. 153A-361. Stop Orders - Whenever a building or part thereof is being demolished, constructed, reconstructed, altered, or repaired in a hazardous manner, or in substantial violation of a State or local building law or local building ordinance or regulation, or in a manner that endangers life or property, the appropriate inspector may order the specific part of the work that is in violation or that presents such a hazard to be immediately stopped. The stop order shall be in writing and directed to the person doing the work, and shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. The owner or builder may appeal from a stop order involving alleged violation of the State Building Code or any approved local modification thereof to the North Carolina Commissioner of Insurance within five (5) days after the day the order is issued. The owner or builder shall give to the Commissioner of Insurance written notice of appeal, with a copy to the local inspector. The Commissioner shall promptly conduct a hearing at which the appellant and the inspector shall be permitted to submit relevant evidence, and the Commissioner shall rule on the appeal as expeditiously as possible. Pending the ruling by the Commissioner of Insurance on an appeal, no further work may take place in violation of a stop order. Appeals from a stop order based on violations of any other local ordinance relating to buildings shall be taken to the local official designated by that ordinance and shall be taken, heard, and decided in the same manner as prescribed herein for appeals to the Commissioner. Violation of a stop order constitutes a misdemeanor.

Section 20 Revocation of Grading Permits

The Watauga County Department of Planning and Inspections may revoke and require the return of any permit by giving written notice to the permit holder, stating the reason for the revocation. Permits shall be revoked for any substantial departure from the approved application or plans and specifications, for refusal or failure to comply with the requirements of any applicable State or local laws or local ordinances or regulations, or for false statements or misrepresentations made in securing the permit. A permit mistakenly issued in violation of an applicable State or local law or local ordinance or regulation also may be revoked.

Section 21 Building Permits

No permits for any building or structure shall be issued upon any land requiring submission of a soil erosion control plan and issuance of a grading permit until such plan is submitted and permit issued.

Section 22 Security Required

- A. The applicant for a permit may, prior to commencing any land-disturbing activity, be required to file with Watauga County an improvement security in the form of an

escrow account, surety bond, irrevocable letter of credit, or other undertaking satisfactory to the County Attorney, in an amount deemed sufficient by the Watauga County Department of Planning and Inspections, to cover all costs of protection or other improvements required to establish protective cover on the site in conformity with this ordinance. Such security shall remain in force until the improvements are completed in accordance with the approved plan and said improvements are finally inspected and approved as set out in subsection (B) below.

- B. Upon completion of the improvements as required by this ordinance, written notice thereof shall be given by the applicant to the Department of Planning and Inspections and the Department shall cause an inspection of the improvements to be made and, if approved, shall within 30 days of the date of notice authorize in writing the release of the security given provided that the improvements have been made in accordance with the approved plan and this ordinance.
- C. The security shall be forfeited upon violation of this ordinance and shall be used to establish protective cover on the site. Any monies in excess of the cost of establishing protective cover shall be refunded.

SECTION 23 Penalties

(a) Civil Penalties

- (1) Civil Penalty for a Violation. Any person who violates any of the provisions of this ordinance, or rule or order adopted or issued pursuant to this ordinance, or who initiates or continues a land-disturbing activity for which a Plan is required except in accordance with the terms, conditions, and provisions of an approved Plan, is subject to a civil penalty. The maximum civil penalty amount that the County may assess per violation is five thousand dollars (\$5,000.00). A civil penalty may be assessed from the date of the violation. Each day of a continuing violation shall constitute a separate violation. **When the person has not been assessed any civil penalty under this subsection for any previous violation, and that person abated continuing environmental damage resulting from the violation within 180 days from the date of the notice of violation, the maximum cumulative total civil penalty assessed under this subsection for all violations associated with the land-disturbing activity for which the erosion and sedimentation control plan is required is twenty-five thousand dollars (\$25,000).]**
- (2) Civil Penalty Assessment Factors. The governing body of the County shall determine the amount of the civil penalty based upon the following factors:
- (i) the degree and extent of harm caused by the violation,

- (ii) the cost of rectifying the damage,
 - (iii) the amount of money the violator saved by noncompliance,
 - (iv) whether the violation was committed willfully, and
 - (v) the prior record of the violator in complying of failing to comply with this ordinance.
- (3) Notice of Civil Penalty Assessment. The governing body of the County shall provide notice of the civil penalty amount and basis for assessment to the person assessed. The notice of assessment shall be served by any means authorized under G.S. 1A-1, Rule 4. A notice of assessment by the County shall direct the violator to either pay the assessment, contest the assessment within 30 days by filing a petition for hearing with the County (as directed by procedures within the local ordinances or regulations adopted to establish and enforce the erosion and sedimentation control program), or file a request with the Sedimentation Control Commission for remission of the assessment within 60 days of receipt of the notice. A remission request must be accompanied by a waiver of the right to a contested case hearing pursuant to Chapter 150B of the North Carolina General Statutes and a stipulation of the facts on which the assessment was based.
- (4) Final Decision: The final decision on contested assessments shall be made by the Board of Commissioners in accordance with this ordinance.
- (5) Appeal of Final Decision. Appeal from the final decision of the Board of Commissioners shall be to the Superior Court of the county where the violation occurred. Such appeals must be made within 30 days of the final decision of the Board of Commissioners.
- (6) Collection. If payment is not received within 60 days after it is due, the County may institute a civil action to recover the amount of the assessment. The civil action may be brought in the Superior Court of the county where the violation occurred, or the violator's residence or principal place of business is located. Such civil actions must be filed within three (3) years of the date the assessment was due. An assessment that is not contested is due when the violator is served with a notice of assessment. An assessment that is contested is due at the conclusion of the administrative and judicial review of the assessment.
- (7) Credit of Civil Penalties. The clear proceeds of civil penalties collected by the County under this subsection shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2. Penalties collected by the County may be diminished only by the actual costs of collection. The collection cost percentage to be used shall be established

and approved by the North Carolina Office of State Budget and Management on an annual basis, based upon the computation of actual collection costs by each County for the prior fiscal year.

[In any event, the cost percentage shall not exceed twenty percent (20%) of penalties collected.]

- (b) Criminal Penalties. Any person who knowingly or willfully violates any provision of this ordinance, or rule or order adopted or issued pursuant to this ordinance, or who knowingly or willfully initiates or continues a land-disturbing activity for which a Plan is required except in accordance with the terms, conditions, and provisions of an approved Plan, shall be guilty of a Class 2 misdemeanor which may included a fine not to exceed \$5,000 as provided in G.S. § 113A-64.

SECTION 24 Injunctive Relief

- (a) Violation of Local Program. Whenever the governing body has reasonable cause to believe that any person is violating or threatening to violate any ordinance, rule, regulation or order adopted or issued by the County or any term, condition, or provision of an approved Plan, it may, either before or after the institution of any other action or proceeding authorized by this ordinance, institute a civil action in the name of the County for injunctive relief to restrain the violation or threatened violation. The action shall be brought in the superior court of the county in which the violation is occurring or is threatened.
- (b) Abatement of Violation. Upon determination by a court that an alleged violation is occurring or is threatened, the court shall enter any order or judgment that is necessary to abate the violation, to ensure that restoration is performed, or to prevent the threatened violation. The institution of an action for injunctive relief under this section shall not relieve any party to the proceedings from any civil or criminal penalty prescribed for violations of this ordinance.

SECTION 25 Restoration After Non-Compliance

The County may require a person who engaged in a land-disturbing activity and failed to retain sediment generated by the activity, as required by G.S. 113A-57 (3), to restore the waters and land affected by the failure so as to minimize the detrimental effects of the resulting pollution by sedimentation. This authority is in addition to any other civil or criminal penalty or injunctive relief authorized under this ordinance.

SECTION 26 Severability

If any section or section or sections of this ordinance is/are held to be invalid or unenforceable, all other sections shall nevertheless continue in full force and effect.

SECTION 27 Effective Date

This ordinance becomes effective on February 20, 2019, and repeals and replaces the ordinance of the same title adopted as amended March 15, 2011.

AGENDA ITEM 8:

PROPOSED CHANGES TO THE LICENSES PLATE AGENCY STANDARD OPERATING PROCEDURES (SOP)

MANAGER'S COMMENTS:

Mr. Larry Warren, Tax Administrator, will present a new contract and standard operating procedures (SOP) manual for the License Plate Agency operated by the County. The new contract and SOP is due to the revisions made by the NCDMV. The major change in the SOP is the changing of the County's field manager. The previous SOP is attached and the new SOP is included with changes highlighted in yellow.

Board approval is required to accept the changes to the SOP and authorize the signing of the new SOP.

Instructions for new SOP

Please read the revised Standard Operating Procedures(SOP) thoroughly. Please complete the Acknowledgement page and return to the DMV by February 1, 2019 which we will place into your file.

The removal of the field managers from the SOP was the major change to the SOP and required a change in your contact person. The following instructions will explain who to contact at the DMV for specific issues within the SOP. All contact via email should be allowed a 48-hour turn-around time, unless it is an emergency situation. A list of contact information is included for your benefit.

5.2 Designation of Manager and Contacts: When a contractor would like to designate an employee as a manger, please provide written notice via email to Judy Schmidinger and Christopher Drew.

9.5 Exceptions to Requirements: When a contractor wants to submit exceptions to section 9, please send the written request via email to Judy Schmidinger for approval.

11 Departure of Employees / 11.1 Notice to DMV: The contractor must notify Karen Hatch, Judy Schmidinger and Christopher Drew via email when a vacancy occurs, whether voluntarily or involuntarily. Please include the employee's name and RACF ID in the email.

15.3 Delivery of Inventory: Plate Distribution (Lynn Chalk) will send an email to the LPA advising of the delivery date.

16.1 Signs: If a new sign needs to be replaced, please email Christopher Drew and copy Judy Schmidinger to request a new one.

19.2 Notice When Dealer Does Not Comply: Please email Christopher Drew and Judy Schmidinger.

26 Advertising at LPA Office: DMV must approve. Submit written request via email to Judy Schmidinger and Christopher Drew

27 Other Business in Conjunction with LPA Office: Email Judy Schmidinger and Christopher Drew

29.3 Reporting Unauthorized Disclosure: Email to Judy Schmidinger and Christopher Drew

32.4 Log of Complaints: Vehicle Services will maintain the log. If you need to request a copy of the complaint log for your LPA, please email Christopher Drew and Judy Schmidinger.

34 Monthly Reviews of LPA will only be completed by the Auditors.

38 Robberies and Break-ins at LPA Office / 38.1 Response of LPA: The LPA must notify Judy Schmidinger and Christopher Drew within 30 minutes of notifying your local law enforcement. Please make that contact via telephone and email. Set the email to High Priority.

39 Emergency Closings of LPA Office and 40 Closing an LPA Office due to Inclement Weather:
Email Christopher Drew and copy J. Schmidinger

ACKNOWLEDGEMENT Page – Please complete, sign and return to DMV, Vehicle Services, 3145 Mail Service Center, Raleigh, NC

North Carolina Division of Motor Vehicles

License Plate Agency

Standard Operating Procedures

Effective Date: 01/01/2019

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General Provisions

1 Definitions

Auditor – An employee of DMV who ensures compliance with established internal control procedures by examining records, reports, operating practices, and documentation.

Commissioner – An appointee of the Secretary of the Department of Transportation, or any Deputy Commissioner, Director, Assistant Director, or employee of DMV authorized by the Commissioner to act on his or her behalf.

