

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

**TUESDAY, APRIL 1, 2014
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: March 18, 2014, Regular Meeting March 18, 2014, Closed Session		1
	3	APPROVAL OF THE APRIL 1, 2014 AGENDA		11
8:35	4	Cooperative Extension Staffing Request	MR. JIM HAMILTON	13
8:40	5	Proposed Construction Contract for Middle Fork Greenway project	MR. JOE FURMAN	17
8:45	6	BUDGET AMENDMENTS	MS. MARGARET PIERCE	59
8:50	7	MISCELLANEOUS ADMINISTRATIVE MATTERS	MR. DERON GEOUQUE	
		A. Discussion Regarding Proposed Amendments to the Town of Boone's Unified Development Ordinance (UDO)		61
		B. Proposed Proclamation Establishing Community Pride Week		71
		C. 347 Oak Street Property Sale		75
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8:55	8	PUBLIC COMMENT		78
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10:00	10	CLOSED SESSION		78
		Attorney/Client Matters – G. S. 143-318.11(a)(3)		
		Land Acquisition – G. S. 143-318.11(a)(5)(i)		
10:15	11	ADJOURN		

AGENDA ITEM 2:

APPROVAL OF MINUTES:

March 18, 2014, Regular Meeting Minutes

March 18, 2014, Closed Session Minutes

DRAFT**MINUTES****WATAUGA COUNTY BOARD OF COMMISSIONERS
TUESDAY, MARCH 18, 2014**

The Watauga County Board of Commissioners held a regular meeting on Tuesday, March 18, 2014, at 5:30 P.M. in the Commissioners' Board Room of the Watauga County Administration Building, Boone, North Carolina.

PRESENT: Nathan Miller, Chairman
David Blust, Vice-Chairman
Billy Kennedy, Commissioner
John Welch, Commissioner
Perry Yates, Commissioner
Stacey "Four" Eggers, IV, County Attorney
Deron Geouque, County Manager
Anita J. Fogle, Clerk to the Board

Chairman Miller called the meeting to order at 5:31 P.M.

Vice-Chairman Blust opened the meeting with a prayer and Commissioner Yates led the Pledge of Allegiance.

APPROVAL OF MINUTES

Chairman Miller called for additions and/or corrections to the February 21 and 22, 2014, special meeting minutes and the March 4, 2014, regular meeting and closed session minutes.

Commissioner Kennedy, seconded by Commissioner Yates, moved to approve the February 21 and 22, 2014, special meeting minutes as presented.

VOTE: Aye-5
Nay-0

Commissioner Kennedy, seconded by Commissioner Welch, moved to approve the March 4, 2014, regular meeting minutes as presented.

VOTE: Aye-5
Nay-0

Commissioner Kennedy, seconded by Commissioner Welch, moved to approve the March 4, 2014, closed session minutes as presented.

VOTE: Aye-5
Nay-0

APPROVAL OF AGENDA

Chairman Miller called for additions and/or corrections to the March 18, 2014, agenda.

County Manager Geouque requested to add a change order request for the Rocky Knob Park restroom construction project under Maintenance Matters.

Commissioner Kennedy, seconded by Vice-Chairman Blust, moved to approve the March 18, 2014, agenda as amended.

VOTE: Aye-5
Nay-0

BOARD OF EQUALIZATION AND REVIEW (E&R) SCHEDULE

Mr. Larry Warren, Tax Administrator, presented the following proposed schedule for the FY 2013 Board of Equalization and Review (E&R) meetings:

April 28, 2014	4:00 - 7:00 P.M. (Convene @ 4:00 P.M.)
April 29, 2014	4:00 - 7:00 P.M.
May 1, 2014	4:00 - 7:00 P.M.
May 5, 2014	4:00 - 7:00 P.M.
May 6, 2014	4:00 - 7:00 P.M.
May 12, 2014	4:00 - 7:00 P.M.
May 15, 2014	4:00 - 7:00 P.M.
May 19, 2014	4:00 - 7:00 P.M.
May 21, 2014	4:00 - 7:00 P.M. (Adjourn @ 7:00 P.M.)

Vice-Chairman Blust, seconded by Commissioner Welch, moved to approve the Board of Equalization and Review (E&R) schedule as presented by Mr. Warren.

VOTE: Aye-5
Nay-0

Vice-Chairman Blust, seconded by Commissioner Welch, moved to set the Board of Commissioners as the Board of Equalization and Review (E&R).

VOTE: Aye-5
Nay-0

Mr. Warren presented a proposed resolution which would incorporate the County Manager to serve as an alternate member for those times in which a quorum might not be available.

Vice-Chairman Blust, seconded by Commissioner Welch, moved to adopt the resolution as presented.

Prior to a vote, the County Attorney stated that member compensation could either be set through a separate motion or incorporated into the resolution.

Vice-Chairman Blust, seconded by Commissioner Welch, moved to amend the resolution to include the Board of Equalization and Review meeting compensation at \$75 per meeting.

VOTE: Aye-5
Nay-0

MAINTENANCE MATTERS

A. Bid Award Request for New Maintenance Vehicle

Mr. Robert Marsh, Maintenance Director, presented the following bids for a new 4x4 pickup truck:

Bidder	Amount
Boone Ford	\$23,102/\$22,621 Price Matching Preference
Ashe County Ford	\$22,621
Capital Ford	\$22,648

Mr. Marsh stated that during the last snow event the transmission on the 2000 Dodge failed. Being that the truck was over fourteen (14) years old and had continued maintenance issues, direction was given to surplus the vehicle rather than expending additional funds on a vehicle that had reached its operational life cycle. Bids were solicited as the process involved for procuring vehicles takes 4-6 months and staff wanted to ensure adequate snow removal equipment was available for the 2014-2015 winter season. In addition, during the 2014-2015 budget preparation staff will be recommending another vehicle for the Maintenance Department to replace a 1998 Dodge pickup truck with similar issues as the 2000 Dodge.

Three (3) bids were solicited in which Ashe County Ford was the lowest responsive bidder in the amount of \$22,621. Boone Ford's initial bid was \$23,102 but being the local bidder they were provided an opportunity to match the lowest bid per the County's local bidder policy. Boone Ford did complete all necessary documents to qualify for the local bidder matching preference.

Commissioner Kennedy, seconded by Commissioner Welch, moved to award the bid to Boone Ford for one (1) new F250 4X4 in the amount of \$22,621 plus \$684.63 for taxes and tag for a total amount of \$23,305.63 with funds to come from the administrative contingency budget line.

VOTE: Aye-5
Nay-0

B. Bid Award Request for Rocky Knob Park Paving

Mr. Marsh stated that the following bids were received for paving at the Rocky Knob Park:

Bidder	Bid	Unit/Gravel per ton
Moretz Paving; Zionville, NC	\$121,820	\$20.00
Carl Rose & Sons Paving; Elkin, NC	\$140,656	\$28.50
Tri-County Paving; West Jefferson, NC	\$149,574	\$20.65

Mr. Marsh stated that in September 2013 paving bids were received; however, due to the bathroom project at the Park being behind schedule staff recommended postponing the paving until the bathrooms were completed. Bids for the bathrooms were recently accepted and the estimated completion date was the end of August. Moretz Paving, lowest responsive bidder, has agreed to honor the bid submitted in September with the caveat that should the price of asphalt increase their bid would increase correspondingly. However, if the price of asphalt were to increase both the TDA and Board of Commissioners would be required to approve the increase over the base bid and Alternates Two (2) and Three (3). Alternate Two (2) included an additional 2" of gravel, 2" of binder, and 2" of asphalt increasing the standard bid spec price from \$54,700 to \$114,300. Alternate Three (3) provided for the repair of the existing park entryway pavement in the amount of \$7,520. Staff recommended Alternates Two (2) and Three (3) for a total amount of \$121,820 as approved by the TDA Board.

Commissioner Kennedy, seconded by Vice-Chairman Blust, moved to award the paving for Rocky Knob Park to Moretz Paving in the amount of \$121,820 including Alternate Two and Three with all funding to be provided by the Watauga County Tourism Development Authority (TDA).

VOTE: Aye-5
Nay-0

C. Rocky Knob Park Restroom Construction Project Change Order Request

Mr. Marsh stated that the proposed location of the restrooms at Rocky Knob Park was troubling due to the proximity in relation to the handicap parking and the parking lot. An alternate location was discussed which would be farther back from the drive aisle in the parking lot, yet closer to the handicap accessible ramp. Mr. Marsh stated that staff had requested Kanipe Construction to submit a Change Order for consideration in regards to the more desirable location of the restrooms. The Change Order submitted was in the amount of \$2,200.

The alternate location has been inspected by County staff and, if approved, would be contingent upon Watauga County Tourism Development Authority (TDA) approval as the TDA was funding the project.

Commissioner Kennedy, seconded by Vice-Chairman Blust, moved to approve Change Order #1 from Kanipe Construction for the restroom construction project at Rocky Knob Park contingent upon the Watauga County Tourism Development Authority's approval and funding.

VOTE: Aye-5
Nay-0

PLANNING MATTERS

A. Secondary Roads Addition Request

Mr. Joe Furman, Planning and Inspections Director, stated that residents of George Triplett Road petitioned the North Carolina Department of Transportation (NCDOT) to add their road to the state-maintained system. The petition was presented, along with a map and an aerial photo.

Mr. Furman presented a proposed resolution (form SR-2) which, if adopted, would move the petition forward. Mr. Furman stated that the NCDOT had assessed the road and identified improvements needed to bring the road up to NCDOT standards, and that the residents had agreed to pay for the improvements.

Commissioner Yates, seconded by Commissioner Welch, moved to adopt the resolution as presented.

VOTE: Aye-5
Nay-0

B. Middle Fork Greenway Engineering Recommendation

Mr. Furman recently received Statements of Qualifications from three engineering firms in response to the Request for Qualifications (RFQ) seeking a firm to provide construction administration for the Middle Fork Greenway project. Bids for the construction of the greenway were due March 21st. Pursuant to North Carolina Department of Transportation (NCDOT) requirements, the selected engineering firm must be “pre-qualified” by NCDOT to perform the necessary construction oversight, materials measuring and testing, and eligible for contract award. Responses were received from McGill Associates, Vaughn and Melton and Blue Ridge Environmental Consultants. McGill Associates and Vaughn and Melton were pre-qualified; Blue Ridge Environmental Consultants was in the process of pre-qualifying. Upon review of the qualifications of the three firms, McGill Associates and Vaughn and Melton have the most relevant experience with similar projects. Neither of the firms prepared the construction plans nor bid documents; the firm that did so was not NCDOT pre-qualified. Mr. Furman recommended Vaughn and Melton based on experience and the presence of a local office in Boone. This was consistent with the Commissioners’ desire to work with local companies, and would also save on travel costs.