Contractor – The person awarded a contract under G.S. 20-63(h) to partner with DMV to provide title and registration services. The person may be an individual, a municipality, a chamber of commerce, a corporation, or another entity.

DMV – The North Carolina Division of Motor Vehicles of the North Carolina Department of Transportation.

IMS - The computer program that LPAs utilize to certify their daily deposits to the Fiscal Section of the North Carolina Department of Transportation.

Inventory – A license plate, vehicle registration renewal sticker, placard, or any other item that is issued by DMV and has a unique number by which DMV tracks its issuance, regardless of whether a fee is charged when the item is issued.

License Plate Agency (LPA) – A license plate agency operated by a contractor under G.S. 20-63(h).

LPA Liaison – An employee of DMV designated by the Commissioner as the point of contact for the LPAs.

RACF ID – The number that is assigned by DMV exclusively to each employee of an LPA and is used as the employee's user ID to log onto STARS.

SOP – The LPA Standard Operating Procedures set out in this document.

STARS – The State Titling and Registration System, a computer program that processes North Carolina vehicle titles and registrations.

2 Application and Availability of SOP

2.1 Application

This document applies to each LPA and to DMV's interactions with the LPAs. The procedures it sets out apply regardless of whether an LPA is a private contractor, an agency of local government, or a chamber of commerce.

2.2 Availability

DMV must make this document accessible to LPAs on the website required by Section 4.1.

Each contractor must ensure that a copy of the SOP is available, either electronically or by hard copy, to each employee of the LPA.

3 LPA Tiers

3.1 Basis of Tiers

The LPAs are divided into tiers based on the average number of transactions they have performed for the most recent five fiscal years. For purposes of calculating placement within a tier, the number of transactions an LPA processes is considered to be the sum of the following:

1. Transactions for which the LPA received compensation at the general transaction rate, known as the standard rate, set in G.S. 20-63 (h).
2. Title transactions for which the LPA received additional compensation under G.S. 20-63(h1).

A different tier applies to each 50,000 transactions, as follows:

Tier	Average Transaction Range for Five Most Recent Fiscal Years	
	Minimum	Maximum
I	1	50,000
II	50,001	100,000
III	100,001	150,000
IV	150,001	200,000
V	200,001	250,000
VI	250,001	None

3.2 Calculation of Tier Status

By July 15 of each year, DMV must determine the tier of each LPA for the current fiscal year that started on July 1. As set out in the table in Section 3.1, the determination of tier is based on the average standard and title transactions for the most recent five fiscal years. For an LPA office that has not been in operation for the duration of the most recent five fiscal years, DMV must use the transaction data it has for that LPA to make the determination. A tier designation determined for a fiscal year remains in effect until the following fiscal year.

3.3 Notification of Tier Status

When DMV determines an LPA's tier for a fiscal year, it must notify the LPA's contractor of the LPA's tier. DMV must also post a list of the LPAs and their tiers on the website required by Section 4.1.

4 DMV Communications with LPAs

4.1 Website

DMV must maintain a website on which documents needed by or helpful to LPAs in the performance of their work is made accessible to them. Documents that must be accessible on that site include:

1. The SOP effective December 15, 2015, and any revisions to it.
2. All forms used in providing titling and registration services.
3. Frequently asked questions and answers compiled and developed in accordance with Section 4.3.
4. Any document of DMV referenced in the SOP.
5. Minutes of the LPA Advisory Committee.

4.2 Message Updates

DMV shall send messages to LPAs whenever a malfunction or outage occurs in any computer program or system that affects the ability of the LPA to process transactions or accept payments and whenever DMV takes an action or acquires information of an action that affects the LPAs. The message must be sent in a manner designed to reach all LPAs quickly. Items that must be conveyed by message to LPAs include:

1. A failure of the credit or debit card payment system.
2. An abend of the county vehicle tax program.
3. A temporary or permanent closing of an LPA.
4. A robbery or break-in at an LPA.

4.3 Frequently Asked Questions

At least once each calendar quarter, DMV shall determine the most frequently asked questions that LPAs pose to the Help Desk. DMV shall compile the questions and answers into a document and must organize the document in a manner that facilitates ease of use and understanding. This document must be published quarterly on the website required by Section 4.1.

4.4 Log of System Problems

DMV must keep a separate log of each of the following computer problems that impact the ability of LPAs to process transactions and must make these logs accessible on the website:

1. The period of “clocking” in STARS.
2. The period during which STARS is down.
3. The period during which STARS is operating but service is interrupted by an abend or other failure of STARS or a system, such as the county property tax program, that interacts with STARS.
4. The period during which payment by credit card is not available, as reflected in the iNovah message updates or otherwise.
5. The period during which payment by debit card is not available, as reflected in the iNovah message updates or otherwise.

4.5 Emails

DMV must provide a State email address to each contractor and manager of the LPA. The contractor and manager must check this address at least once each business day and, if an email requires a response, must respond within two business days.

DMV will notify each contractor and manager by email when it posts a document on the website required by Section 4.1. In addition to posting on this website, DMV must send Official Bulletins, Broadcast Messages, Special Memoranda, and LPA Complaint Forms to each contractor and manager of the LPA by email.

Personnel of LPA

5 Management of LPA

5.1 Responsibility of Contractor

The contractor is responsible for the operation of the LPA and for compliance with the contract and the SOP. The contractor is also responsible for compliance with all technical policies and procedures developed by DMV concerning vehicle titling and registration, such as the Title Manual.

5.2 Designation of Manager and Contacts

The contractor is considered the sole manager of the LPA unless the contractor provides a written notice to the LPA liaison that one or more of its employees has been designated a manager. A notice of designation of a manager must set out the name and contact information of the employee who is designated as manager. If a contractor designates more than one individual as a manager, the contractor must indicate an order of contact for the managers.

To the extent the contractor has sufficient employees, the contractor shall also designate individuals who are not managers as secondary and tertiary points of contact to act on behalf of the contractor and manager in cases of illness, vacation, or other circumstance in which the contractor and manager are unavailable.

6 Hours of Operation

6.1 Hours for Tier 1 LPA

A Tier I LPA office must be open at least (7) hours each day during the period from 8:00 a.m. to 5:00 p.m. A Tier I office is allowed to close for no more than one (1) hour each day in order for the LPA employees to go lunch and to the bank.

6.2 Hours for Tier II and Higher LPA

An LPA office that is a Tier II or higher must be open to the public for at least eight (8) consecutive hours starting at 9:00 a.m. on each business day of the Monday through Friday workweek. By agreement between the LPA and DMV, the LPA office may be open for more than eight (8) hours each day to meet business demand. The agreement to remain open for a longer period may apply to some, but not all, days of the week or the month and may apply to time increments of less than one hour. "Business demand" means a demonstrated need for additional hours based on length of lines when the LPA office opens or closes for business, average wait times at the LPA, requests from the public, the LPA's expenses in remaining open for the longer period compared to the expected transactions during that period, and other relevant factors.

6.3 Duty to Serve Customers in Line

Regardless of the hours of operation of an LPA, the LPA must serve all customers who are in line at the LPA office as of the end of business hours. This duty of service does not apply to customers who arrive at the office after the end of business hours, even if those who were in line as of the end of business hours are still being served. The LPA may, at its discretion, serve those who arrive at the office after the end of business hours.

6.4 Holidays

An LPA office must observe all State holidays for which the Raleigh DMV office is closed.

6.5 Vacation

An LPA office may close for vacation each year for five (5) consecutive days. Before closing, an LPA must obtain the written approval of DMV. To obtain approval, the LPA must submit a written request to DMV at least thirty (30) days in advance of the proposed closing and specify the dates of the closing. Closing on the 15th day of a month, the last day of a month, or the day after a holiday is not authorized. If a county has more than one LPA office, only one office in the county may be closed for vacation at the same time.

When an LPA office obtains approval for closing for vacation, it must notify the public of the pending closure as follows:

1. By posting a conspicuous sign at the LPA office at least thirty (30) days in advance informing customers of the dates the office will be closed, the location of the nearest LPA office, and the date the office will reopen after vacation.
2. By notifying the local media at least thirty (30) days in advance and providing the information required in subdivision 1 of this section.

7 Hiring and Qualifications of Employees

7.1 Background Check

An LPA must conduct a background check and a check of references before hiring an employee.

7.2 Notary

The contractor of an LPA and each manager of the LPA must be a notary. In addition, each employee who processes transactions that require notary services must be a notary.

The contractor is responsible for ensuring that all notaries employed by the contractor comply with all requirements set forth in N.C.G.S. 10B and as established by the Secretary of State's Office.

8 Training of Employees

8.1 For New LPA

Before a new LPA opens for business, all personnel of the LPA must receive training provided by DMV in the topics determined by DMV.

8.2 For New Hire at Existing LPA

The contractor for an existing LPA is responsible for ensuring that a newly hired employee of the LPA is adequately trained before the employee serves the public. The new hire's training must include any specific training required by DMV.

8.3 For New Manager at Existing LPA

When an employee at an existing LPA is promoted to be a manager of the LPA, that newly promoted manager must attend any specific training required by the DMV. If the contractor for an LPA hires a manager instead of promoting an existing employee to the position, the newly hired manager must receive the training for new employees required under Section 8.2 in addition to the training required for employees who are promoted to the position.

8.4 Continuing Training for Existing Personnel

All employees of an LPA must take any other training required by DMV. Required training includes annual training on the obligations of DMV contractors under Title VI of the Federal Civil Rights Act.

8.5 On-site Training Preferred

To the extent possible, DMV must provide training on-site at LPAs, whether on-line or by another means, and must divide the required training into segments that can be taken at successive times.

8.6 Training in Specific Topics

DMV must develop training on specific topics whenever it determines a need for the training or when the LPA Advisory Committee determines a need for the training. Need for training may be evidenced by questions LPAs pose to the Help Desk, common errors in processed transactions, or otherwise. The first training provided under this section must be on the topic of registration of for-hire vehicles, whether under the International Registration Plan or otherwise.

Training provided under this section may be a written step-by-step guide to the appropriate process, on-line instruction provided through the Learning Management System (LMS), or another form of training. If the format allows, it must be published on the website required under Section 4.1.

8.7 Reimbursement for Training Costs

DMV must reimburse an LPA for the cost of any training required by DMV, other than the initial training by DMV or refresher training necessitated by errors. Reimbursement is payable at an hourly rate per employee trained. The rate applies to the time spent in training. The hourly reimbursement rate is twelve dollars (\$12.00) an hour, unless the Commissioner sets a higher rate. A rate set by the Commissioner applies uniformly to all LPAs. Reimbursement for training must be paid to the LPA within 90 days after the last day of the month in which the training occurred.

9 Conduct and Dress of Employees

9.1 General Standard

Employees of an LPA represent DMV and the State of North Carolina. The employees are expected to treat the public with courtesy and respect and to dress, act, and present

themselves in a dignified and professional manner when providing service to the public. Nothing in this section precludes an LPA from adopting conduct, dress, or grooming requirements that are stricter than the ones in this section.

9.2 Specific Conduct Requirements

An employee of an LPA may not do any of the following:

1. Commit any criminal offense in connection with the work of the LPA.
2. Commit any offense involving moral turpitude while employed by the LPA.
3. Shout, curse, or use offensive language when talking with a customer.
4. Use a personal electronic device when talking with a customer unless the device is required to complete the transaction with the customer.
5. Eat, smoke, or chew gum when in the public's view.

9.3 Specific Dress Requirements

Business casual dress is the standard of dress for employees of an LPA. Business casual dress does not include any of the following:

1. Torn or tattered jeans, sweatpants, overalls, leggings, spandex or other form fitting clothing.
2. Flip flops, shower shoes, beach sandals, and bedroom slippers.
3. Tank tops, halter-tops, spaghetti straps and tube-tops.
4. Clothing that reveals cleavage or the midriff area.
5. Clothing that ends more than two (2) inches above the knees when standing.
6. Clothing with obscene material.
7. Sunglasses while inside.
8. Hats, caps, or other headwear of any kind, unless the employee has asked the contractor for and been granted permission to wear the headwear due to a religious conviction.
9. Clothing that creates a safety concern.
10. Clothing that potentially detracts from the daily business processes of the LPA.
11. An item that draws undue attention to the wearer.
12. Visible jewelry in piercings of the eyebrow, lips, tongue, or nose.
13. Visible obscene, provocative, or disruptive tattoos.

9.4 Specific Grooming Requirements

An employee of an LPA may not wear any of the following:

1. An excessive amount of perfume, cologne, or aftershave.
2. Fingernails that are so long they impede work duties.
3. A hairstyle that attracts undue attention because of its cut, such as a mohawk, or its color.

9.5 Exceptions to Requirements

A contractor may make exceptions to the requirements set out in other parts of Section 9 for an acceptable reason. Except for exceptions for religious and medical reasons, if the reason for an exception is expected to last more than five (5) business days, the contractor must obtain the approval of the LPA liaison before granting permission for the exception. Any of the following are acceptable reasons for an exception:

1. Religious convictions
2. Medical requirements
3. Special projects or activities
4. Adverse or inclement weather, including extreme cold or heat

9.6 Name Tags

All LPA employees shall wear a name tag provided by DMV that displays only the employee's first name. DMV shall provide one name tag for each employee free of charge. Additional name tags are subject to a replacement fee set by DMV.

10 Additional Employees When Long Wait Times

10.1 Wait Time Defined

Wait-time is the period of time that starts when a customer enters the LPA office and ends when the customer is called by an LPA employee for assistance. Wait time does not include time associated with any of the following:

1. A significant slowdown in processing in STARS, such as the "clocking" indicated by the appearance of a clock on the screen.
2. An interruption in service attributable to an abend or other failure of STARS, a payment processing system, or another system that interacts with STARS.
3. Dealer work.
4. Registration of for-hire vehicles under the International Registration Plan or otherwise.
5. An unusual, temporary circumstance such as the closure of a nearby office.

10.2 Report of Long Wait Times

A wait time of no more than 20 minutes is an acceptable wait time. If DMV finds that the average wait time of a customer at an LPA office exceeds the acceptable wait time on three or more occasions in at least two different weeks, the LPA liaison shall document the finding, report the finding to the Commissioner, and give the contractor a copy of the finding. The LPA liaison may use no fewer than eight (8) successive customers in determining an average wait time. In determining average wait time, the LPA liaison must subtract from the observed time any time that is excluded from wait time by Section 10.1. The LPA may submit a statement that explains why additional staff is not needed as a result of the reported wait times.

10.3 Adding Employees

Upon receiving a report of unacceptable wait times under Section 10.2, the Commissioner must discuss the matter with the LPA. If the Commissioner decides that the observed wait times are not the result of a temporary aberration and indicate the need for additional staff, the Commissioner may direct the LPA to add an employee for fifteen hours (15) hours each week whose hours include those reported to have unacceptable wait times. When the Commissioner notifies an LPA under this section that the LPA needs to hire an additional employee, the LPA is allowed 45 days from the date of receiving the notice to add the employee.

When the Commissioner notifies an LPA that it must hire an additional employee, DMV must provide the LPA with a workstation for the additional employee. The 45-day limit for hiring an employee is extended by any period of time in which the new workstation has not been installed.

11 Departure of Employees

11.1 Notice to DMV

The LPA must notify DMV when a vacancy occurs because an existing employee leaves, whether voluntarily or involuntarily. If an employee's departure is voluntary, such as when an employee resigns to take another job, the LPA must send both the LPA liaison and the Help Desk an email within one (1) business day after learning of the employee's intended departure that informs them of the employee's expected last day at the LPA. If an employee's departure is involuntary, such as when the employee is fired for cause, the LPA must send them an email within one (1) hour after terminating the employee informing them of the employee's departure.

11.2 Action by DMV When Notified

When notified of an employee's departure, the Help Desk must terminate the employee's RACF ID and user account. For an involuntary departure, the Help Desk must take this action immediately. When notified of an involuntary departure, the LPA liaison must determine if any additional action is required by DMV.

12 Employee Assistance Program

DMV agrees to provide an Employee Assistance Program (EAP) to employees of an LPA to serve as a resource in the event of a trauma caused by external sources, such as customers, robbery, or acts of God. DMV further agrees to reimburse LPAs and their employees for the cost of these services. These services will be reimbursed by DMV on the same schedule as if the LPA contractor or employee were a State employee. Personal or family issues or personnel issues are not subject to reimbursement.

LPA Office Facility, Equipment, and Inventory

13 LPA Office Facility

13.1 General Requirements

An LPA office must meet the following requirements:

1. Comply with all federal, state, and local laws and regulations, including the federal Americans with Disabilities Act.
2. Be cleaned regularly, presenting a professional environment.
3. Be maintained regularly, ensuring a safe environment for the LPA staff and public.
4. Be adequately heated and air conditioned.
5. Comply with the branding requirements concerning color or décor of office established by DMV's Branding Committee (optional).
6. Be smoke-free.
7. Provide an on-site restroom in accordance with section 13.3.
8. Allow only animals that are ADA service animals, as defined in 28 CFR § 36.104. Emotional support, comfort, and therapy animals are not service animals.

13.2 Location

An LPA office location must meet the following requirements:

1. Be convenient to the public.
2. Be accessible and safe and not a personal residence.
3. Be owned, leased, or rented by the contractor.
4. Provide access through either a front or back entrance for delivery of inventory by a semi-trailer or other large truck.
5. Have parking for customers within the immediate proximity of the office that includes a minimum of one (1) disability accessible parking space for every twenty-five (25) parking spaces or portion of this number of spaces.
6. Be approved by DMV. When asked by an LPA or applicant for a commission contract if space under consideration for lease by the LPA or applicant is acceptable, DMV must review the space and inform the LPA or applicant of its answer in writing. DMV may not require an LPA or applicant to sign a lease without knowing whether the leased space is acceptable to DMV.
7. Have sidewalks and entryways that are cleared and maintained prior to the start of each business day or, in the case of snow or ice accumulation, as soon as possible.

13.3 Restrooms

An LPA must provide customers access to an on-site restroom that complies with the ADA and applicable state and local plumbing codes. If the LPA office is located in a mall or another facility that provides restrooms for businesses located at the facility, the restrooms provided by the facility are considered to be on-site.

A restroom at an LPA office that is used by both employees of the LPA and customers of the LPA meets the requirement to provide access to an on-site restroom if the restroom complies with the applicable building codes and the ADA.

If an LPA and DMV disagree about whether a restroom at an LPA office complies with the ADA or applicable state and local plumbing codes, either of them may obtain a determination on the matter from the appropriate building code enforcement agency. A determination by that agency that the restroom complies with the applicable requirements and code establishes conclusively that the restroom complies with this section, unless the determination is overturned by a higher authority, including the courts.

13.4 Designated Service Line

An LPA that is a Tier II or higher must have at least one customer service line designated only for renewal of vehicle registrations and turning in license plates. The availability of the line must be indicated by appropriate signage.

14 Forms, Equipment, and Associated Supplies Provided by DMV

14.1 Specific Items Provided

DMV is responsible for providing, at no charge to the LPA, all required forms and the following equipment and supplies:

1. Computer terminals, printers, and other equipment needed to process title and registration transactions in STARS and to accept payment for these transactions. DMV must provide equipment for the number of work stations requested by an LPA, not to exceed the number of the LPA's employees, whether full-time or part-time, plus one.
2. Supplies, such as toner cartridges and computer paper, required to operate the equipment provided.
3. Two (2) canvas lock-drop deposit bags to be used by the LPA to make deposits, if the depository used by the LPA does not provide them.

14.2 Responsibilities of DMV for Equipment

When DMV provides equipment to an LPA, DMV is responsible for the following:

1. Maintaining the equipment.
2. Repairing or replacing the equipment as a result of normal wear and tear or as the result of damage or loss due to vandalism, theft, fire, flood, or a natural disaster.
3. Providing software or hardware upgrades to the equipment.

14.3 Responsibilities of LPA for Equipment

When DMV provides equipment to an LPA, the LPA is responsible for the following:

1. Operating the equipment properly and protecting it from damage.

2. The cost of repairing or replacing any equipment that is damaged as a result of intentional, negligent, or accidental acts of an employee of the LPA.

15 License Plates, Renewal Stickers, and Other Inventory

15.1 DMV Provides Inventory

DMV is responsible for providing an LPA with the inventory the LPA needs to process titles and register vehicles. DMV must provide these items and deliver them without charge to the LPA.

15.2 Storage of Inventory

An LPA must keep the inventory it receives from DMV in a secure place to which the public does not have easy access.

15.3 Delivery of Inventory

The following process applies to the delivery by DMV of inventory to an LPA:

1. Plate Distribution sends the affected LPAs an email advising them of a tentative delivery schedule at least 48 hours before delivery.
2. The LPAs check their current inventory to determine how much they have before the scheduled delivery.
3. When Plate Distribution delivers the inventory, the contractor or manager of the LPA counts and verifies the boxes of plates that were delivered. If all boxes shown on the bill of lading are delivered, the contractor or manager signs the bill of lading.
4. The LPA must report the new inventory in STARS by the end of the business day following the day it was delivered.

15.4 Categories of Inventory

Inventory is categorized into inventory that is ready to issue (RIS) and inventory that is in new inventory (INI).

15.5 Liability for Inventory

An LPA is responsible for any lost, missing, or stolen inventory, other than inventory stolen in a robbery reported to the police. If an audit of the LPA finds that the LPA cannot account for any inventory, DMV will deduct the cost of the unaccounted-for inventory from the next monthly compensation paid to the LPA for transactions performed by the LPA.

15.6 Damaged Inventory

If an item of inventory is damaged and cannot be issued, the LPA must note that the item is damaged in STARS. The LPA must hold the damaged item with its other damaged inventory for audit purposes.

15.7 Returning License Plates

An LPA must return license plates to DMV by placing them in a box that is marked "RETURNS" in red ink and is secured shut with tape. The LPA must store boxes of plates to be returned away from current inventory.

16 Signs and Displays

16.1 Signs

An LPA is required to display the signs provided or specified by DMV in a conspicuous place in the office at all times. An LPA must order or obtain a replacement sign from the LPA liaison whenever a required sign provided by DMV becomes unreadable or unrepresentable.

16.2 Displaying Items of Local or State Interest

An LPA office may display paintings, photographs, or other objects that promote the public's interest in local or state points of interest or activities. Examples include pictures of the North Carolina Zoo or a local botanical garden.

16.3 No Pictures of Officials

An LPA office may not display a picture of an elected or appointed official of this State or of any other governmental entity.

17 Security Cameras and Phones

17.1 Security Cameras

An LPA whose tier is II or higher must have one or more security cameras in its office so that the LPA has or has access to a recording of those who enter the office and their interactions with the employees of the LPA. All recordings must be retained for a minimum of 30 days.