Mr. Furman requested the Board select Vaughn and Melton to provide construction administration for the Middle Fork Greenway project. Upon Board approval, Mr. Furman would negotiate a contract and, if unable to do so, would initiate contract negotiations with the next best qualified firm. Approval will allow for both engineering and construction costs to be determined for comparison to the amount of grant funds available. Provided there were sufficient grant funds, Mr. Furman planned to request approval of both engineering and construction contracts at the April 1, 2014, Board of Commissioners meeting.

Commissioner Kennedy, seconded by Commissioner Welch, moved to select Vaughn and Melton to provide construction administration for the Middle Fork Greenway project and authorize Mr. Furman to negotiate a contract to be approved along with the construction contract pending adequate grant funds at the April 1, 2014, Board of Commissioners meeting.

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

BUDGET AMENDMENTS

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

Account #	Description	Debit	Credit
103839-386000	Rent		\$4,700
104288-469500	Contracted Services	\$4,700	

The amendment recognized revenue of AT&T cell tower rent at Rocky Knob Park per the PARTF grant agreement and a lease agreement. All funds must be used to offset the expenses at Rocky Knob Park.

103839-341100	Donations		\$99,597
104288-458000	Capital Outlay-Building	\$99,597	

The amendment allocated funds for the rest room construction contract and recognized a donation from the Watauga County Tourism Development Authority (TDA) to fund the cost of the restroom building.

103586-332006	SHIIP Grant		\$1,739
105550-449901	SHIIP Grant Expenses	\$1,739	

The amendment recognized additional grant funds allocated by the State to Project on Aging for health insurance education per Board action on December 17, 2013.

Commissioner Yates, seconded by Commissioner Welch, moved to approve the budget amendments as presented by Ms. Pierce.

VOTE: Aye-5
Nay-0

MISCELLANEOUS ADMINISTRATIVE MATTERS

A. High Country Classics Car Club Request

County Manager Geouque stated that the High Country Classics Car Club had requested to use the Human Services parking lot for their annual charity car show. The Board approved for the Car Show to use the Human Services Center parking lot and facilities for a fee of \$200 in 2013. The fee covered the cost of opening and cleaning the restrooms.

The Car Club would like to continue using the facility and planned on holding the 10th Annual High Country Classics Charity Car Show on June 14, 2014. The group was willing to pay the \$200 fee for opening and cleaning of the restrooms. In addition, the Club would like to continue to use the facility in future years.

Commissioner Yates, seconded by Commissioner Welch, moved to approve High Country Classics' request to hold their Annual Charity Car Show at the Human Services Center parking lot along with the use of facilities for a fee of \$200 on June 14, 2014, and to authorize the County Manager to approve their request annually for future years.

VOTE: Aye-5
Nay-0

B. Department of Social Services Out-of-State Travel Request

County Manager Geouque stated that Ms. Beth Berry, Social Worker, had requested permission to travel out-of-state to observe the Drug and Treatment Court in Galena, Missouri. The purpose was to enhance the current Drug Treatment Court in Watauga County. Other members from the Watauga County Drug Treatment Court would also be traveling to Galena, Missouri. The National Drug Court Institute was paying all of Ms. Berry's expenses with the exception of salary costs.

Commissioner Kennedy, seconded by Vice-Chairman Blust, moved to authorize the out-of-state travel for Ms. Berry to attend the training in Galena, Missouri, as requested.

VOTE: Aye-5
Nay-0

C. Proposed Lease for Probation and Parole

County Manager Geouque presented a revised lease agreement from the North Carolina Department of Public Safety regarding the Probation and Parole space. Per Commissioner request, the proposed lease had been revised to reflect the changes regarding the square footage, and its deletion was approved by the State Property Office.

Commissioner Kennedy, seconded by Vice-Chairman Blust, moved to approve the lease as presented and reviewed by the County Attorney.

VOTE: Aye-5
Nay-0

D. Boards & Commissions

Watauga County Tourism Development Authority

County Manager Geouque stated that Ms. Sonya Garland had resigned as a Board Member on the Watauga County Tourism Development Authority due to time constraints. Therefore, an appointment was needed to fill the unexpired two-year term. Ms. Connie Baird, Mr. William Leonard, and Mr. Steve Tatum have submitted volunteer applications and were willing to serve if so reappointed.

Vice-Chairman Blust, seconded by Commissioner Yates, moved to appoint Ms. Connie Baird to fill the unexpired, two-year term.

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

County Manager Geouque stated that Scott St. Clair, President of High Country Recreation, a local non-profit committed to promoting recreation in our community, had requested Commissioners Welch and Yates to meet with High Country Recreation to seek input in advocating for a community recreation center.

Commissioner Yates and Commissioner Welch agreed to meet with High Country Recreation through a consensus of the Board.

E. Announcements

County Manager Geouque announced the following:

- Save the date: Cooperative Extension invites you to attend the Small Farms Week kickoff event on Monday, March 24, 2014, at the Boone United Methodist Church. Watauga County is hosting the event as Bill Moretz, local apple grower and former Farmer's Market president, was the recipient of this prestigious award in 2013. The event, which will welcome more than 200 small farmers and Extension agents from across the state, begins at 9:30 A.M. NC A&T State University faculty member, Dr. Manny Reyes, will be the keynote speaker. Breakout sessions on technical topics will follow and lunch will be served around noon.
- The dedication of the Highway 421 Bridge in honor of fallen Deputy William R. Mast, Jr. will be March 25, 2014, at 10:00 AM. Per the family's request, there will be a small ceremony including opening remarks, an invocation, a presentation of colors, the bridge dedication, an unveiling of the sign, and closing remarks. The ceremony will be held at Brookshire Park.
- The North Carolina Association of County Commissioners will be holding district meetings across the State in March and April with the meeting for our district being on April 3, 2014, in Catawba County. If you wish to attend, please see Anita who will be happy to RSVP for you. Please click on the following link to view a short introduction to the District Meetings: [District Meetings Introduction Link](#).
- Save the date: The Watauga County Economic Development Commission and Appalachian State University will hold an Economic Summit on Tuesday, April 8, 2014, at the Holmes Convocation Center from 8:00 A.M. to 1:30 P.M.

PUBLIC COMMENT

Mr. Chris Burns, Chairman of Hospitality House Board of Directors, presented a brief report and requested the Board consider allocating \$10,000 for Winter Emergency Shelter overflow services. Mr. Burns also welcomed Board members to visit and tour the Hospitality House facilities.

CLOSED SESSION

At 6:13 P.M., Commissioner Kennedy, seconded by Commissioner Welch, moved to enter Closed Session to discuss Attorney/Client Matters, per G. S. 143-318.11(a)(3) and Land Acquisition, per G. S. 143-318.11(a)(5)(i).

VOTE: Aye-5
Nay-0

Commissioner Kennedy, seconded by Commissioner Welch, moved to resume the open meeting at 6:54 P.M.

VOTE: Aye-5
Nay-0

ADJOURN

Commissioner Yates, seconded by Commissioner Welch, moved to adjourn the meeting at 6:54 P.M.

VOTE: Aye-5
Nay-0

Nathan A. Miller, Chairman

ATTEST:

Anita J. Fogle, Clerk to the Board

AGENDA ITEM 3:

APPROVAL OF THE APRIL 1, 2014, AGENDA

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AGENDA ITEM 4:**COOPERATIVE EXTENSION STAFFING REQUEST****MANAGER'S COMMENTS:**

Mr. Jim Hamilton, Cooperative Extension Director, will request authorization from the Board to use the funds budgeted for the frozen horticulture agent to increase the temporary horticulture agent from twenty (20) to forty (40) hours. Currently, the County is paying nine (9) of the twenty (20) hours with the State paying the remaining eleven (11) hours. The percentage is forty-five percent (45%) County funding and fifty-five percent (55%) State funding per the Memorandum of Understanding (MOU).

Mr. Hamilton is proposing to increase the temporary employee's hours from twenty (20) to forty (40) hours. The County would pay twenty-nine (29) of the hours with the State continuing to pay eleven (11) hours. The request is to have the County pay seventy-two and half percent (72%) and the State twenty-seven and a half percent (27.5%) which is not in accordance with the MOU.

After the previous Board meeting, staff reviewed the Cooperative Extension's budget to ensure adequate funding to cover benefits should the State require reimbursement for benefits. However, the potential exists for this arrangement to set a precedent in reduced funding from the State as the County is willing to fund more than the forty-five percent (45%) as stated in the MOU.

Approval of the request would run from April 2, 2014 through June 30, 2014 and would require the Board to reauthorize during the 2014-2015 budget process.

Direction from the Board is requested.

Cooperative Extension Salary Comparison

FY 13-14 budget

Salary budgeted	19,800
Retirement	14.59%
Health	2,547
Unemployment	0.35%
FICA	7.65%
	<hr/>
	26,820

Potential plan

Assumes no retirement or insurance

Salary at 9 hrs for Dec 16 to March 31	2,700
salary at 29 hrs for April-June	7,540
Unemployment	0.35%
FICA	7.65%
	<hr/>
	10,843

With potential expense

Salary at 9 hrs, \$20/hr for Dec 16 to March 31	2,700
salary at 29 hrs for April-June	7,540
Retirement	14.59%
Health for 6 mos	2,066
FICA	7.65%
Unemployment	0.35%
	<hr/>
	14,619

estimate of potential expense 3,776

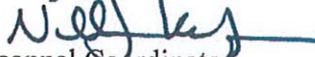
<u>Current actual and estimated expense</u>	
Salary at 9 hrs, \$20/hr for Dec 16 to June 30	5,040
Unemployment	0.35%
FICA	7.65%
	<hr/>
	5,443

NC STATE UNIVERSITY

College of Agriculture and Life Science
Personnel Office
Box 7917
Raleigh NC 27695-7917
919.515.2708 (phone)
919.513.2617 (fax)

MEMORANDUM

TO: Jim Hamilton,
Watagua County Extension Director

FROM: Nikki Kurdys 
Extension Personnel Coordinator

DATE: February 3, 2014

RE: **Benefits for Temporary Employees**

According to the policies of the State of North Carolina, employees with a temporary appointment do not receive leave, total state service credit, health benefits, retirement credit, severance pay, or priority reemployment consideration. This is true regardless of the number of hours that a temporary employee works.

As you know, there are some changes on the horizon with Federal Healthcare requirements. Beginning in January 2015 employers will be required to offer health insurance to employees who work over 30 hours per week. Due to a class action law suit several years ago, temporary employees with the State of North Carolina may not work over 11 months. As such, Ms. Patterson will not be able to work until January 2015 since she was hired December 16, 2013 and will reach her 11 month date in November.