17.2 Phone with DMV Message

Calls to an LPA office that are not answered by an employee of the LPA must be answered by a recorded message supplied or approved by DMV. If the LPA allows callers to the LPA to leave messages and a caller leaves a message asking a question for the LPA to answer in a return call, the LPA must return the call within one (1) business day.

Financial Transactions with Customers and DMV

18 Accepting Payments from Customer

18.1 Acceptable Forms

Only the following payment types are acceptable:

1. Cash
2. Check (No counter or starter checks)
3. Credit card
4. Debit card

18.2 Cash Procedures

An LPA must safeguard the cash it receives from customers. An LPA must mark each bill with a face value of at least twenty dollars (\$20.00) with a counterfeit money detection pen. An LPA must deposit the cash it receives at least once each day as required by G.S. 147-77. Monies received for state services shall be deposited daily in the form and amounts actually received from the customers.

18.3 Personal or Business Checks

An LPA may not accept a personal or business check unless the check meets the requirements set out below. These requirements apply to all personal and business checks:

1. It is made payable to DMV.
2. The check amount does not exceed the amount of the transaction.
3. For a personal check, the name and address of the check writer is pre-printed on the check. If the pre-printed address is no longer correct or is a post office box, the correct current address may be written on the check.
4. For a business check, the name and address of the business is pre-printed on the check. A post office box is an acceptable address for a business.
5. The check writer's phone number is pre-printed or written on the check.
6. The individual who presents the check to the LPA identifies himself or herself by providing one of the forms of identification set out in section 18.6. If the individual who presents the check and the check writer are not the same, the LPA must write on the check the type and identifying number of the presenter's identification, such as the presenter's North Carolina driver license number.
7. For a check written by an individual who is not the registered owner of the vehicle, the LPA enters the name and identifying information of the check writer into STARS.
8. For an estate check, Letters Testamentary are attached to the title documents.
9. For a dealer check, the dealer's license number is pre-printed or written on the check.
10. An LPA may not create a secondary account for a customer with a bad debt stop in order to accept a check written by that customer.

18.4 Third Party Checks

A third-party check is not acceptable unless all of the following apply:

1. The third-party drawer of the check is DMV.
2. The check amount does not exceed the amount of the transaction.
3. The person to whom the check is written endorses the check.

18.5 Money Orders or Certified Checks

An LPA may not accept a money order or a certified check unless it meets the following requirements:

1. It is made payable to DMV.
2. The check amount does not exceed the amount of the transaction.

18.6 Identification of Check Presenters

When an individual presents a check to an LPA, the LPA must verify the identity of that individual by means of an acceptable form of identification.

1. **Acceptable ID.** – The following forms of identification are acceptable so long as they have not expired:
 - a. North Carolina driver license.
 - b. North Carolina identification card issued by DMV.
 - c. Military ID.
 - d. U.S. Passport.
 - e. Out-of-state driver license.
 - f. Out-of-state identification card issued by the agency that issues driver licenses in that state.
2. **Unacceptable ID.** – The following forms of identification are not acceptable:
 - a. Any form of identification that would be acceptable but has expired.
 - b. Any form of identification not listed as an acceptable form of identification.
Forms of identification that are not listed as acceptable and are therefore not acceptable include a social security card, an international driver license, and an international identification card.

18.7 Liability of LPA for Bad Checks

An LPA is not liable for a bad check accepted by the LPA unless the LPA failed to comply with the check acceptance and identification requirements in the SOP. If an LPA is liable for a bad check, DMV will reduce the amount of compensation payable to the LPA by the amount of the bad check. When DMV charges an LPA for the amount of a bad check, DMV must give the LPA either a copy of the bad check or the identifying information about the writer of the check or the presenter of the check that is set out on the check. By charging an LPA for the amount of a bad check, DMV is considered to have assigned to the LPA the right to collect from the writer of the check the amount of the bad check.

18.8 Acceptable Credit and Debit Cards

Only the following credit and debit cards are acceptable:

1. Visa
2. Mastercard
3. Discover

18.9 Credit and Debit Card Procedures

The following requirements apply when a customer pays by a credit or debit card:

1. The LPA should avoid handling the customer's card.
2. The LPA must direct the customer to wait to swipe the card until asked to do so by the LPA.
3. The LPA must direct the customer to swipe the card a second time only if the LPA received the message "Transaction Denied" after the customer swiped the card the first time.
4. If the LPA received a message other than "Transaction Denied" after the customer swiped the card the first time, the LPA must contact the Help Desk to determine if the transaction was completed. If directed to do so by the Help Desk, the LPA must ask the customer to swipe the card again.
5. If a payment is accepted but it is not reflected in STARS, the LPA is not to perform a "line item delete" function. Instead, the LPA must contact the Help Desk for assistance.
6. When notified by a message from DMV that payment by credit or debit card is not available, the LPA must stop accepting credit or debit cards, as appropriate, until the LPA receives another message informing the LPA that the LPA can resume accepting payment.

19 Processing Dealer Work

19.1 Payment Within Five Days

A dealer is liable for any payments due an LPA for work the LPA processes for the dealer. A dealer is required to pay an LPA within five (5) business days after the LPA completes work for the dealer and notifies the dealer that the work is complete. An LPA may not release work to a dealer until the dealer pays the LPA the amount due for the work.

19.2 Notice When Dealer Does Not Comply

If a dealer fails to comply with the five-day payment requirement, the LPA must notify the LPA liaison of the failure. If the five-day period during which the dealer has not paid the LPA includes the last business day of the month, the LPA must also report the dealer to the License and Theft Bureau of DMV.

19.3 Payment When Dealer Submits Work

When the LPA liaison is notified two (2) or more times within a 60-day period that the same dealer has failed to comply with the five-day payment requirement in Section 19.1, the LPA liaison must inform each affected LPA that the LPA may not process work for that dealer unless the dealer pays the LPA for the work when the dealer submits the work to the LPA. The requirement of a dealer to pay when submitting work to an LPA applies until the LPA liaison gives the LPA written notice that the dealer is not required to pay when submitting work.

20 Depositing Cash and Checks

20.1 Designation of Depository

Before an LPA begins operations, the LPA liaison must inform the contractor of the closest and most appropriate financial institution to serve as the depository for the state funds paid to the LPA. The LPA must use this financial institution as the depository unless the contractor for the LPA submits a written request to DMV to use a different depository and the State Treasurer approves the request. When DMV receives a written request from a contractor, it must submit the request to the State Treasurer within five (5) days of receipt. When DMV receives a decision on the request from the State Treasurer, the LPA liaison must inform the contractor in writing of the State Treasurer's decision within five (5) days of DMV's receipt of that decision.

20.2 Daily Deposits

All payments made to an LPA by cash or check must be deposited in the depository designated under Section 20.1 on the day the payments are received. An LPA may make more than one deposit in a day and may determine the number of deposits it considers appropriate based on the level of cash it accumulates. All of the following are prohibited: (i) allowing state funds to pass through an intermediary account, such as a personal or business account, before being deposited in the designated depository account; (ii) leaving state funds at the LPA overnight or in the possession of the LPA's contractor or any employee of the LPA; and (iii) taking possession of state funds after they have been deposited at the designated depository.

The following requirements apply to deposits:

1. Deposits made for a day must be certified by the receiving depository by 2:00 p.m. on the following business day. The contractor is responsible for complying with the requirements of the depository so that a deposit is certified by the required time. The requirement for an LPA to certify a deposit by the specified time does not apply when a power outage, an equipment failure, or inclement weather prevents timely compliance. The LPA must keep a copy of each deposit slip.
2. The total amount deposited for a day must match the amount noted in STARS for that day and the amount of cash and checks deposited for a day must match the amounts for cash and checks noted in STARS for that day. If the amount deposited

is less than the amount noted in STARS, the LPA is liable for the difference. When an LPA is liable for the difference, DMV will deduct the amount from the compensation payable by DMV to the LPA. If the amount deposited is greater than the amount noted in STARS, the LPA must complete a Deposit Overage Form and attach it to the daily deposit report submitted to DMV.

3. The amount deposited for a day must be certified to IMS by 2:00 p.m. on the following business day and must match the amount certified by IMS for that day. This requirement does not apply when a power outage, an equipment failure, or inclement weather prevents timely compliance. The LPA must keep a copy of each IMS print out it receives of certified funds.

20.3 Counterfeit Bills

An LPA is not liable for counterfeit bills detected by the LPA's depository when processing a deposit if the counterfeit bill is not detectable by the type of counterfeit money pen typically used by LPAs. When a depository informs an LPA of a counterfeit bill included in the LPA's deposit and the LPA is not liable for the bill, the LPA must deduct the amount of the counterfeit bill from the deposit and submit a counterfeit bill report.

21 Monthly Compensation

DMV agrees to pay each LPA by the 10th of each month for amounts due the LPA for work done the previous month. If the 10th falls on a day that is not a business day, DMV agrees to make the payment by the last business day preceding the 10th of the month. DMV agrees to make payments to LPAs by direct deposit of the amount due into their accounts.

Business Practices

22 Notary Work

Notary services provided by an LPA must be performed in accordance with Chapter 10B of the North Carolina General Statutes. Notary revenue received by an LPA is not State revenue and is therefore not reportable to DMV and is not the responsibility of DMV.

23 Watercraft Registration

An LPA must enter into an agreement with the Wildlife Resources Commission to register watercraft on behalf of that Commission if the Commission makes a written request to the LPA to do so. Compensation payable to the LPA for the registration of watercraft is governed by the agreement between the LPA and the Wildlife Resources Commission, is not reportable to DMV, and is not the responsibility of DMV.

24 Daily Report and STARS Documentation

24.1 Document Report

At the end of each business day, an LPA must compile the title and other documents it processed that day. The LPA must mail these documents to DMV by U.S. mail or N.C. Courier Service by the end of the next business day. The LPA must include with the mailed documents a report of the contents of the package mailed.

24.2 STARS Documentation

At the end of each business day, an LPA must print out a copy of the following documents concerning transactions the LPA processed in STARS that day and must keep a copy of these documents in its records for one year:

1. Screen print of "Print STARS Deposit Slip" (VF24) after all cash drawers are closed
2. Check list
3. Reversal list
4. Credit card list
5. iNovah Report

25 Restrictions on Business Conduct

25.1 Adherence to Law

An LPA must comply with all applicable laws, rules, and regulations. Applicable federal laws and regulations include the United States Department of Transportation's Title VI Non-Discrimination Assurances required of contractors of the North Carolina Department of Transportation. Those assurances are set out in Appendices A and B of the SOP.

If an LPA believes a processing requirement or other requirement from DMV is illegal, it should express this concern to DMV outlining what it believes is illegal and why it is believed to be illegal. If in fact the requirement proves to be illegal, DMV will accept responsibility for the requirement being carried out per its instruction.

25.2 No Incentives to Customers

An LPA may not give a dealer or another person anything of value as an incentive for providing compensable transactions to the LPA. Providing a pickup or delivery service whereby an LPA picks up work from a dealer or another customer, delivers work to a dealer or another customer, or both does not violate this section.

26 Advertising at LPA Office

An LPA is authorized to advertise products and services at its LPA office and to enter into contracts to allow others to advertise at its LPA office. The specific products and services to be advertised and the specific ads to be placed at an LPA office must be submitted to DMV before they are advertised or displayed at the LPA office. DMV must approve the products,

services, and ads submitted to it unless DMV determines that they are not in keeping with commonly understood standards of public decency, or they contain nudity, overtly sexual content, vulgar or discriminatory language, or material that is unsuitable for any age group, including children. Revenue received by an LPA office from advertising at the office is not state revenue.

27 Other Business in Conjunction with LPA Office

An LPA may operate another business at the same location as long as the business does not interfere with the operation of the LPA office. Before operating another business at an LPA office, the LPA must notify the LPA liaison of its plan to do so and obtain the LPA liaison's written approval.

28 Group Policies Obtained by DMV

28.1 Group Insurance for Theft or Damage of DMV Property or State Monies

DMV agrees to exercise its authority under G.S. 20-63.01 to negotiate for and obtain a group rate for the guaranty bond that statute requires LPAs to provide. DMV must allocate the cost of the bond among all the LPAs based on their tier and must deduct each LPA's allocable premium cost from the compensation otherwise payable to the LPA for transactions performed by the LPA.

28.2 Errors and Omissions Insurance

DMV agrees to negotiate for and attempt to obtain a group rate and group policy for errors and omissions insurance for all LPAs. This insurance must include coverage for the omission of liens from titles. DMV must allocate the cost of the insurance among all the LPAs based on their tier and must deduct each LPA's allocable premium cost from the compensation otherwise payable to the LPA from transactions performed by the LPA. To avoid deducting the cost of both the group insurance obtained under Section 28.1 and the insurance obtained under this section from LPAs' compensation in the same month, DMV must set different months for their renewals.

If DMV is unable to obtain the group rate on terms agreeable to the LPAs, each LPA may contract for coverage on its own.

28.3 Robbery

DMV agrees to either indemnify LPAs against a loss of state funds due to theft or to obtain an insurance policy that provides coverage to LPAs for a loss of state funds due to robbery. An LPA may not be required to pay a deductible when a robbery occurs if it has followed all security policies and has taken reasonable precautions.

28.4 Posting Policies

DMV must post on the website required under Section 4.1 the group policies it obtains for which it charges the LPAs and any policy DMV obtains to provide coverage in the event of robbery.

29 Preventing Unauthorized Access to Confidential Information

29.1 Use of RACF ID

An LPA may not allow a RACF ID assigned to an employee of the LPA to be used by anyone other than the employee to whom it is assigned. This prohibition does not apply to a manager of an LPA who uses the RACF ID of an employee of the LPA in order to close the employee's open cash drawer when that employee is not available to do so. If DMV discovers that a RACF ID has been used in violation of this section, DMV may cancel the RACF ID immediately.

29.2 Placement of Equipment

An LPA must place equipment used to access STARS or print information stored in STARS so that it is not viewed by persons who are not employees of the LPA.

29.3 Reporting Unauthorized Disclosure

An LPA must notify DMV immediately if the LPA knows or suspects that an unauthorized disclosure of information that is protected by the federal Drivers Privacy Protection Act or another privacy law has occurred. DMV must include on the website required under Section 4.1 an explanation of the information that is protected under that Act and the name and explanation of other applicable privacy laws and the information they protect.

30 Storing and Destroying Confidential Documents

30.1 Confidential Documents

A confidential document is a document that includes the name and address of an individual or an entity or includes an account number of an individual or an entity. Examples of confidential documents include:

1. Social security card.
2. Driver license or identification card issued by DMV.
3. Utility bill or insurance card that includes the name and address of an individual or an entity.
4. Bank statement or credit card statement that includes the number of the account at the bank or the credit card account number.

30.2 Approval of DMV

At the end of each business day, an LPA must put all confidential documents in a secure place approved by DMV. An LPA may dispose of a confidential document only by a method, such as shredding, approved by DMV for that LPA.

30.3 Frequency of Disposal

An LPA must destroy all confidential documents that need to be disposed of within thirty (30) days after they are received.

Errors and Complaints

31 Errors

31.1 What Constitutes an Error

An error is a mistake that affects the validity of a title.

1. The following are examples of mistakes that affect the validity of a title and are errors:
 - a. Entering the incorrect year, make, or vehicle identification number (VIN) for a vehicle.
 - b. Omitting an owner or entering an incorrect owner.
 - c. Failing to verify the identity of a party to the transaction.
 - d. Omitting a lien from a title.
 - e. Omitting a brand from a title.
 - f. Titling a vehicle that is 10 years old or newer without the required odometer reading.
2. The following are examples of mistakes that do not affect the validity of a title and are not errors to be used in determining an LPA's error rate:
 - a. Submitting documents or pages of documents in the wrong order.
 - b. Omitting the LPA's bar code on an envelope.
 - c. Omitting the name of the principal in a notarial certificate when the name is not required under G.S. 10B-43(d).
 - d. Omitting the date when a notary's commission expires if the notary's stamp on the document states when the commission expires, and that date is legible.
 - e. Failure of an applicant for a title application, form MVR-1, to initial on the form that the blocks checked are correct when the applicant has signed the sworn statement on the form certifying that all the information on the form is correct.
 - f. Omitting a checkmark in the appropriate box on the application for a duplicate title, form MVR-4, indicating the action requested by the application.

31.2 Mistakes Caught By LPA

A mistake caught by an LPA and corrected by the LPA, by backing out a transaction or otherwise, before it is found by DMV is not considered an error and is not to be used in determining an LPA's error rate.

31.3 Determining the Acceptable Error Rate

By July 1 of each fiscal year, DMV must set an error rate for each LPA tier that applies to the evaluation of the LPAs in that tier during the fiscal year. The error rate for a tier for a fiscal year must be based on error rate data for that tier for the most recent three fiscal years for which data is available. Based on the data, DMV must determine the mean error rate and standard deviation of the error rate for each tier. The acceptable upper threshold of an error rate is the mean error rate plus the standard deviation.

31.4 Review By DMV

DMV must periodically review a sample of work submitted by each LPA, each dealer that processes its own work, and each of DMV's offices to determine their error rates. DMV must post on the website required under Section 4.1 the error rates of all LPAs, dealers, and DMV offices.

If an LPA disagrees with a purported error identified by DMV, DMV must review its initial determination, discuss the matter with the LPA, and then decide whether its initial determination that the LPA made an error is correct. An error under review may not be included in an LPA's error rate.

31.5 90-Day Grace Period

An LPA is not subject to the error rate until after the first three full months of operation.

31.6 Excessive Error Rate

DMV may require the employees of an LPA whose error rate is excessive to attend refresher training. An error rate is excessive if it exceeds the acceptable upper threshold of the LPA's error rate, as determined under Section 31.3, for more than four months in a 12-month period.

32 Complaints about LPA

32.1 On-the-Spot

If a customer at an LPA complains about an LPA while at the LPA, the LPA must address the complaint within one business day of the complaint.

32.2 Complaints To DMV

Communications between DMV and an LPA concerning a complaint must be by fax or email and must use the LPA Complaint Form when applicable.

The following steps apply when DMV receives a complaint about an LPA or an employee of an LPA:

1. DMV discusses the complaint with the individual who made the complaint.
2. DMV describes the complaint in writing.
3. DMV gives the contractor for the LPA a copy of the description of the complaint.

4. For a complaint about an LPA, DMV discusses the complaint with the LPA contractor to determine the cause of the complaint and whether the complaint can be resolved.
5. For a complaint about an employee of an LPA, the contractor for the employing LPA:
 - a. Discusses the complaint with the individual who made the complaint and with the employee to determine the cause of the complaint and whether the complaint can be resolved.
 - b. Reports his or her findings to DMV.
6. DMV reports to the LPA its findings about the complaint, its determination of whether the complaint is substantiated, and any recommendations to avoid future complaints. A complaint is substantiated if a reasonable person with knowledge of the facts and circumstances would agree that the LPA's actions warrant a complaint. A customer complaint based on the entry into STARS of incorrect information that triggers the payment of a penalty or fee not otherwise due is considered a substantiated complaint.
7. If DMV's report recommends actions the LPA can take to avoid future complaints, the LPA informs DMV within five business days of the actions the LPA will take in response to the recommendations.

32.3 Complaints By DMV

DMV may initiate a complaint about an LPA for a suspected violation of the SOP, the contract, or a law by submitting a complaint in writing to the LPA liaison. Unless the complaint involves suspected criminal activity and disclosure of the complaint would jeopardize an investigation, DMV must give the LPA a copy of the complaint and must follow the procedure that applies under Section 32.2 to a written complaint about an LPA submitted by a customer.

32.4 Log of Complaints

DMV must maintain a log of complaints made against an LPA and the resolution of the complaints. An LPA may obtain a copy of its log by submitting a written request to the LPA liaison.

32.5 Consequences of Substantiated Complaint

A substantiated complaint results in a deduction from an LPA's performance points, as described in Section 35.

33 Complaints About DMV By LPA

An LPA may submit a written complaint to DMV about any aspect of DMV's interaction with the LPA. When DMV receives a complaint from an LPA, it must initiate an investigation of the complaint within one (1) business day after receiving the complaint. Complaints against an employee of DMV must be investigated by that employee's manager.

Evaluating an LPA's Performance

34 Monthly Reviews of LPA

34.1 Person Conducting Review

A performance review of an LPA must be conducted by an auditor.

34.2 Scope of Review

The purpose of a monthly review of an LPA is to determine if the LPA is complying with the SOP and to determine the LPA's performance points or deductions for the review period. Performance reviews are conducted monthly and checklist requirements are reviewed twice a year.

As part of one monthly review each year, the person conducting the review must review the equipment assigned by DMV to the LPA and match the fixed asset numbers and serial numbers of the equipment to those in DMV's records. The person conducting a review of a checklist requirement must determine whether the LPA complied with the requirement throughout the review period.

34.3 Report of Review

The person conducting a review of an LPA must make a written report of his or her findings and must discuss these findings with the contractor of the LPA. After the reviewer discusses the findings with the contractor, both of them must acknowledge their discussion by signing the report. An LPA who disagrees with a finding in the report may attach an explanation of why the LPA disagrees.

34.4 Resolving Non-Compliance

When a monthly review of an LPA determines that the LPA's performance does not comply with the SOP, the person conducting the review and the contractor of the LPA must discuss the LPA's performance and agree upon a timeline for compliance. The auditor or another DMV representative, as appropriate, may extend the timeline for compliance if the LPA needs more time to correct the non-compliance. An auditor or DMV representative who exercises his or her discretion and allows more time must report the extension and the reason for the extension to the LPA liaison.

35 Performance Points

An LPA is awarded points for complying with various requirements in the SOP. An LPA's performance points are to be determined in the monthly review of the LPA. Except for an LPA's error rate, the auditor determines whether an LPA has earned performance points for a month. The maximum points awarded for compliance with specific requirements are as follows:

Activity	SOP Provision	Maximum Monthly Points
Certifies deposit by 2:00	20.2.1	10
Has deposit slip	20.2.1	10
Deposit slip matches amount in STARS	20.2.1	10
Deposit of cash and checks match amount in STARS	20.2.2	10
Deposit slip matches amount certified by IMS	20.2.3	10
Has IMS print out	20.2.3	10
Has STARS and iNovah documentation	24.2	10
Mails documents to DMV	24.1	5
No missing RIS inventory	15.4 -15.5	10
No more than 2 missing RIS inventory	15.4 -15.5	2
No missing INI inventory	15.4 -15.5	10
No more than 2 missing INI inventory	15.4 -15.5	2
Has all inventory items reported as damaged	15.6	10
Is missing no more than 2 inventory items reported as damaged	15.6	2
Error rate is within acceptable range	31	10
Stores confidential documents and inventory in secure place	30.2 & 15.2	10
Disposes of confidential documents within 30 days	30.3	5
Total Score		120

Checklist Items		
Required signs are posted and are readable	16.1	
Has required and operational security cameras	17.1	

36 Performance Deductions

36.1 Deductions Concerning Checklist Requirements

A maximum of ten (10) performance points for a six-month period are deducted from an LPA's performance points awarded under Section 35 for each of the following:

1. Failure to post required signs and have readable signs, as required by Section 16.1.
2. Failure to have a security camera or keep a recording of the camera, as required by Section 17.1.