Anita.Fogle

To: Deron.Geouque
Subject: RE: Extension on March 4 commissioner meeting agenda

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

From: Jim Hamilton [mailto:jim_hamilton@ncsu.edu]
Sent: Monday, February 17, 2014 5:16 PM
To: Deron.Geouque
Cc: Anita.Fogle
Subject: Extension on March 4 commissioner meeting agenda

Hey Deron,

Could you please put me on the agenda to discuss our temp Horticulture Agent who we were able to hire in late December through some non-recurring federal funds that Cooperative Extension had access to. As I've mentioned, I would like to bring her hours per week up to 40 from 20. This is a requested exception to the MOU between the county and Cooperative Extension (the county is currently covering 9 hours/week and the state is covering 11 hours/week--through November). I would request that the county cover an additional 20 hours/week of her salary through her temporary contract period which will end in November. As you know, currently the state does not have the funding for a full-time horticultural agent position. The additional requested hours will not exceed the budget we allocated for this position last year. We are hopeful that Extension's funding issues will improve over the next year and will be able to match the county's support for this position. At the moment, at 20 hours per week, this Agent is developing and will offer the Master Gardener program in the spring. With additional hours, the Agent will be able to offer more programs to other clientele such as the Christmas tree growers, nurserymen, and the many homeowners who we provide services to during our busy summer. I have attached the memo from Extension's Human Resources coordinator in reference to your concern over retirement benefits for temporary employees.

In addition, I'd like to provide a brief report of Extension's impacts in 2013 and thank them for the resolution they passed in support of Extension in December.

Thanks,
Jim

--

Jim Hamilton, PhD
County Extension Director
Watauga County
NC Cooperative Extension
NC State University
<http://watauga.ces.ncsu.edu>
(828) 264-3061
Check out our blog at <http://wataugaces.blogspot.com>

All electronic mail messages in connection with State business which are sent to or received by this account are subject to the NC Public Records Law and may be disclosed to third parties.

AGENDA ITEM 5:**PROPOSED CONSTRUCTION CONTRACT FOR MIDDLE FORK GREENWAY PROJECT****MANAGER'S COMMENTS:**

At the last Board meeting, Mr. Furman requested the Board select Vaughn and Melton to provide construction administration for the Middle Fork Greenway project. Mr. Furman was to negotiate a contract and request Board approval at the April 1, 2014 meeting contingent upon the construction bids not exceeding the grant amount. Mr. Furman opened bids for the Middle Fork Greenway project on Friday, March 21st. Two (2) bids were received, J.W. Hampton Company \$350,616.60 and Greene Construction \$392,550.24. Three (3) bids were not required due to the cost being below the statutory formal bid limit.

Grant funds available for both construction and engineering are \$375,000. The negotiated amount for engineering with Vaughn and Melton is \$38,080.50. The proposed contract is attached. High Country Pathways (HCP) has committed to provide any amount above the \$375,000 grant that is needed to complete the project. The current shortfall is \$13,697.10. HCP is agreeable to some sort of security guaranteeing their commitment, if the Commissioners so require. A representative of HCP will be available to answer any questions.

Therefore, Board action is requested, contingent upon County Attorney review, to:

- award the construction project to the low bidder: J. W. Hampton Company, in the amount of \$350,616.60
- execute a construction contract with J.W. Hampton Company
- approve the contract with Vaughn and Melton for engineering and construction administration in the amount of \$38,080.50

Board action is requested.



Vaughn & Melton

Consulting Engineers
324 Hwy. 105 Extension, Suite 5
Boone, North Carolina 28607
828-355-9933
www.vaughnmelton.com

March 25, 2014

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

RE: *Watauga County*
EB-5527, WBS Element Number 50043.3.1(CON), US 321 Greenway Trail between
Boone and Blowing Rock
Proposal for Construction Engineering & Inspection Services

Dear Mr. Furman:

Please find below our proposed scope of services, and associated calculation of fees.

Construction Phase

1. Provide full time project inspection to observe the progress and quality of the executed work and to determine in general if the work is proceeding in accordance with the Contract Documents, and during such visits and on the basis of on-site observations as an experienced and qualified design professional, keep the County informed of the progress of the work, endeavor to guard the County against defects and deficiencies in the work of the Contractor(s) and disapprove or reject any work failing to conform to the Contract Documents.
2. Prepare change orders for extra and/or additional work as required and ensure that special inspection or testing of this work, if necessary, is performed and documented in accordance with NCDOT established procedures.
3. Review and approve shop drawings, diagrams, illustrations, brochures, catalog data, schedules and samples, the results of tests and inspections and other data which any Contractor is required to submit, and receive and review schedules, guarantees, bonds and certificates of inspection which are to be assembled by the Contractor(s) in accordance with the Contract Documents.
4. Provide Materials Testing services, to the level and for specific materials as required by the North Carolina Department of Transportation. All samples obtained by the Inspector shall be properly documented and transported to an AASHTO accredited testing facility for further handling.
5. Based on on-site observations as an experienced and qualified design professional and on review of the Contractor(s) applications for payment and supporting data, determine

Mr. Joseph A. Furman, AICP
 March 25, 2014
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the amount owing to the Contractor(s) and approve to the County payment to the Contractor(s) in such amounts; based on such observations and review, that the work has progressed to the point indicated and that to the best of his knowledge, information and belief the quality of the work is in accordance with the contract documents.

6. Conduct a final inspection with all applicable parties to determine if the project has been completed in accordance with the Contract Documents and if each Contractor has fulfilled all of their obligations thereunder so that the Engineer may approve to the County final payment to each Contractor.
7. Coordinate monthly progress meetings with the County, Engineer, NCDOT, and Contractor(s) for the purpose of discussing the progress of the work and to address any changes in the project scope.

Fees

As compensation for the above listed part time services, Vaughn & Melton proposes the following associated fees, and total **NOT TO EXCEED (unless unforeseen circumstances require additional inspection in accordance with NCDOT established procedures) FEE OF \$38,080.50**. The calculation of these values is based on the attached invoice format with an estimated construction time of 5 months (or 22 weeks) at 12 hours per week only for the Construction Observer. If construction extends longer than that, we would like to negotiate for additional compensation at that point in time.

Contract Administration:

Professional Engineer – 22 Weeks, 4 hrs./wk. @ \$130.00/hr. = \$11,440.00	
Construction Observer – 22 Weeks, (part Time) (see attached NCDOT excel spreadsheet)	
	= \$24,140.50
SUBTOTAL	\$35,580.50

Materials Testing:

SUBTOTAL	\$2,500.00
TOTAL NOT TO EXCEED	\$38,080.50

Again we appreciate the opportunity to provide this proposal to you. If you are satisfied with the terms described herein, we will proceed with developing the contract for our services.

Should you have any questions or comments, please feel free to contact me at any time.

Mr. Joseph A. Furman, AICP
March 25, 2014
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Sincerely,

VAUGHN & MELTON CONSULTING ENGINEERS

A handwritten signature in black ink that reads "Frank J. Gioscio, PE". The signature is written in a cursive style with a large, sweeping initial "F".

Frank J. Gioscio, PE
Project Manager

cc: Project File

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
 PROFESSIONAL SERVICES MANAGEMENT UNIT

Construction Engineering and Inspection (CEI)
WBS-50043.3.1 (CON)
Greenway Trail between Boone & Blowing Rock on US 321
LSC # EB-5527

ENGINEERING AND INSPECTION TECHNICIANS

	<u>Regular Direct Labor</u>		
Prime Contractor Technicians		\$	5,808.00
Prime Contractor Overhead Audited -- FIELD	125.54%	\$	7,291.36
Subcontractor1 Technicians		\$	-
Subcontractor1 Overhead Audited -- FIELD		\$	-
Subcontractor2 Technicians		\$	-
Subcontractor2 Overhead Audited -- FIELD		\$	-
Subcontractor3 Technicians		\$	-
Subcontractor3 Overhead Audited -- FIELD		\$	-
Subtotal		\$	13,099.36
Operating Margin (Fixed Fee Rate) (Usually 9%)	9.00%	\$	1,178.94
Subtotal		\$	14,278.30
Premium Overtime - Prime Contractor		\$	264.00
Premium Overtime - Subcontractor1		\$	-
Premium Overtime - Subcontractor2		\$	-
Premium Overtime - Subcontractor3		\$	-
TOTAL COST CEI TECHNICIANS		\$	14,542.30

PROJECT MANAGEMENT/CONTRACT ADMINISTRATION

<u>Position</u>		<u>Direct Labor</u>	
Prime Contractor Project Manager		\$	720.80
Prime Contractor Field Overhead	125.54%	\$	904.89
Subcontractor1 Project Manager		\$	-
Subcontractor1 Field Overhead		\$	-
Subcontractor2 Project Manager		\$	-
Subcontractor2 Field Overhead		\$	-
Subcontractor3 Project Manager		\$	-
Subcontractor3 Field Overhead		\$	-
Subtotal		\$	1,625.69
Operating Margin (Fixed Fee Rate) (Usually 9%)		\$	-
TOTAL PM/CA		\$	1,625.69

APPENDIX D (continued)

PROJECT DIRECT EXPENSES

TOTAL DIRECT EXPENSES **\$ 7,960.76**

AGREEMENT COSTS AND FEES SUMMARY

CEI Technicians		\$	14,542.30
Project Management/Contract Administration		\$	1,625.69
Project Direct Expenses		\$	7,960.76
TOTAL AGREEMENT COSTS AND FEES		\$	24,128.75
Facilities Cost of Capital (Prime Contractor)	0.180%	\$	11.75
Facilities Cost of Capital (Subcontractor 1)		\$	-
Facilities Cost of Capital (Subcontractor 2)		\$	-
Facilities Cost of Capital (Subcontractor 3)		\$	-
Contingency		\$	-
TOTAL AGREEMENT AMOUNT		\$	24,140.50

>>>> Please Note: Shift Premium Pay not included in labor costs. >>>>

**ENGINEERING AND INSPECTION - TECHNICIANS
 DIRECT LABOR COST SUMMARY
 Greenway Trail between Boone & Blowing Rock on US 321
 PRIME CONTRACTOR -**

CALENDAR YEAR 2014

Personnel Classification	Regular Hours ¹	Overtime Hours ²	Total Hours	Regular Rate ³	Regular Labor	Premium Hours	Premium Rate	Premium Labor	Total Labor ⁴
Technician III	264	26.4	290.4	\$ 20.00	\$ 5,808.00	26.4	\$ 10.00	\$ 264.00	\$ 6,072.00
		0	0		\$ -	0	\$ -	\$ -	\$ -
		0	0		\$ -	0	\$ -	\$ -	\$ -
		0	0		\$ -	0	\$ -	\$ -	\$ -
		0	0		\$ -	0	\$ -	\$ -	\$ -
		0	0		\$ -	0	\$ -	\$ -	\$ -
		0	0		\$ -	0	\$ -	\$ -	\$ -
		0	0		\$ -	0	\$ -	\$ -	\$ -
		0	0		\$ -	0	\$ -	\$ -	\$ -
		0	0		\$ -	0	\$ -	\$ -	\$ -
TOTALS	264	26.4	290.4	\$ 20.00	\$ 5,808.00	26.4	\$ 10.00	\$ 264.00	\$ 6,072.00

NOTES:

- ¹ Estimated 165 hours / month
- ² Estimated 10% of Regular Hours
- ³ Total Regular Rate cannot be more than 85% of maximum allowable salary / Utilize 4% escalation in salary per year
- ⁴ Total Labor cannot be more than 85% of maximum allowable salary

Prime Contractor Technicians

**ENGINEERING AND INSPECTION - TECHNICIANS
 DIRECT LABOR COST SUMMARY
 Greenway Trail between Boone & Blowing Rock on US 321
 PRIME CONTRACTOR -**

GRAND TOTAL FOR ALL CALENDAR YEARS 2014-2017

Personnel Classification	Regular Hours ¹	Overtime Hours ²	Total Hours	Regular Rate ³	Regular Labor	Premium Hours	Premium Rate	Premium Labor	Total Labor ⁴
TOTALS	264	26.4	290.4		\$5,808.00	26.4		\$264.00	\$6,072.00

NOTES:

- ¹ Estimated 165 hours / month
- ² Estimated 10% of Regular Hours
- ³ Total Regular Rate cannot be more than 85% of maximum allowable salary / Utilize 4% escalation in salary per year
- ⁴ Total Labor cannot be more than 85% of maximum allowable salary

ENGINEERING MANAGEMENT/CONTRACT ADMINISTRATION
DIRECT LABOR COST
Greenway Trail between Boone & Blowing Rock on US 321
PRIME CONTRACTOR -

Robert J. Stroup:
 Overtime is not allowed for
 PROJECT MANAGERS.