36.2 Other Performance Deductions

Ten (10) points are deducted from an LPA's performance points awarded under Section 35 for each of the following that occurs during the year:

1. The LPA omits a lien from a title.
2. DMV determines that a customer complaint against the LPA is a substantiated complaint.
3. DMV determines that a Division complaint against the LPA is a substantiated complaint.
4. The LPA contractor or an LPA employee fails, without good cause, to attend training required by DMV.

37 Incentive for Top Performance

For purposes of awarding incentives for top performance, the LPAs are divided into five equal percentile groups based on the number of transactions processed by the LPAs in the preceding fiscal year, with the 1st percentile consisting of the LPAs with the lowest number of transactions. The two LPAs in each percentile group that have the most performance points of the LPAs in that group for a fiscal year are granted either of the following at the discretion of the contractor of the LPA:

1. The option of extending the LPA's contract. For the LPA with the most points, the extension is for two years. For the LPA with the second most points, the extension is for one year.
2. A cash bonus based on the tier of the LPA as set out in the following table:

Percentile Group	Top LPA	2 nd LPA
1st	TBD	TBD
2nd	TBD	TBD
3rd	TBD	TBD
4th	TBD	TBD
5th	TBD	TBD

Responding to Crimes and Emergencies

38 Robberies and Break-ins at LPA Office

38.1 Response of LPA

When a robbery occurs at an LPA office or an LPA office that is closed at the time is forcibly entered, the LPA must take the following actions:

1. Notify local law enforcement immediately.
2. Notify the LPA liaison within thirty (30) minutes of notifying local law enforcement.
3. Close the LPA office until an auditor or another representative of DMV conducts an audit of the office to determine:
 - a. What, if anything, has been stolen.
 - b. Whether anyone has gained unauthorized access into any DMV system.
 - c. Whether the LPA's inventory is secured.
4. Include in its report to the police any missing money, inventory, or equipment and any damage to the LPA facility or equipment.

38.2 Response of DMV

When notified by an LPA of a robbery or break-in at the LPA office, the LPA liaison must notify all of the following immediately:

1. The appropriate District License and Theft Bureau.
2. DMV audit manager.
3. DOT Information Technology, which must determine the type of computer forensics, if any, to apply to ensure the integrity of DMV systems and any computer equipment assigned to the LPA.

4. All LPAs by an email or message, if DMV receives notice during business hours. DMV must send the email or message by 9:00 a.m. on the next business day if it receives notice outside the business day.

39 Emergency Closings of LPA Office

39.1 Authority

A contractor or manager of an LPA has the authority to determine to close the LPA office due to an emergency that endangers LPA staff or customers.

39.2 Notice

A contractor or manager of an LPA who closes the LPA office in an emergency must notify the LPA liaison within one (1) hour after the office is closed.

40 Closing an LPA Office due to Inclement Weather

40.1 Authority

A contractor or manager of an LPA has the authority to determine to close the LPA office due to inclement weather that may jeopardize the safety of the LPA staff or customers.

40.2 Prior Discussion

Unless the inclement weather creates an emergency, as determined by the contractor or manager, the contractor or manager must discuss the potential closing with the LPA liaison before making a decision about closing. The LPA must consider the LPA liaison's comments and position but is not bound by it.

40.3 Notice

If the contractor or manager decides to close the LPA office after discussing the matter with the LPA liaison, the contractor or manager must notify the LPA liaison immediately.

40.4 Fire or Water Damage at LPA Office

If a fire or flooding occurs in an LPA office, the LPA must evacuate all customers from the office and call 911 immediately.

40.5 Closing of Raleigh DMV Office

When DMV closes its Raleigh Office or the Call Center due to an emergency or otherwise, DMV must send a message to LPAs notifying them of the closure.

Changes to SOP

41 Proposing a Change

41.1 Type of Change

A change to the SOP is either a technical change or a substantive change. A technical change is a change that corrects a technical error, such as a misspelled word, an incorrect reference, an obvious mistake in choice of words, or a similar error. All other changes are substantive changes.

41.2 Recommending a Change

Any of the following may propose a change to the SOP by submitting it to the Chair of the LPA Advisory Committee:

1. A contractor or manager of an LPA.
2. A representative of DMV.

41.3 Information for Substantive Change

A proposal for a substantive change must meet the following requirements to be considered:

1. Be in writing.
2. Set out the proposed change using strikethroughs to indicate text that is deleted and underlining to indicate text that is added.
3. Be accompanied by an explanation of the effect of the proposed change and why the change is needed.

42 Notice and Review of Proposed Change

42.1 Notice and Comment

When the Chair of the LPA Advisory Committee receives a proposed change to the SOP, the chair must give LPAs notice of the proposed change by posting the proposed change and any accompanying explanation on the website required under Section 4.1. If the proposed change is a substantive change, the notice must state that LPAs may submit written comments concerning the proposed change to the LPA Advisory Committee and must provide an email address for that purpose. The chair must set a deadline for receipt of comments on a proposed substantive change that is at least 30 days after the date the notice is posted.

42.2 Review Process

A proposed change to the SOP must be reviewed and approved by the LPA Advisory Committee before it can become effective. If the proposed change is a substantive change and one or more LPA members of the committee do not support the change, the proposed change must also be reviewed and approved by the Commissioner.

42.3 Review by LPA Advisory Committee

The chair of the LPA Advisory Committee may place on a committee agenda at any time either a proposed technical change or a proposed substantive change that is required by recently enacted state or federal legislation. The chair of the committee may place any other proposed substantive change to the SOP only on an agenda for a meeting that is held at least five (5) days after the deadline for submitting comments. The chair must notify the person who submitted the proposed change of any meeting at which it will be discussed and give that person an opportunity to present the proposed change.

After the LPA Advisory Committee reviews a proposed change, it must make a recommendation about whether to adopt the proposed change, adopt it with additional changes, or reject it and must accompany the recommendation with an explanation of the reasons for the recommendation. The recommendation must state whether all the LPA members of the committee support the proposed change. If all the LPA members do not support the recommendation, the chair must submit the proposed change to the Commissioner along with all information submitted about the change.

42.4 Review by Commissioner

The Commissioner may approve any proposed substantive change to the SOP that is not supported by all the LPA members of the LPA Advisory Committee. In reviewing a proposed substantive change that lacks unanimous LPA support, the Commissioner must discuss the proposed change with the head of the North Carolina Motor Vehicle Registration Contractors' Association and with an LPA who is not a member of that association before making a decision on the proposed change. The Commissioner must consider the financial impact on the LPAs of the proposed change. If requested by one of the LPAs with whom the Commissioner is required to discuss the proposal, the Commissioner must allow the LPA time to survey other LPAs to gather data to establish the financial impact before the Commissioner makes a decision.

42.5 Notice of Proposed Change

When the LPA Advisory Committee adopts a proposed technical change, or the Commissioner adopts a substantive change, DMV must post the proposed change on the LPA website required under Section 4.1.

42.6 Effective Date of Change

A proposed substantive change adopted by the Commissioner may become effective only on January 1 or July 1 and may not become effective sooner than 30 days after notice of the change was posted under Section 42.5. If the change affects the size, layout, or plumbing of the LPA office facility, the change may not become effective until at least 18 months after the first January 1 or July 1 on which it could have become effective but for this limitation.

43. Transitional Provisions

43.1 Time to Comply

An LPA whose commission contract term began before December 1, 2014 has until June 1, 2017 to comply with the restroom requirement in Section 13.3. Prior to June 1, 2017, LPAs will not lose performance points or receive performance deductions for failure to comply with that section.

ACKNOWLEDGEMENT

I acknowledge receiving a copy of the License Plate Agency Standard Operating Procedures

01/01/2019 Edition on this _____ day of _____, _____
(Month) (Year)

Signature

LPA Name

LPA Number

Sign and return a copy of the Acknowledgement page to:

Administrative Office, Room 132
3145 Mail Service Center
Raleigh, NC 27699-3145

NORTH CAROLINA DIVISION OF MOTOR VEHICLES

BY: _____
Commissioner of Division of Motor Vehicles

APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

- 1. Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
- 2. Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations as set forth in Appendix B, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 C.F.R. part 21.
- 3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP.
- 4. Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the FMCSA to be pertinent to ascertain compliance with such Acts, Regulations, and Instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the FMCSA, as appropriate, and will set forth what efforts it has made to obtain the information.
- 5. Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of the contract, the Recipient will impose such contract sanctions as it or the FMCSA may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
- 6. Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment,

unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the FMCSA may direct that as a means of enforcing such provisions including sanctions for noncompliance.

Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities, including but not limited to:

- Title VI of the Civil Rights Act of 1964 (78 St at. 252, 42 U.S.C. § 2000d et seq.), prohibits discrimination on the basis of race, color, national origin), as implemented by 49 C.F.R. § 21.1et seq. and 49 C.F.R. part 303;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42. C.F.R. § 4601) (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal of Federal-aid programs and projects);
- Federal Aid Highway Act of 1973 (23 U.S.C. § 324 et seq.) (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794 et seq.) (prohibits discrimination on the basis of disability); and 49 C.F.R. part 27;
- The Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101 et seq.) (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982 (Pub. L. 97-248 (1982)), as amended (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights restoration Act of 1987 (102 Stat. 28) (" . . . which restore[d] the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964.");
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189), as implemented by Department of Justice regulations at 28 C.F.R. parts 35 and 36, and Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title Vi, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. § 1681et seq).

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AGENDA ITEM 9:

BUDGET AMENDMENTS

MANAGER'S COMMENTS:

Ms. Misty Watson, Finance Director, will review budget amendments as included in your packet.

Board approval is requested.



WATAUGA COUNTY
FINANCE OFFICE

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

MEMORANDUM

TO: Deron T. Geouque, County Manager
FROM: Misty Watson, Finance Director
SUBJECT: Budget Amendments - FY 2018/19
DATE: February 5, 2019

The following budget amendment requires the approval of the Watauga County Board of Commissioners. Board approval is requested.

<u>Account #</u>	<u>Description</u>	<u>Debit</u>	<u>Credit</u>
145410 440800	State Foster Care Board payments	400,000	
143547 323001	State Foster Care		200,000
145410 440003	IVE Foster Care Board payments	4,000	
	IVE Foster Care Standard and		
143541 323000	Maximum		3,343
143991 399100	Appropriated Fund Balance		200,657

To recognize additional funding needs for State Foster Care and IVE Foster Care.

109800 498030	Transfer to Debt Service	517,040	
109800 498021	Transfer to Capital Reserve		517,040
303980 398100	Transfer from General Fund		517,040
	Interest - Community Recreation		
309100 477001	Center	517,040	

To transfer funds for the 2018 limited obligation bonds interest payment due May 1, 2019. The original budget assumptions assumed the LOB's to close in fiscal year 2020.

104311 451000	Capital Outlay - Furniture and Equipment	5,000	
103980 398121	Transfer from Capital projects		5,000
219930 461100	Emergency Communications		5,000
219800 498010	Transfer to General Fund	5,000	

To transfer funds for emergency communications capital outlay.

AGENDA ITEM 10:

MISCELLANEOUS ADMINISTRATIVE MATTERS

A. Tentative Agenda for Annual Pre-Budget Retreat

MANAGER'S COMMENTS:

A draft agenda is enclosed for Board review. The agenda may change between now and the retreat based on input from the Board or the County Manager receiving additional items for consideration. County staff will start the process of preparing and compiling the information for the retreat. Please feel free to contact me during the upcoming weeks should you have any questions or require additional information.

Board action is required.

**TENTATIVE RETREAT AGENDA
WATAUGA COUNTY BOARD OF COMMISSIONERS**

DRAFT

**COMMISSIONERS' BOARD ROOM
WATAUGA COUNTY ADMINISTRATION BUILDING, BOONE, NC
FEBRUARY 18 & 19, 2019**

TIME	TOPIC	PRESENTER	PAGE
MONDAY, FEBRUARY 18, 2019			
12:00 PM	OPENING REMARKS AND LUNCH	MR. DERON GEOUQUE	
1:00 PM	FY 2019 REVIEW AND DISCUSSION OF FY 2020 BUDGET A. Revenues B. Expenditures C. Debt Service Report D. Budget Calendar	MS. MISTY WATSON	
1:30 PM	REVIEW OF CURRENT CAPITAL IMPROVEMENT PLAN (CIP) A. Current CIP Status Report B. Courtroom # 2 Renovations C. East Annex Building Program D. Turner Building E. Recreation Fields 1. Reorientation of Complex Field 2. Tennis Courts 3. Basketball Court 4. Pickleball Courts F. School Facilities	MR. DERON GEOUQUE & MR. ROBERT MARSH	
2:30 PM	BREAK		
3:00 PM	CONTINUED REVIEW OF CURRENT CAPITAL IMPROVEMENT PLAN (CIP)	MR. DERON GEOUQUE & MR. ROBERT MARSH	
3:45 PM	TOURISM DEVELOPMENT AUTHORITY (TDA)	MR. MATT VINCENT & MR. WRIGHT TILLEY	
4:30 PM	CALDWELL COMMUNITY COLLEGE & TECHNICAL INSTITUTE	DR. MARK POARCH	
4:45 PM	BREAK		
5:00 PM	SCHOOL BOARD FUNDING ISSUES A. FY 2020 Funding Needs B. Schools' Capital Improvement Plan	DR. SCOTT ELLIOTT & SCHOOL BOARD MEMBERS	
6:00 PM	PUBLIC SAFETY AND EMERGENCY COMMUNICATIONS SYSTEMS STUDY UPDATE	DR. MARVIN HOFFMAN MR. WILL HOLT	
6:30 PM	COUNTY MANAGER'S SUMMARY	MR. DERON GEOUQUE	
7:00 PM	RECESS UNTIL TUESDAY, FEBRUARY 19, 2019, AT 9:00 AM		
TUESDAY, FEBRUARY 19, 2019			
8:30 AM	BREAKFAST		
9:00 AM	CHILDREN'S COUNCIL PRESENTATION	MS. CRYSTAL KELLY	
9:45 PM	UPDATE ON RECREATIONAL PROJECTS A. Guy Ford Paddle Access B. Middle Fork Greenway	MR. JOE FURMAN MS. WENDY PATOPRSTY	
10:15 PM	COMMUNITY RECREATION CENTER (CRC) UPDATE	MR. CHAD ROBERSON	
11:30 AM	MISCELLANEOUS & COMMISSIONER MATTERS A. State Issues B. Commissioner Matters	MR. DERON GEOUQUE	
11:45 PM	WRAP UP, GOALS & OBJECTIVES, BOARD DIRECTIVES		
12:00 PM	ADJOURN		

AGENDA ITEM 10:**MISCELLANEOUS ADMINISTRATIVE MATTERS*****B. Boards and Commissions*****MANAGER'S COMMENTS:****Boone Rural Fire Protection Service District Board**

Each Commissioner nominates a representative to the Boone Rural Fire Protection Service District Board whose terms 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.

AppalCART

The AppalCART Board recommends the appointment of Mr. Joe Eller to the AppalCART Board as the Passenger Representative. Mr. Eller lives in Boone and has utilized the fixed route and demand response service for many years. This is a first reading and, therefore, no action is required.

Tourism Development Authority (TDA)

The terms of Mr. Tony Gray and Ms. Kim Rogers will expire February 28, 2019. One of these seats must be occupied by someone representing a business that collects the occupancy tax in Watauga County. The other seat doesn't have a restriction. Both are willing to continue to serve an additional three-year term if reappointed. Mr. Ethan Rector with Appalachia Cookie Company has also expressed interest in serving. Based on his employment, he would not be eligible for the lodging seat held currently by Ms. Rogers, but could be considered for the seat held by Mr. Gray. These are first readings and, therefore, no action is required.

Volunteer Application
Watauga County Boards And Commissions

If you are a Watauga County resident, at least 18 years old, and willing to volunteer your time and expertise to your community, please complete the application below and click on Print Form.
Please sign and mail or fax to:

Watauga County Commissioners' Office
814 West King Street, Suite 205
Boone, NC 28607
Phone: (828) 265-8000
Fax: (828) 264-3230

Name: Joseph Eller
Home Address: 103 Woodpecker Ln
City: Boone Zip: 28607
Telephone: (H) 976-1676 (W) 262-8309 (Fax) _____
Email: N/A
Place of Employment: Appalachian State University
Job Title: Food service Technician

In Order To Assure County wide Representation Please Indicate Your Township Of Residence:

- | | | |
|-------------------------------------|------------------------------------|--|
| <input type="radio"/> Bald Mountain | <input type="radio"/> Stony Fork | <input type="radio"/> Watauga |
| <input type="radio"/> New River | <input type="radio"/> Brushy Fork | <input type="radio"/> Cove Creek |
| <input type="radio"/> Beaver Dam | <input type="radio"/> Meat Camp | <input type="radio"/> Shawneehaw |
| <input type="radio"/> Blue Ridge | <input type="radio"/> Blowing Rock | <input type="radio"/> Laurel Creek |
| <input type="radio"/> Elk | <input type="radio"/> North Fork | <input checked="" type="radio"/> Boone |

In addition, Please Indicate If You Live In One Of The Following Areas:

- | | |
|--|--|
| <input type="radio"/> Foscoe-Grandfather Community | <input type="radio"/> Valle Crucis Historic District |
| <input type="radio"/> Howards Creek Watershed | <input type="radio"/> Winklers Creek Watershed |
| <input type="radio"/> South Fork New River Watershed | <input type="radio"/> Extraterritorial Area |

We Ask Your Help In Assuring Diversity Of Membership By Age, Gender, And Race, By Answering The Following Questions

- | | | |
|---------------------------------------|--|--------------------------------|
| Gender | Ethnic Background | |
| <input checked="" type="radio"/> Male | <input type="radio"/> African American | <input type="radio"/> Hispanic |
| <input type="radio"/> Female | <input checked="" type="radio"/> Caucasian | <input type="radio"/> Other |
| | <input type="radio"/> Native American | |

Please List (In Order Of Preference) The Boards/Commissions On Which You Would Be Willing To Serve.

1. Appal cart Board
2. _____
3. _____

Volunteer Application
Watauga County Boards And Commissions
(Continued)

Please list any work, volunteer, and/or other experience you would like to have considered in the review of your application.

Work
Experience:

Watauga Opportunities Workshop 1/25/79 - 3/31/1991
Hardees - 4/12/1991 - 6/30/2003
Appalachian State University Food Services - 7/1/2003 - Present

Volunteer
Experience:

Meals on wheels
Habitat for Humanity
First Baptist Church

Other
Experience:

Other
Comments:

Joe was one of the first Habitat homes in
Watauga County.
He has been a frequent rider of Appal Cart since 1979.
He has used all forms of Appal cart from Public to Need based.

Signature: Joseph Elmer

Date: 1/30/19



TO: Deron Geouque, Watauga County Manager
Watauga County Commissioners

FROM: Wright Tilley, Executive Director – Watauga County TDA

RE: TDA BOARD APPOINTMENTS

DATE: 1/24/19

Deron and Watauga County Commissioners;

We have (2) seats on the Watauga County Tourism Development Authority (WCTDA) Board that will expire at the end of February. One of these seats must be occupied by someone representing a business that collects the occupancy tax in Watauga County. The other seat doesn't have a restriction. These seats are currently being held by Kim Rogers with Jenkins Rentals and by Tony Gray who is retired but has many years of tourism knowledge.

Both Ms. Rogers and Mr. Gray are willing and interested in serving another 3-year term on the TDA board. The WCTDA supports the re-appointment of both these board members.

Kim and Tony have been very active board members, have excellent attendance records, and have a wide knowledge of our tourism product. They have both been very engaged in discussions at all board meetings and are supportive of the current direction of the TDA.

I am also aware of one other current application for the TDA board by Ethan Rector with Appalachia Cookie Company. Based on his employment, he would not be eligible for the lodging seat held currently by Ms. Rogers, but could be considered for the seat held by Mr. Gray.

Thank you for your consideration.



Watauga County Tourism Development Authority

815 W. King Street, Suite 10, Boone, NC 28607 828-266-1345 ExploreBoone.com

Volunteer Application
Watauga County Boards And Commissions

020519 BCC Meeting

If you are a Watauga County resident, at least 18 years old, and willing to volunteer your time and expertise to your community, please complete the application below and click on Print Form.
Please sign and mail or fax to:

Watauga County Commissioners' Office
814 West King Street, Suite 205
Boone, NC 28607
Phone: (828) 265-8000
Fax: (828) 264-3230



Name: Antony Gray (Tony)
Home Address: 524 Harrison Road
City: Boone Zip: 28607
Telephone: (H) 264-9123 (W) N/A (Fax) _____
Email: grayai@bellsouth.net
Place of Employment: Appalachian State University (Retired)
Job Title: Director of Conferences and Institutes

In Order To Assure County wide Representation Please Indicate Your Township Of Residence:

- | | | |
|--|------------------------------------|------------------------------------|
| <input type="radio"/> Bald Mountain | <input type="radio"/> Stony Fork | <input type="radio"/> Watauga |
| <input checked="" type="radio"/> New River | <input type="radio"/> Brushy Fork | <input type="radio"/> Cove Creek |
| <input type="radio"/> Beaver Dam | <input type="radio"/> Meat Camp | <input type="radio"/> Shawneehaw |
| <input type="radio"/> Blue Ridge | <input type="radio"/> Blowing Rock | <input type="radio"/> Laurel Creek |
| <input type="radio"/> Elk | <input type="radio"/> North Fork | <input type="radio"/> Boone |

In addition, Please Indicate If You Live In One Of The Following Areas:

- | | |
|--|--|
| <input type="radio"/> Foscoe-Grandfather Community | <input type="radio"/> Valle Crucis Historic District |
| <input type="radio"/> Howards Creek Watershed | <input type="radio"/> Winklers Creek Watershed |
| <input type="radio"/> South Fork New River Watershed | <input type="radio"/> Extraterritorial Area |

We Ask Your Help In Assuring Diversity Of Membership By Age, Gender, And Race, By Answering The Following Questions

- | | | |
|---------------------------------------|--|--------------------------------|
| Gender | Ethnic Background | |
| <input checked="" type="radio"/> Male | <input type="radio"/> African American | <input type="radio"/> Hispanic |
| <input type="radio"/> Female | <input checked="" type="radio"/> Caucasian | <input type="radio"/> Other |
| | <input type="radio"/> Native American | |

Please List (In Order Of Preference) The Boards/Commissions On Which You Would Be Willing To Serve.