CALENDAR YEAR 2014

Personnel Classification/ Name ¹	Regular Hours	Overtime Hours	Total Hours	Regular Rate	Regular Labor	Premium Hours	Premium Rate	Premium Labor	Total Labor
PROJECT MANAGER	16		16	\$ 45.05	\$ 720.80	0	\$ 22.53	\$ -	\$ 720.80
			0		\$ -	0	\$ -	\$ -	\$ -
TOTALS	16	0	16		\$ 720.80	0	\$ 22.53	\$ -	\$ 720.80

¹ One Management visit for prime firm is reimbursable every quarter
 One Management visit from subcontractors is reimbursable two times per year

ENGINEERING MANAGEMENT/CONTRACT ADMINISTRATION
DIRECT LABOR COST SUMMARY
Greenway Trail between Boone & Blowing Rock on US 321
PRIME CONTRACTOR -

CALENDAR YEARS 2014 - 2017

Personnel Classification/ Name ¹	Regular Hours	Overtime Hours	Total Hours	Regular Rate	Regular Labor	Premium Hours	Premium Rate	Premium Labor	Total Labor
TOTALS	16	0	16	\$ 45.05	\$ 720.80	0	\$ 22.53	\$ -	\$ 720.80

¹ One Management visit for prime firm is reimbursable every quarter
 One Management visit from subcontractors is reimbursable two times per year

**CONTRACT ENGINEERING AND INSPECTION
 DIRECT EXPENSES
 FIELD EQUIPMENT AND SUPPLIES FURNISHED BY
 Greenway Trail between Boone & Blowing Rock on US 321**

Item No.	Description	Months	Quantity	Unit	Unit Price	Unit Tax	Total Unit Cost	Salvage Value	Total Cost
1	Project Vehicles - PRIME & SUBCONTRACTORS	6.5	1	vehicle-months	\$ 1,139.29	\$ 85.45	\$ 1,224.73		\$ 7,960.76
2	Communications (cell phones) -- Miles for Project Admin. Visits --			phone-months	\$ -	\$ -	\$ -		\$ -
3	PRIME CONTRACTOR -- Trips @ miles			mi	\$ 0.500	\$ -	\$ 0.500		\$ -
4	SUBCONTRACTOR 1 -- Trips @ miles			mi	\$ 0.500	\$ -	\$ 0.500		\$ -
5	SUBCONTRACTOR 2 -- Trips @ miles			mi	\$ 0.500	\$ -	\$ 0.500		\$ -
6	SUBCONTRACTOR 3 -- Trips @ miles			mi	\$ 0.500	\$ -	\$ 0.500		\$ -

TOTAL DIRECT COSTS:

\$ 7,960.76

Division __
**Reimbursable Vehicle Rate for Private Engineering
Construction Engineering Vehicles**

4 WD Vehicles

Base Rate/vehicle/month	\$	1,000.00
-------------------------	----	----------

Project Vehicle Miles per Month		500
Average Fuel Price	\$	3.90
Monthly Vehicle Fuel Cost @14mpg	\$	139.29

Monthly Rental Rate \$ 1,139.29

Rate = \$ 1,139

SHORT FORM OF AGREEMENT BETWEEN OWNER AND ENGINEER FOR PROFESSIONAL SERVICES

THIS IS AN AGREEMENT effective as of March 25, 2014 (“Effective Date”) between

Watauga County (“Owner”)

and Vaughn and Melton Consulting Engineers (“Engineer”)

Engineer agrees to provide the services described below to Owner for US 321 Greenway Trail between Boone and Blowing Rock WBS #50043.3.1 EB-5527 (“Project”).

Description of Engineer’s Services: Engineer’s services that shall be provided under this contract are outlined in the attached letter dated March 25, 2014 to Watauga County from Vaughn & Melton Consulting Engineers.

All services provided pertain to the Construction Inspection and the Contract Administration of the greenway trail expansion project described as EB-5527, US 321 Greenway trail between Boone and Blowing Rock WBS #50043.3.1.

Owner and Engineer further agree as follows:

1.01 Basic Agreement

A. Engineer shall provide, or cause to be provided, the services set forth in this Agreement, and Owner shall pay Engineer for such Services as set forth in Paragraph 9.01.

2.01 Payment Procedures

A. *Preparation of Invoices.* Engineer will prepare a monthly invoice in accordance with Engineer’s standard invoicing practices and submit the invoice to Owner.

B. *Payment of Invoices.* Invoices are due and payable within 30 days of receipt. If Owner fails to make any payment due Engineer for services and expenses within 30 days after receipt of Engineer’s invoice, the amounts due Engineer will be increased at the rate of 1.0% per month (or the maximum rate of interest permitted by law, if less) from said thirtieth day. In addition, Engineer may, without liability, after giving seven days written notice to Owner, suspend services under this Agreement until Engineer has been paid in full all amounts due for services, expenses, and other related charges. Payments will be credited first to interest and then to principal.

3.01 Additional Services

A. If authorized by Owner, or if required because of changes in the Project, Engineer shall furnish services in addition to those set forth above.

B. Owner shall pay Engineer for such additional services as follows: For additional services of Engineer’s employees engaged directly on the Project an amount equal to the cumulative hours charged to the Project by each class of Engineer’s employees times standard hourly rates for each applicable billing class; plus reimbursable expenses and Engineer’s consultants’ charges, if any.

4.01 Termination

A. The obligation to provide further services under this Agreement may be terminated:

1. For cause,
 - a. By either party upon 30 days written notice in the event of substantial failure by the other party to perform in accordance with the Agreement’s terms through no fault of the terminating party.

b. By Engineer:

1) upon seven days written notice if Engineer believes that Engineer is being requested by Owner to furnish or perform services contrary to Engineer's responsibilities as a licensed professional; or

2) upon seven days written notice if the Engineer's services for the Project are delayed or suspended for more than 90 days for reasons beyond Engineer's control.

3) Engineer shall have no liability to Owner on account of such termination.

c. Notwithstanding the foregoing, this Agreement will not terminate as a result of a substantial failure under paragraph 4.01.A.1.a if the party receiving such notice begins, within seven days of receipt of such notice, to correct its failure and proceeds diligently to cure such failure within no more than 30 days of receipt of notice; provided, however, that if and to the extent such substantial failure cannot be reasonably cured within such 30 day period, and if such party has diligently attempted to cure the same and thereafter continues diligently to cure the same, then the cure period provided for herein shall extend up to, but in no case more than, 60 days after the date of receipt of the notice.

2. For convenience, by Owner effective upon the receipt of notice by Engineer.

B. The terminating party under paragraphs 4.01.A.1 or 4.01.A.2 may set the effective date of termination at a time up to 30 days later than otherwise provided to allow Engineer to demobilize personnel and equipment from the Project site, to complete tasks whose value would otherwise be lost, to prepare notes as to the status of completed and uncompleted tasks, and to assemble Project materials in orderly files.

5.01 Controlling Law

A. This Agreement is to be governed by the law of the state in which the Project is located.

6.01 Successors, Assigns, and Beneficiaries

A. Owner and Engineer each is hereby bound and the partners, successors, executors, administrators, and legal representatives of Owner and Engineer (and to the extent permitted by paragraph 6.01.B the assigns of Owner and Engineer) are hereby bound to the other party to this Agreement and to the partners, successors,

executors, administrators, and legal representatives (and said assigns) of such other party, in respect of all covenants, agreements, and obligations of this Agreement.

B. Neither Owner nor Engineer may assign, sublet, or transfer any rights under or interest (including, but without limitation, moneys that are due or may become due) in this Agreement without the written consent of the other, except to the extent that any assignment, subletting, or transfer is mandated or restricted by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement.

7.01 General Considerations

A. The standard of care for all professional engineering and related services performed or furnished by Engineer under this Agreement will be the care and skill ordinarily used by members of the subject profession practicing under similar circumstances at the same time and in the same locality. Engineer makes no warranties, express or implied, under this Agreement or otherwise, in connection with Engineer's services. Engineer and its consultants may use or rely upon the design services of others, including, but not limited to, contractors, manufacturers, and suppliers.

B. Engineer shall not at any time supervise, direct, or have control over any contractor's work, nor shall Engineer have authority over or responsibility for the means, methods, techniques, sequences, or procedures of construction selected or used by any contractor, for safety precautions and programs incident to a contractor's work progress, nor for any failure of any contractor to comply with laws and regulations applicable to contractor's work.

C. Engineer neither guarantees the performance of any contractor nor assumes responsibility for any contractor's failure to furnish and perform its work in accordance with the contract between Owner and such contractor.

D. Engineer shall not be responsible for the acts or omissions of any contractor, subcontractor, or supplier, or of any contractor's agents or employees or any other persons (except Engineer's own employees) at the Project site or otherwise furnishing or performing any of construction work; or for any decision made on interpretations or clarifications of the construction contract given by Owner without consultation and advice of Engineer.

E. The general conditions for any construction contract documents prepared hereunder are to be the "Standard General Conditions of the Construction

Contract@ as prepared by the Engineers Joint Contract Documents Committee (No. C-700, 2002 Edition).

F. All design documents prepared or furnished by Engineer are instruments of service, and Engineer retains an ownership and property interest (including the copyright and the right of reuse) in such documents, whether or not the Project is completed.

G. To the fullest extent permitted by law, Owner and Engineer (1) waive against each other, and the other's employees, officers, directors, agents, insurers, partners, and consultants, any and all claims for or entitlement to special, incidental, indirect, or consequential damages arising out of, resulting from, or in any way related to the Project, and (2) agree that Engineer's total liability to Owner under this Agreement shall be limited to \$50,000 or the total amount of compensation received by Engineer, whichever is greater.

H. The parties acknowledge that Engineer's scope of services does not include any services related to a Hazardous Environmental Condition (the presence of asbestos, PCBs, petroleum, hazardous substances or waste, and radioactive materials). If Engineer or any other party encounters a Hazardous Environmental Condition, Engineer may, at its option and without liability for consequential or any other damages, suspend performance of services on the portion of the Project affected thereby until Owner: (i) retains appropriate specialist consultants or contractors to identify and, as appropriate, abate, remediate, or remove the Hazardous Environmental Condition; and (ii) warrants that the Site is in full compliance with applicable Laws and Regulations.

8.01 Total Agreement

A. This Agreement (consisting of pages 1 to 4 inclusive together with any expressly incorporated appendix), constitutes the entire agreement between Owner and Engineer and supersedes all prior written or oral understandings. This Agreement may only be amended, supplemented, modified, or canceled by a duly executed written instrument.

9.01 Payment (Hourly Rates Plus Reimbursable Expenses)

A. Using the procedures set forth in paragraph 2.01, Owner shall pay Engineer as follows:

1. An amount equal to the cumulative hours charged to the Project by each class of Engineer's employees times standard hourly rates for each applicable billing class for all services performed on the Project, plus reimbursable expenses and Engineer's consultants' charges, if any.

2. Engineer's Standard Hourly Rates are attached as Appendix 1.

3. The total compensation for services and reimbursable expenses shall not exceed \$38,080.50

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, the Effective Date of which is indicated on page 1.

OWNER: Watauga County

ENGINEER: Vaughn and Melton

By: _____

By: _____

Title: _____

Title: Project Manager

Date Signed: _____

Date Signed: _____

License or Certificate No. and State F-1088

Address for giving notices:

Address for giving notices:

Watauga County

Vaughn & Melton Consulting Engineers

331 Queen Street, Suite A

324 Hwy. 105 Extension, Suite 5

Boone, North Carolina 28607

Boone, North Carolina 28607



Vaughn & Melton
Consulting Engineers

APPENDIX #1

Vaughn & Melton Consulting Engineers 2013 Approved Billing Rates

<u>Job Classification</u>	2013 Per Hour Rate
Principal	\$175
Senior Licensed Professional	\$150
Licensed Professional Engineer	\$125
Licensed Professional Surveyor	\$125
Graduate Engineer (EIT)	\$100
Survey Intern (LSI)	\$80
Senior Certified Technician/Designer	\$80
Technician IV	\$75
Technician III	\$65
Technician II	\$50
Technician I	\$40
Right-of-Way Manager	\$100
Right-of-Way Agent	\$80
Relocation Agent	\$95
Clerical Administration	\$50
Clerical Administration Assistant	\$45
Four Person Survey Crew	\$175
Three Person Survey Crew	\$160
Two Person Survey Crew	\$140
One Person Survey Crew	\$100
S.U.E. Analyst	\$75
S.U.E. Analyst w/GPR	\$125
S.U.E. VacExcavation Crew	\$250



Mission: To plan, build, and steward greenways, trails, and blueways throughout the High Country region of North Carolina.

March 25, 2014

Watauga County Commissioners

Re: DOT contract number WBS Element: 50043.3.1 (CON)

Dear Sirs:

Watauga County has entered into a contract with the North Carolina Department of Transportation to construct a portion of the Middle Fork Greenway over easements granted by Mystery Hill, under US 321 and continuing onto property known as Sterling Park.

The low construction bid for the project is \$350,616.60. The agreed contract price for the engineering firm to supervise the project is \$38,080.50. Thus the total project cost is \$388,697.10.

DOT funding for the project under the contract is \$375,000.

High Country Pathways, Inc. undertakes to pay the amount of \$13,697.10 to cover the shortfall. In addition, HCP undertakes to pay any further amounts required to complete the project as may become necessary. HCP will pay the County or pay the contractors directly, at your option.

HCP will agree to any jurisdiction to adjudicate any disputes under this agreement and will pay for all attorneys' fees and other costs incurred by the County due to any failure on the part of HCP to fulfill any of its obligations under this contract.

Sincerely,
High Country Pathways, Inc.

By: John Lanman, President

PO Box 253, Boone, NC 28607



CONSTRUCTION ADMINISTRATION FOR MIDDLE FORK GREENWAY PHASE I



Section I: General Information	1
Section II: Overview and History of the Firm	3
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Section V: Key Personnel	13
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Vaughn & Melton

Consulting Engineers
324 Highway 105 Extension, Suite 5
Boone, NC 28607
(828) 355-9933
www.vaughnmelton.com

Mr. Joe Furman, Director
Watuaga County Planning and Inspections Department
331 Queen Street, Suite A
Boone, North Carolina 28607

March 5, 2014

Re: CONSTRUCTION ADMINISTRATION FOR MIDDLE FORK GREENWAY PHASE 1

Dear Mr. Furman:

V&M has had the privilege of working for various counties, cities and towns in North Carolina that are similar to Watuaga County for the past 27 years. Our firm has been providing professional services for the NCDOT from our Asheville office for the past 26 years, from our Charlotte office for 10 years, and most recently **from our LOCAL Boone office for the past three years.** We recently completed a project containing sidewalks, **a bike lane,** and a roadway for which **we provided construction administration and CEI services** to the Town of Boone along Wilson Road, which was a project that we also designed and surveyed. We have also provided Bessemer City with design, **CEI, and construction administration services** for a streetscape project on Virginia Avenue. Over the life of each of our local government CEI projects, V&M has collaborated and worked closely with the various local engineering and inspection departments and project managers. V&M currently has over 30 CEI staff who are all NCDOT certified in numerous CEI disciplines and work exclusively on NCDOT projects. **Our extensive CEI staffing capacity ensures that we will be able to provide the required staffing numbers and Technician Levels during this contract.**

Statement of NCDOT Registration - V&M was approved for requalification as private consulting firm by the NCDOT on January 15, 2014. V&M is prequalified in the required discipline per this Request for Qualifications (00195 - Roadway Construction Engineering and Inspection) and has provided these CEI services on literally hundreds of NCDOT projects. Our CEI inspectors also have extensive experience in culverts and streambank restorations making them an invaluable asset on a project like this.

Client & Contractor Communication Through Construction Process - V&M knows a constant and open line of communication is key to the success of any project. V&M CEI personnel are in constant communication with the Contractor, Municipal Project Managers, NCDOT staff and/or V&M's Project Manager. When situations arise during construction that require the NCDOT's attention V&M's CEI staff will communicate with Watauga County Staff immediately in order to prevent the project from being put on hold. V&M will also conduct monthly progress meetings with the Contractor and Watauga County Staff to discuss construction progress, any potential change orders, monthly pay requests and any other issues that need to be resolved.

CEI Requirements for NCDOT Projects with FHWA Funding - V&M has worked on projects that both the NCDOT and the FHWA-North Carolina Division have been a part of. We are well versed with the requirement that all Federal-aid projects be designed and construction managed in accordance with the NCDOT Enhancement Program Project Manager's Guide.

Team Location - Our Boone office is located within 3.5 miles of the project site. Therefore as project manager I will be available to V&M's CEI staff and Watauga County immediately.

Our team is excited about the opportunity and ready to provide CEI services to Watauga County for this greenway project. The V&M team is the best fit for this project **due to our local Boone office, our large CEI staff with numerous NCDOT certifications and our 26 year history of providing the NCDOT with quality CEI services.**

Sincerely,

VAUGHN & MELTON CONSULTING ENGINEERS



Frank J. Gioscio, PE

Project Manager

(828) 355-9933 (office) (828) 434-0840 (cell)

fjgioscio@vaughnmelton.com

BRIEF OVERVIEW AND HISTORY OF THE FIRM

V&M is a company with over 45 years of experience in Design and Construction of Transportation Facilities, including Greenways and other pedestrian and bicycle improvement projects. The firm has been providing Construction Contract Administration and Inspection Services for NCDOT and FHWA funded projects for almost 30 years in Western North Carolina since the opening of our Asheville office 1986. The firm made a larger commitment to the Western North Carolina region by opening our LOCAL office in Boone in 2011. **V&M hired the Boone office manager Frank Gioscio, PE, a retired NCDOT Resident Engineer, in order to expand our services in the Boone and Watauga County area.**

Mr. Gioscio is quite familiar with the requirements of record keeping required for this type of project and was recently praised by FHWA for his record keeping on the Wilson Drive project for the Town of Boone where V&M provided design, contract administration and inspection services for this NCDOT enhancement project.

As for V&M's commitment to Watauga County on the Middle Fork Greenway Phase I project we offer these unique qualifications:

Over 30 full time NCDOT certified construction inspectors currently working in Western North Carolina, several working in Watauga County, and any of which are quite capable for this project. Many of our inspectors are Erosion Control Level II certified which is very important since a NPDES Storm water permit is required for the project.

Our Project Manager and Office Leader, Frank

Gioscio, is very familiar with NCDOT requirements for this type of project and he is located 3.5 miles from the project site.

Our familiarity with the history of the Middle Fork Greenway, a 6.5 mile trail that will ultimately connect Boone to Blowing Rock with a multi-use Greenway Trail.

All of the CEI staff proposed by V&M have performed inspection, materials sampling, materials testing, survey grade verification, documentation of pay quantities, erosion control and permit compliance, safety compliance, and/or claims avoidance by proper contract administration. **The technicians we have proposed for this project are trained, qualified, and certified by the National Institute for Certification in Engineering Technologies (NICET) or have an approved combination of education, experience, and training.** V&M covers all fees associated with training and certification for our construction inspectors. We continue to provide our inspectors with the training, tools, and time to renew their various NCDOT and other CEI certifications as needed. **As an additional benefit, several of the named V&M employees have performed as survey crew members for the Route Location & Surveys Department on construction stakeout projects for NCDOT, ensuring they can provide surveying and surveying grade verification as required.**



Wilson Drive Improvements

Town of Boone, North Carolina

Owner/Client

Greg Young
Town Manager
567 West King Street
Town of Boone, NC 28607
828.268.6200

Services Provided

- Land Surveying
- Utility Coordination
- Box Culvert Extension Design
- Civil Design
- Multi-Use Trail Design
- Drainage Design
- Hydraulic Analysis
- Construction Drawings
- Construction Documents
- Bid Handling
- **Construction Engineering and Inspection (CEI)**
- **Construction Contract Administration**

Project Team & Location

Frank Gioscio - Boone
Larry Gipe - Asheville
Bill Shoupe - Boone

Public Agencies

NCDOT, FHWA and Town of Boone

Construction Cost

\$272,377

Length

0.18 mile

Vaughn & Melton was selected by the Town of Boone to design a widening and improvement of a local primary connector route, Wilson Drive. The road, which connects NC 105 to Winklers Creek Road, and the Boone Mall, had seen a drastic increase in traffic volume. The Town of Boone had



Existing Conditions Pre-Construction Photo

developed a **master greenway plan**, calling for more pedestrian and bicycle-friendly routes through much of the area. **The goal of the Wilson Drive widening was to make allowances for bicycle traffic. Funding for the project would be accomplished through the North Carolina Department of Transportation enhancement program, utilizing federal funds.**

Several challenges were presented in the preliminary phases of this work. Within the limits of the project was the Hodges Creek crossing, **an existing reinforced concrete box culvert**. This culvert would need an extension due to the widening, but this additional cost pressed the Town's budget severely. Many other options were developed and fleshed out, including lane width reduction and retaining walls. However, in the end, no alternate solution would prove satisfactory in lieu of the culvert extension.