1. Watauga County Tourism Development Authority
2. _____
3. Antony d. Gray (Tony)

Tony Gray
524 Harrison Road
Boone, NC 28607

Education:

1989 – Appalachian State University; ED.S. Adult Education

1967 – Appalachian State Teachers College; M.A. Degree, Major: Health Physical Education and Recreation; Minor: Junior College Administration and Supervision

1966 – Appalachian State Teachers College; B.S. Degree, Major: Health Physical Education and Recreation; Minor: Biology

Experience:

1972 – 2002 – Director, Office of Conferences and Institutes, Division of Continuing Education (Retired with 35 Years Service)

1971 – 1972 – Instructor of Health Physical Education and Recreation, Appalachian State University

1969 – 1971 – Assistant Basketball Coach and Instructor of Health Physical Education and Recreation, Appalachian State University

1967 – 1969 – Assistant Basketball Coach and Resident Manager of High Rise Residence Hall, Appalachian State University

1966 – 1967 – Assistant Basketball Coach and Resident Manager of High Rise Residence Hall as a Graduate Student, Appalachian State University

Professional Organizations:

American Camping Association, Association of Experiential Education, North Carolina State Employees Association, National University Continuing Education Association, North Carolina Adult Education Association, Association for Continuing Higher Education

Association of Collegiate Conference and Events Directors International 1980 – 2003
Regional Director 1988-89; Board of Directors 1989 – 97 & 1998 – 2002; President Elect, President and Immediate Past President – 1992 – 95; Chairman Hospitality Committee 1992 Annual Conference; Chairman Education Committee 1989 – 1993 (Developed ACCED-I Certification Program); Chairman Scholarship Committee 1989 & 1995- 2002; Chairman Resource Center Advisory Committee 1994 – 95; Chairman Economic Impact Task Force Committee 1994 – 97; Committees served on: Scholarship Committee, Awards and Recognition Committee, Annual conference Site Selection Committee, Regional Development Committee, Annual Conference Committee, Future Directions Task Force, Publications committee, Electronic communication Committee, Foundation

Scholarship Committee, New Member Recruitment Project Team, and CCEP Advisory Committee

Civic Activities:

Member First Presbyterian Church of Boone 1967 – Present), has served on the Board of Deacons, Men of the Church, Church Council, and currently serving as a Ruling Elder Moderator of Capital Improvements Committee and Building and Grounds 2002-2005

Boone Area Chamber of Commerce 1974 – 2002 – Board of Directors, Vice President for Community Affairs 1984, Vice President for Business Affairs 1987 – 88, President and Chairman of the Board 1985 – 86, Chairman ASU Discover Boone Business Fair 1989 – 90, Chairman Ambassadors Program 1990, Member of the Travel and Tourism Committee and Business Affairs Committee 1989 – 90, Vice President for Tourism and Convention Development 1991 – 2001.

North Carolina High Country Host 1980 – 2001; Board of Directors 1985 - 2001; Chairman Advertising and Publicity Committee 1982-86; Chairman Area Guide Map Project 1982, 1984, 1986, 1988, 1990; participated in the 1984 North Carolina Trade Mission to Florida; Chairman of Hunting, Fishing, Hiking Guide and NCHCH General Brochure; Executive Committee Member at Large 1988-89; Treasure 1989 – 90, 1995 – 2001, Second Vice President 1990 – 91

Watauga County Recreation Commission from inception to 1982 and 1988 – 1994

Member Boone Jaycees 1972 - 1980 (Offices Held – Internal Director, Internal Vice President, President and two terms as Chairman of the Board

Appalachian State University Former Athletes Association member 1985 – 2007; Board of Directors 1988 –Present; Chairman of Alumni Basketball Game 1986 – 89, President and Chairman of the Board 1992- 93, Chairman of the Hall of Fame Committee 1999 – 2002; Chairman of Annual Major Fund Raiser 1992 – 2005

Appalachian State University Yosef Club 1967 – Present

Watauga High School Boosters Club 1985 – 1990

High Country Senior Games Board of Directors and Executive Committee 1989 – 90, Chairman of the Facilities Committee

Coach Junior Girls Softball 1985 – 89, All Star Coach 1986 – 88

Coach Women’s Recreation League Softball Team 1990 – 2001

Boy Scouts of America, sustaining Membership Drive 1985 – 1993
Boone Jaycees and Watauga County Junior Champ Track and Field Day Event Coordinator 1982 – 1997

Habitat for Humanity Work Team 2003 – 2005

Watauga County Tourism Development Authority March 2006 to Present (Vice Chairman)

Watauga County Humane Society Capital Campaign (In-kind Contributions) 2004 – 2005

Awards and Honors:

Elected Mr. Appalachian by Student body 1966; Appalachian Basketball Awards – MVP 1966, All NAIA District 26 – 1966, Honorable Mention Small College All American 1966, All Carolinas Conference 1965 & 1966, All Tournament 1966, Served as Co-Captain 1965 – 66

Boone Jaycee – Freedom Guard 1973, Speak-up 1973, Presidential Award of Honor 1974, Keyman II 1976, Outstanding Young Men of America 1975, Spark Plug of the Year 1977, Jaycee of the Year 1976 & 1977, Nominee for Five Outstanding Men in North Carolina 1979, Watauga County Distinguished Service Award 1979

Watauga County Heart Association – Founders Award 1977, Achievement Recognition Award 1979, Bronze Service award 1981, Silver Service Award 1983

Watauga High School Booster Club – Distinguished Service Award for Fund Raising 1989

Boone Area Chamber of Commerce – Special Service Award 1992, Ben Suttle Distinguished Service Award 1994

Appalachian State University Athletic Department – Jackson A. Branch Volunteer Service Award 2002

Appalachian State University Former Athletes Association Special Service Award - 2005

Association Of Collegiate Conference and Events Directors International – Outstanding Individual Achievement Award 1990, Earned Collegiate Conference and Events Director Certification 1997, Jack Thornton Distinguished Service Award 1997, Accepted the Outstanding Institutional Achievement Award on behalf of Appalachian State University for its role in the Economic Impact Study 1998, Lifetime Honorary Membership in ACCED-I 2003

OTHER COMMENTS

Have served on the Watauga TDA continuously since its inception and am very proud of the advancements that have been made to promote Watauga County and Boone as a vacation destination. We are blessed to live in the beautiful Blue Ridge Mountains that many visitors have enjoyed for decades. TDA Capital Improvement efforts have developed and enhanced existing natural beauty and developed new outdoor opportunities that will attract visitors and benefit our residence. I would appreciate the opportunity continue to serve to see many of the current projects come to fruition.

Volunteer Application
Watauga County Boards And Commissions

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Watauga County Commissioners' Office
814 West King Street, Suite 205
Boone, NC 28607
Phone: (828) 265-8000
Fax: (828) 264-3230

4/10 - 7 2019

Name: Kim J. Rogers
Home Address: P. O. Box 102 404 Heritage Drive
City: Blowing Rock, NC Zip: 28605
Telephone: (H) 828-262-9994 (W) 828-295-9888 (Fax) 828-295-6249
Email: kim@jenkinsrealtors.com
Place of Employment: Jenkins Realtors, Inc.
Job Title: Owner/Broker

In Order To Assure County wide Representation Please Indicate Your Township Of Residence:

- | | | |
|-------------------------------------|------------------------------------|--|
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Please List (In Order Of Preference) The Boards/Commissions On Which You Would Be Willing To Serve.

1. Watauga County Tourism Development Authority
2. _____
3. _____

Volunteer Application
Watauga County Boards And Commissions
(Continued)

Please list any work, volunteer, and/or other experience you would like to have considered in the review of your application.

Work
Experience:

I have been promoting the High Country since 1978 helping generations of vacationers enjoy their mountain experience. I purchased Jenkins Realtors in 1995 with my sister from my parents and continue to rent vacation homes through out the county. With the recent addition of Airbnb and VRBO, rental management has taken on many new avenues of marketing but it is still about heads in beds and the guest experience. We continue to foster dream vacations and second home purchases in our business plan with a stable foundation of long term rentals, Association maintenance and a full time cleaning company.

Volunteer
Experience:

I continue to volunteer with the Blowing Rock Rock Chamber, St. Mary's Home Tour, and continue to organize and run The Blowing Rock Trout Derby celebrating its 40th year in April 2019.

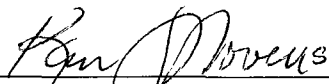
Other
Experience:

I am a ruling elder at Rumble Memorial Presbyterian, teach Sunday School and work on the Properties Committee.

Other
Comments:

I have served on the Watauga TDA for 7 years and have learned alot about the logistics of marketing, allocation of funding requests for long term recreation projects, and accommodating local interests when dealing with growth.

Signature: _____



Date: _____

1/4/19

Print Form

Reset Form

Volunteer Application
Watauga County Boards And Commissions

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Watauga County Commissioners' Office
814 West King Street, Suite 205
Boone, NC 28607
Phone: (828) 265-8000
Fax: (828) 264-3230

Name: Ethan Rector
Home Address: 549 Charlie Thompson Road
City: Vilas Zip: 28692
Telephone: (H) 8284572100 (W) 8283554448 (Fax) _____
Email: ethanedwardrector@gmail.com
Place of Employment: Appalachia Cookie Company / Self Employed
Job Title: Management (ACC) / Co-founder (Camino LLC)

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- | | | |
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| | <input type="radio"/> Native American | |

Please List (In Order Of Preference) The Boards/Commissions On Which You Would Be Willing To Serve.

1. Watauga County Tourism Development Authority
2. Economic Development Commission
3. Recreation Commission

**Volunteer Application
Watauga County Boards And Commissions
(Continued)**

Please list any work, volunteer, and/or other experience you would like to have considered in the review of your application.

**Work
Experience:**

**Co-founder
Camino LLC**

**General Manager
Appalachia Cookie Company**

**Watauga Board of Elections
Poll Attendant**

**Attorney Assistant
Eggers Law**

**Volunteer
Experience:**

**Board Member
High Country Caregivers Foundation**

Involvement in Western Youth Network fundraising projects

Alpha Tau Omega National Leadership Fraternity

**Other
Experience:**

Course attendance:

- Building Better Boards
- Protecting your business from fraud
- Project Management Essentials Certified
- Extensive Economics/Business Management coursework at ASU

Conception of "Brewery Series"

- Project that allows for collaboration between local breweries and Appalachia Cookie Company to create product together, where proceeds are then donated to local non profits.

**Other
Comments:**

Looking to serve this great county on any or all of these boards!

Signature: _____

Date: _____

Print Form

Reset Form

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AGENDA ITEM 10:

MISCELLANEOUS ADMINISTRATIVE MATTERS

C. Announcements

MANAGER'S COMMENTS:

The Annual Pre-Budget Retreat is scheduled for Monday, February 18, beginning at 12:00 P.M. and Tuesday, February 19, 2019, at 9:00 A.M.

AGENDA ITEM 11:

PUBLIC COMMENT

AGENDA ITEM 12:

BREAK

AGENDA ITEM 13:

CLOSED SESSION

Attorney/Client Matters – G. S. 143-318.11(a)(3)
Personnel Matters – G. S. 143-318.11(a)(6)