V&M's services on this project included roadway design, intersection design, drainage design, structural design and hydraulic analysis for the culvert extension, surveying, utility coordination, bid document development, and bid handling with a recommendation of award to the Town. Subconsultant services included geotechnical investigation and planning document (a categorical exclusion). V&M led the project management efforts, coordinating all work for the Town of Boone. We coordinated with the NCDOT for this project.

After the design was completed, the Town of Boone selected V&M for contract administration and **construction oversight**. **V&M's NCDOT certified inspectors were on site for all the major construction activities. The contract administration was handled out of V&M's Boone office giving the Town of Boone a local presence for the engineering, surveying, and inspection for their project.** The project was constructed in 2013.



City of Marion Hike/Bike Trail

Marion, South Carolina

Owner/Client

City of Marion
P.O. Box 1190
Marion, SC 29571
843-243-5961

Project Team & Location

Jerry Carter - Spartanburg

Services Provided

- Surveying
- Design
- **Contract Administration**
- **Construction Engineering and Inspection (CEI)**

Dates

2007-2008

V&M Fees

\$22,000

Construction Cost

\$200,000

Public Agencies

SCDOT

Project Schedule:
Design - 3 months
Construction - 9 months

Your project...Our promise.

Vaughn & Melton was selected to provide professional surveying, engineering design and **construction inspection services** for a transportation enhancement streetscape project along Bobby Gerald Highway for the City of Marion, South Carolina. The intent of the project was to provide for safer pedestrian travel along an old abandoned railroad bed. The project extended the **multi-use hike/bike trail** from the end of the existing trail to the old railroad depot. **In light of sustainability and environmental concerns**, care was taken in the design to keep and protect all current landscaping while meandering through the existing



trees. V&M also included new landscaping and street lights to add beautification along the project corridor maintaining consistency of fixtures and plant types. **One special consideration during the design of this project was the crosswalk section which needed to withstand vehicular traffic.** This area required additional depth

and enhanced strength concrete. ADA requirements were met and exceeded all through this project with special consideration for access to the trail and other facilities such as the ball field. The drainage along this corridor was also designed to minimize impacts to the existing landscaping, trees, environment and existing facilities. Completed in 2009, this hike/bike trail extension is now a proud addition to the City of Marion's attractions and facilities.



	
Owner/Client	
Town of Maggie Valley Mr. Mike Mehaffrey Public Works Director 828.926.0866	
Project Team & Location	
Russell Webb, PLS - Asheville Jason Bartley, EI - Asheville	
Services Provided	
<ul style="list-style-type: none"> Contract Administration CEI 	
Construction Cost	
\$1.35 million	
Public Agencies	
NCDOT, Town of Maggie Valley, NCDENR	
Length	
1.8 mile	

Moody Farm Roadway Sidewalk & Pedestrian Bridges

Maggie Valley, North Carolina

Administered contract and provided construction observation and materials inspection on Moody Farm Road for the Town of Maggie Valley in Haywood County. The Town received funding for this



project in order to provide pedestrians with a safe walking route along busy I-26 in Maggie Valley. The project included sidewalks, curb and gutter, a complete storm drainage system, two pedestrian bridges and pavement widening. This project was constructed utilizing NCDOT's Standard Specifications, minimum sampling guide, and construction manual. The project was 1.8 miles in length, and this work was constructed utilizing American Recovery and Reinvestment Act (A.R.R.A.) Funds with a project cost of \$1,350,000 and was completed in the spring of 2011.

	
Owner/Client	
City of Kingsport Ms. Sandra Crawford (423) 229-9419	
Project Team	
<i>Project Manager:</i> Roger Long - Knoxville	
Services Provided	
<ul style="list-style-type: none"> CEI Materials Testing 	
Dates	Project Length
2009	2 miles

Greenbelt Pedestrian Trail CEI

Kingsport, Tennessee

V&M was selected by the City of Kingsport for construction engineering inspection and materials testing for a 0.5 mile greenbelt pedestrian trail. Other inspection also included a 50-foot timber pedestrian bridge constructed on-site. Construction management services were completed in accordance to TDOT's Local Government Guidelines.





Kingston Greenways

Kingston, Tennessee

Owner/Client

City of Kingston, Tennessee
David Bolling, City Manager
(865) 376-6584

Project Team & Location

Danl L. Hall, P.E., PLS - Knoxville
Andrew Hutsell, PE - Knoxville
Danny Worley, RLS - Knoxville
William "Ed" Morgan - Knoxville

Services Provided

- Multi-Use Trail Design
- Surveying
- Civil Design
- Erosion control
- Hydraulic design/
Hydrologic design
- Environmental clearances (NEPA)
- **Construction Engineering and Inspection (CEI)**
- **Contract Administration**

Construction Cost

\$2.5 million

Public Agencies

TDOT, FHWA and Kingston City Council

Length

2 miles

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Vaughn & Melton was contracted by the City of Kingston to provide survey, design and **construction inspection services** for

approximately two miles of a rural greenway system located within the city's Ladd Landing development.

The purpose of the project was to provide scenic multimodal alternative transportation routes from three separate ties at Ladd Landing Boulevard to parks within the Ladd Landing development area or to other area transportation facilities. **All three greenways are 10' wide asphalt paved facilities with 2' graded shoulders.** These routes provide access to parks, recreation, retail opportunities within Ladd Landing and offer an enhancement to the quality of life for the residents of Kingston. The following is a description of the proposed greenway routes:

- **Greenway A** is approximately 6,820' long and follows the graded roadbed of High Tower Street to the north property lines of tracts fronting Oak Terrace Cove, the south right-of-way of Ladd Landing Boulevard and Waterford Place, thence crossing Regent Street to a proposed park with public parking in the center of Richmond Row.
- **Greenway B** is approximately 820' long and provides a grade separated link between Greenway A and westbound Ladd Landing Boulevard.
- **Greenway C** is approximately 2,240' long and provides an alternative transportation link between Ladd Landing Boulevard (west of the Northbridge Close cul-de-sac) and North Kentucky Street (U.S. 70) adjacent to Fleet Street. It will pass under the U.S. 70 Bridge over the Clinch River (Watts Bar Reservoir) at an elevation above the regulatory flood water surface elevation.

This project was funded through TEA-21 enhancement grants. **V&M provided project management services in accordance with the TDOT's Office of Local Programs Local Government Guidelines.**



City of Harrogate Greenway

Harrogate, Tennessee

Owner/Client

City of Harrogate
Edwin Robinson
(423) 869-0211

Project Team

Project Manager:
John Schneider, PLS - Middlesboro

Services Provided

- Greenway Design
- Survey
- CEI

Dates

2010-Ongoing

Project Length

2 miles

Total Project Cost

N/A

RELEVANT POINTS

- Federal Funding Trail Standards
- Route Selections
- ADA Compliant Issues
- Multiple Agencies
- Drainage Issues



Vaughn & Melton was selected by the City of Harrogate to provide survey, design and **construction management (CEI) for a greenway** from HY Livesay Middle School to Cumberland Gap High School, a length of approximately two miles.

This project includes: routing design and preliminary engineering for Phase IV of the Daniel Boone Greenway, survey, design and **construction inspection throughout the life of the project in accordance to the TDOT Local Programs and Guidelines.**

Engineering services includes selection of a project corridor along with alternate locations within this corridor. Factors considered during the preliminary phase included clearzone requirements with respect to existing roadways, drainage, existing utilities, and existing features that could be utilized for the multi-use path.

Surveying needs associated with this project were all acquired by means of an actual ground survey rather than by aerial photography. Vaughn & Melton crews utilized GPS receivers to establish a control network by which all of the necessary field information was obtained. Conventional surveys along with RTK satellite surveys were used to obtain pertinent information.

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Greenway Trail Pedestrian Bridge

Boone, North Carolina

Owner/Client

Boone Public Works Department
Eric Gustavson
828-262-4547

Project Team & Location

Frank Gioscio - Boone
Larry Gipe - Asheville

Services Provided

- Land Surveying
- Structural Design
- Civil Design
- Hydraulic Analysis
- Construction Drawings
- Construction Documents
- Bid Handling
- **Construction Engineering and Inspection (CEI)**

Public Agencies

Town of Boone

Length

95 feet



Vaughn & Melton was selected by the Town of Boone, North Carolina to lead in the design of a **new pedestrian bridge over the South Fork of the New River in a downtown greenway park**. The Town's desire was to enhance this park with upgraded walking trails, capitalizing on previously untapped areas within the park system.

The starting point was land surveying, which would be essential in locating the connecting points of the trail where it crossed the river. Existing abutments still remained from an old crossing. The alignment chosen crossed the river at about a 30 degree skew, providing a comfortable transition between the two adjoining trail heads. This alignment also prevented a large cherry tree on the west bank from being removed.

V&M then began hydraulic/hydrologic analysis, determining the bridge elevation that would be required to maintain a "no-rise" situation regarding the design flood elevation. HEC-RAS modeling was utilized for this effort.

The result was a 95-foot bridge, with a prefabricated truss span and breastwall abutments. These supports were not small. With bedrock at an intermediate depth, pile foundation would have proven unstable. Additionally, scour was a major concern. Therefore, a footing keyed into rock was chosen as the most suitable foundation. The resulting abutments were 16'-6" tall.

V&M then worked with the Town of Boone to pre-select bidders for the span, receive and review bids, and recommend award. Steadfast Bridge was the low bidder and was chosen to provide the superstructure. During construction, V&M provided surveying support for construction stakeout, as well as **inspection during construction**.

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V&M has detailed the specific tasks we propose to accomplish with your project. We will adhere to the County/NCDOT Locally Administered Project Agreement requirements to insure your project achieves compliance with the guidelines as set forth in your agreement with the NCDOT.

V&M understands that time is of the essence in regards to providing CEI inspection on this project as the construction must be substantially completed by October 15, 2014. As a benefit to Watauga County, we have a local project manager and a large staff of CEI inspectors that are either located in the Boone area or within an hours' driving distance of the project site. We can provide this project with CEI staff within the requested time constraints and have done the same on many other projects.



Existing Portion of the Greenway and the Middle Fork Creek

V&M will offer project administration and construction management services in accordance with the requirements set forth by the County and NCDOT. Our services will include all applicable steps as outlined in the contract proposal.

The general scope of work and schedule will be as

follows:

- Provide project administration & coordination with Watauga County Department of Planning & Inspections
- Conduct progress meetings
- Conduct erosion control & preconstruction meetings
- Provide inspection services for conformance to plans and specifications
- Conduct field surveys as needed for quantities, construction layout, etc.
- Distribute, review and approve shop drawings.
- Provide testing for materials acceptance (as needed).
- Document & assemble quantities for monthly progress payments
- Distribute correspondence between V&M, contractor & Watauga County Department of Planning & Inspections
- Provide engineering and contract management services throughout the construction phase, including, but not limited to any necessary change orders, material testing, resident inspection, and processing the contractor pay requests.
- Provide inspection services for conformance to plans and specifications for all paving, structures, streambank restoration and speciality items that are being incorporated into the project.
- Provide erosion and sediment control inspection services in accordance with applicable permit requirements.
- Provide inspection services for all materials fabricated off-site.
- Provide a designated materials testing laboratory for all applicable testing requirements.
- Check contractor's payrolls and conduct employee interviews for contract compliance.

- Provide final inspection and close out the project.
- Prepare a compilation of final project records upon completion of project.

We know how important Environmental Responsibility will be on this project due to the NPDES Stormwater Discharge permit.



Portion of Middle Fork Creek Adjacent to Proposed Trail

V&M will review all environmental permits and erosion control plans with all project personnel. It is the responsibility of V&M to insure that personnel are familiar with environmental laws and have properly trained personnel available to follow through on the installation, inspection and compliance with the Erosion Control plans. V&M personnel will keep Erosion Control plans in accordance with the permits and current policy. Our certified inspectors will monitor the contractor's erosion control and practices daily to make certain that sediments are controlled during construction. Inspectors will make certain that inlets are protected during construction and during drainage modification work to ensure erodibles do not infiltrate the existing stormwater system and any protected waters. We will also make sure that all documentation related to the rainfall and the maintenance of erosion control items is properly performed. We take our responsibility

to the environment very seriously and will take all steps necessary to ensure that no Immediate Correction Action (ICA's) or Notice of Violation's (NOV's) are issued for this project.

Claims: V&M will provide personnel with the understanding of the different types of claims for compensation and how time extensions are provided. V&M personnel will keep Watauga County and NCDOT aware of claim potential. Claims will be documented and kept in accordance with Watauga County and NCDOT policy. V&M's philosophy to Claims Avoidance on projects is:

- Build good relationships with all the project stakeholders.
- Detailed documentation and pictures.
- Quick response and solve issues before they grow into larger and costly issues.
- Communication.

Project Delivery: The V&M Team will serve as an extension of Watauga County and NCDOT to ensure that this greenway is constructed to reasonable conformity per all contract documents. The most important aspect of project delivery is efficient communication between team members throughout the project. Our general approach to these projects includes:

Construction

- Construction inspections will be documented in accordance with Watauga County and NCDOT procedures.
- Keep everyone aware of safety operations and environmental permits.
- Analyze the Maintenance of Traffic Plan.
- Advise the Contractor of all required corrective actions, document actions taken.
- Participate in periodic construction progress

meetings to discuss all aspects of on-going construction.

- Assist Watauga County and NCDOT in analyzing the merit of all Contractor claims as necessary.
- Prepare detailed documentation as needed to assist Watauga County with claim negotiations.
- Track quantities and assist with monthly estimates that are coordinated with the Contractor.
- Provide Watauga County and NCDOT with timely recommendations regarding construction and design issues, if needed.

Post-Construction

- Assist in data gathering for the Final Estimate package within the established timeframe.
- Archive all project records and documents for easy transfer to Watauga County and NCDOT.



Existing Culvert Crossing - The proposed trail will go under existing US 321 inside this culvert.



Existing Trail Portion with Split Rail Fencing



Close Up View of the Existing Culvert Crossing



Portion of the Existing Trail on a Curve

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Vaughn & Melton

Frank J. Gioscio, Jr., PE :: Project Manager



Education

BSCE - Civil Engineering
North Carolina State University - 1983

Registration

Professional Engineer, 2005
• NC #030982

Organizations

Frank J. Gioscio, PE served on the Watauga County Planning Board from March 2011 through March 2013.

Mr. Gioscio joined V&M as a retired resident engineer with the NCDOT with over 27 years of transportation construction experience. He held the position of assistant resident engineer and resident engineer where he supervised various engineering, clerical, and transportation technicians. The number of employees he supervised ranged from 16-20. Mr. Gioscio has been involved with a wide variety of highway construction projects including; major grading, bridges, box culverts, roadway, paving, stream restorations, safety improvements, pavement markings, traffic control, erosion and environmental concerns.

RELEVANT PROJECT EXPERIENCE AT V&M

Town of Boone, NC Wilson Drive Culvert Extension and Road Widening: Provided the Town the required project management expertise in accordance with NCDOT established procedures. Duties included the supervision of a NCDOT certified project inspector that performed various tests, collected samples for testing, kept daily project records, etc. Maintained a set of project files for the Town in strict accordance with NCDOT standard file keeping procedures. Provided project site visits for construction monitoring purposes, ensuring the contractor constructed the project in accordance with project plans and contracts. Mr. Gioscio served as the Town of Boone's resident engineer in the field.

NCDOT Division 11 Design-Build Bridge Replacement Projects, Various Counties, NC: Mr. Gioscio is the project manager for this NCDOT Design Build Project for ten separate structure replacement sites in Alleghany, Ashe, Avery, and Wilkes Counties. His duties include but are not limited to the following: V&M staff accountability, scheduling, making/keeping deadlines in the design process and with preparation of submittals, billing, communication with NCDOT, coordination of design efforts between V&M and the prime contractor, coordination of project construction and engineering inspection services, ensuring all utilities are not in conflict with the construction activities, and preparation of supplemental documents required by NCDOT for project completion. All of the sites contain small single span structures that are to be replaced with reinforced concrete box culverts, three sided precast concrete box culverts, or corrugated steel pipe arches. There are

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Resume Continued

Vaughn & Melton

Frank J. Gioscio, Jr., PE :: Project Manager

challenges that the Team faces in both the design and construction phases due to the new structures' location in and around trout streams, wetland areas and scenic river (New River) which poses environmental challenges, replacing the existing structure in a relatively small area, right of way issues, and tight time frames for project delivery and completion. Innovative design and construction methods are included in order to protect the environment and create an environmentally acceptable result. V&M's services have included Bridge and Roadway design, hydraulic and drainage design, surveying, SUE, erosion control plans, traffic control plans, utility coordination and design, right of way acquisition, and CEI services.

PREVIOUS RELEVANT PROJECT EXPERIENCE AT NCDOT

Resident Engineer, NCDOT : Coordinated all activities involved with the contract administration of highway construction projects. Ensured compliance with plans, contracts, specifications, special provisions, local laws and ordinances, etc. At times, the total project value exceeded \$90 million. Coordinated all daily activities of NCDOT employees including training, personnel matters, assignments and acted as a liaison between contractors, department staff, and public.

Assistant Resident Engineer, NCDOT: Mr. Gioscio aided in the administration of contract construction projects, ensuring compliance with specifications, special provisions, contracts, related standards, and all local laws and ordinances. He also aided and assisted lower level technicians with proper documentation procedures and contract enforcement. He performed various duties as assigned by the resident engineer and supervised 0-15 inspectors.

U-4020 US 421 / King Street, Boone, NC – Watauga Co., NC : NCDOT Resident Engineer for construction of 1.5 mile of urban highway widening. The project consisted of widening, retaining walls, paving, complex traffic control plans, and water and sewer line installation.

R-529BA & BB US 421, Watauga Co., NC: NCDOT Resident Engineer for a major grading highway construction multilane divided highway. This was an approximate 9 mile project on new location that included grading, paving, box culverts, traffic control, trout stream relocation / restoration, etc.

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V&M's ability to manage over 35 CEI technicians for multiple projects with a construction value over hundreds of millions of dollars demonstrates **that we will perform at the highest level in a timely, efficient, and organized manner during this project.** Our Team has provided contract administration on numerous NCDOT, SCDOT, and municipal contracts and that knowledge will provide immediate translation to this project. All of our staff is aware of the importance of proper documentation by accurately completing daily inspector reports and project diaries. The inspectors will also record quantities of work completed by the Contractor on a daily basis. All of this information will be made available to the Construction Contract Manager for properly processing pay requests.

V&M's CEI department is one of the most coveted in the state due to the fact that **our CEI staff are highly trained, educated, and experienced in NCDOT protocols, procedures and requirements.** V&M fully supports our CEI staff in the pursuit of NCDOT CEI certifications by providing our staff with paid time off from work, paying for the required classes, tests and study materials and V&M's administration staff keep track of all of our CEI staffs' expiration dates on their certification to ensure that no one's NCDOT certifications lapse.

The CEI staff we are showcasing within this document have completed greenway, sidewalk, bike lane and/or trail projects. Our CEI staff have extensive experience in reading and interpreting these types of engineering plans and drawings due to many year's of providing CEI services on similar projects. Some of our CEI staff are also Engineering Interns or Professional Land Surveyors which means they also have experience in designing engineering and survey plans. This gives them an even more complete understanding of engineering plans, details, construction documents, specifications, and

drawings.

In regards to the NPDES stormwater permit on this project, **V&M has numerous inspectors that are trained and certified in Level II Erosion Control by the NCDOT as can be seen on our NCDOT certification chart on page 18.**

Due to the sometimes unpredictable nature of CEI work in regards to project schedules (weather delays, contractor delays, subcontractor delays, utility issues, etc), V&M's CEI staff is very flexible in regards to being able to fill in on projects where they are needed by the NCDOT, or local municipalities depending on the work. **That being said, we will strive to make the V&M CEI staff showcased in this proposal available for this project.** If they are needed on other NCDOT projects due to their specific experience, location or project schedule, **we will provide Watauga County with CEI staff that are well versed in the elements that make up this project** including but not limited to NPDES stormwater discharge projects and greenway, sidewalk, culvert, erosion control device, split rail fence, streambank stabilization and signage construction.

Please see page 16 for an organizational chart illustrating our CEI staff capacity and page 17 for resumes of four of V&M's CEI inspectors that have previous greenway related experience.



Existing Trail Portion with Stormwater Pipe



V&M
Vaughn & Melton

PRINCIPAL-IN-CHARGE

MICHAEL CALHOUN, PE

- STAFF ACCOUNTABILITY
- HEAD OF THE CEI DEPARTMENT AT V&M

V&M
Vaughn & Melton

PROJECT MANAGER

FRANK GIOSCIO, PE

- PRIMARY TEAM CONTACT
- Coordination with Watauga County
- SCHEDULE MONITORING
- CONTRACTUAL AGREEMENT

V&M
Vaughn & Melton

CEI TECH I

LAWRENCE LUPINE (ASHEVILLE)
 JAMES CHANDLER (ASHEVILLE)
 MATT DAVIS (ASHEVILLE)
 WESTON MCKINNEY (ASHEVILLE)
 WADE BENFIELD (CHARLOTTE)

V&M
Vaughn & Melton

CEI TECH II

BILL SHOUBE (BOONE)
 TODD DAVIS (BOONE)
 LARRY GIPE (ASHEVILLE)
 JEROME ADAMS (ASHEVILLE)
 TERRY WILSON (ASHEVILLE)
 BRAD WRIGHT (ASHEVILLE)
 DAVID SANFORD (ASHEVILLE)
 BENNY LOPP (CHARLOTTE)
 JEREMY FOX (CHARLOTTE)

V&M
Vaughn & Melton

CEI TECH III

ROK KECK (ASHEVILLE)
 JEFF ANDERS (ASHEVILLE)
 DON AUSTIN (ASHEVILLE)
 RUSSELL WEBB (ASHEVILLE)
 WALLACE LOVELACE (ASHEVILLE)

V&M
Vaughn & Melton

CEI TECH IV

JOHN PRATER, PE (ASHEVILLE)
 JASON BARTLEY, EI (ASHEVILLE)
 JAMES CANIPE (ASHEVILLE)
 DAVID JOHNSON (ASHEVILLE)
 BOB MORRISON (ASHEVILLE)
 JERRY SAYLES (ASHEVILLE)
 GARRY GIBBS (ASHEVILLE)
 DAVID PATON (CHARLOTTE)
 DONALD RUSSELL LLOYD (CHARLOTTE)

Russell Webb, PLS - Tech III CEI Inspector



Education AS, Engineering Technology (Partial), Pasadena City College

Registration Professional Land Surveyor, 1983 NC #2877

Mr. Webb is a Technician III NCDOT certified inspector and Professional Land Surveyor who has been with V&M for 13 years, and has been performing CEI and surveying services for 35 years. He keeps thorough and diligent record keeping for contract administration. He has been devoted strictly to construction inspection on street/highway construction projects for several years. He has successfully completed NCDOT certification courses for inspection of: aggregate base course, asphalt paving, concrete, sanitary sewer, and storm drainage.

Relevant Project Experience

Moody Farm Roadway Sidewalk & Pedestrian Bridges - Maggie Valley, North Carolina: Mr. Webb was one of the two V&M CEI staff who administered the contract and provided construction observation and materials inspection on this 1.8 mile stretch of road. The Town received funding for this project in order to provide pedestrians with a safe walking route along busy I-26. The project included sidewalks, curb and gutter, a complete storm drainage system, two pedestrian bridges and pavement widening. This project was constructed utilizing NCDOT's Standard Specifications, minimum sampling guide, and construction manual.

Jason Bartley, EI - Tech IV CEI Inspector



Education B.S., Civil Engineering, 1998
North Carolina State University

Registration Engineering Intern, NC; NCDOT EC Level II

Mr. Bartley has 11 years of experience with many facets of design and construction. His construction management experience includes a wide variety of NCDOT projects encompassing bridges, roadway, rough grading, erosion control, and other typical NCDOT contract items. Duties also included pay record book entries, compiling quantities for monthly estimates, implementing project plans and compliance with standard and project specific specifications.

Relevant Project Experience

Moody Farm Roadway Sidewalk & Pedestrian Bridges, Maggie Valley, NC - Services included construction observation and materials inspection on this A.R.R.A project, which involved sidewalks, curb and gutter, storm drainage system, two pedestrian bridges and pavement widening.

NCDOT - I-5109 - Interstate 40 from the Haywood County Line to Milepost 43. Services included CEI services on this American Recovery and Reinvestment Act (A.R.R.A.) project, which involved milling, resurfacing, concrete pavement slab repair, concrete bridge deck repair and shoulder reconstruction. This project was shovel-ready and under construction in less than three months.

Larry Gipe - Tech II CEI Inspector



Education AAS, Civil Engineering Technology, 1975,
Asheville-Buncombe Technical Community College

Mr. Larry Gipe is a Technician II that has been with V&M for 15 years and has served as an inspector on many private and municipal projects, as well as for the NCDOT I-26 project in Madison County. He completed sidewalk inspection projects during his time working for the City of Asheville and more recently for V&M on a streetscape project located in Landrum, South Carolina. Mr. Gipe has over 26 years experience as an inspector and has all but four of the NCDOT certifications available to consultant CEI staff.

Relevant Project Experience

Greenway Pedestrian Bridge, Boone, NC: Construction Observer serving as on-site inspector for a 95-foot pedestrian bridge over the South Fork of the New River within a downtown greenway park. The bridge had a prefabricated truss span and breastwall abutments.

Hendrix St. Bridge over Allen's Creek in Haywood County, NC: Inspected this project which included removal of existing two-lane bridge, grading, pile installation, end bent construction, drainage pipe installation, cored-slab installation, three-rail metal bar on bridge, curb and gutter and sidewalk installation, asphalt paving, bridge approach installation and permanent storm water treatment measures. This project was done to provide a safer roadway for traffic. Project completed in 2010.

Bill Shoupe - Tech II CEI Inspector



Education Mayland Community College - Carpentry

Certification NCDOT EC Level II

Mr. Shoupe joined V&M in 2010 in order to provide debris removal monitoring for V&M's NCDOT Ice Storm Clean-Up effort in Watuaga County. He then worked on V&M surveys crew prior to being assigned to the NCDOT CEI project for Division 11 in Caldwell County, North Carolina. He has continued to work on various NCDOT CEI project since then.

Relevant Project Experience

Wilson Drive Improvements - Town of Boone, NC- V&M provided turn-key services to widen and improve this local primary connector route. The road had seen a drastic increase in traffic volume. The Town of Boone had developed a **master greenway plan**, calling for more pedestrian and bicycle-friendly routes through much of the area. **Funding for the project would be accomplished through the NCDOT enhancement program, utilizing federal funds.** V&M provided contract administration and **construction oversight.** **Mr. Shoupe was one of the two V&M NCDOT certified inspectors on site for all the major construction activities which included a culvert, sidewalk and bike lanes.** The contract administration was handled out of V&M's Boone office giving the Town of Boone a local presence for the engineering, surveying, and inspection for their project. The project was constructed in 2013.

TEAM MEMBER NCDOT CERTIFICATIONS - VAUGHN & MELTON CEI STAFF																							
	Concrete Field Tech	Intro to Asphalt Pavements	QMS Roadway Tech	QMS Nuclear Density Tech	ABC Nuclear Density	Conv. Density	ABC Sampling	Borrow Pit Sampling	PC Concrete Pavement Tech	Chemically Stabilized Subgrade/Base	EC Level II	EC Level III	EC Level I	Bridge Coating Level 1	Concrete Batch Tech	Concrete Mix Design Tech	Work Zone Traffic Control	Pavement Marking	Level I Superpave Plant Tech	Level II Superpave Plant Tech	Mix Design Tech Superpave	Hydro-Demolition Modified Latex Overlay	
Jerome Adams	A	A	A			A	A	A			A		A	A									
Brandon Allen	A	A				A	A	A			A												
Jeff Anders	A	A	A			A	A	A					A										
Shawn Ausel	A													A									
Don Austin	A	A	A			A	A	A			A												
Jason Bartley	A	A	A			A	A	A			A			A									
Wade Benfield	A	A	A			A	A	A		A	A		A										
Dennis Bouton, PE	A											A											
Kenneth Brank		A	A	A												A					A	A	
Roger Buckner	A					A	A	A			A		A										
Chase Carver	A					A	A					A											
Matt Davis	A	A				A	A				A		A							A			
Todd Davis		A																			A		
Chris Duvall	A	A	A	A	A	A	A			A	A		A										
Jeremy Fox		A																		A			
Gary Gibbs	A										A		A	A									
Larry Gipe	A	A	A			A	A	A															
Dakota Goforth		A	A																				
Dewayne Goforth	A	A	A			A	A	A															
John Gordon		A																					
James Hinson	A	A				A	A	A															
David Johnson																							
Jacob Laughter	A					A	A	A															
Russ Lloyd	A					A	A	A															
Benny Lopp		A																					A
Lawrence Lupine	A	A				A	A	A			A		A										
Roger McGrady	A					A	A	A			A		A										
Bob Morrison	A	A	A			A	A	A			A		A										
Garry Moore														A									
David Patton	A																						
Donald Pletz	A					A	A	A					A										
John Prater	A										A	A											
Jerry Sayles		A	A			A	A	A															
Eddie Self	A	A	A	A		A	A	A			A		A										
Bill Shoupe	A					A	A	A			A		A	A									
John Slonnager, PE	A					A	A	A															
John Tingle	A	A	A	A		A	A	A			A		A										
Terry Wilson	A	A				A	A				A		A										
Russell Webb, PLS	A	A	A			A	A	A															
Brad Wright	A	A	A			A	A						A										
Ron Zietlow						A	A	A															

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Town of Boone
Project: Wilson Road for which V&M provided Contract Administration and Contact Management/CEI
Mr. Greg Young
Town Manager
Town of Boone 567 West King Street Boone, North Carolina 28607
phone: 828-262-4530
email: greg.young@townofboone.net

Town of Newland
Project: Wastewater Treatment Plant Upgrades and NCDOT Funded Enhancement Sidewalk Projects for which V&M provided Construction Administration and/or Inspection
Ms. Brenda Pittman
Town Administrator
P.O. Box 429 Newland, NC 28657
phone: 828-733-2023
email: brenda@newlandgov.com

Brunswick County H2GO
Project: Wastewater Treatment Plant Upgrades for which V&M provided Construction Administration and Construction Management (CEI)
Mr. Bob Walker, Director
Director
131 Lee Drive Leland, NC 28451
phone: 910-371-9921
email: bwalker@h2goonline.com

City of Hendersonville
Project: Various Water and Sewer Projects for which V&M provided Contract Administration and/or CEI
Mr. Lee Smith
Utilities Director
City of Hendersonville 145 Fifth Avenue E Hendersonville, NC 28792-4328
phone: 828-254-9646
email: lsmith@cityofhendersonville.org

Eastern Band of Cherokee Indians
Project: Wastewater Treatment Plant Upgrades for which V&M is providing Contract Administration Assistance
Mr. Ken Green
Manager and Lead Engineer Engineering Survey and Designer
PO Box 455 Cherokee, NC 28719
phone: 828-497-1892
email: kengree@nc-chokeee.com

A summary of V&M's Litigation History for the past 5 years is provided below. **We do not believe that these disputes will have any impact on our ability to provide Watauga County with construction administration and construction management/CEI services.**

Roan County, TN, Circuit Court No. 14149

Roy Edward Nail and wife Sharon Reva Nail filed complaint against City of Kingston for the unauthorized taking of land and clearing of trees on their property for construction of a pump station. City of Kingston filed a third party complaint against V&M as the designer of the project. The pump station was not constructed within the easement on plaintiffs property. V&M did not administer nor inspect the construction of the pump station. The case was settled out of court in 2010 through mediation.

Knox County, TN, Circuit Court No. 2-98-12

James McNabb filed complaint against the City of Knoxville, Ray Bell Construction and V&M for flood damage to property owned by Mr. McNabb allegedly due to construction of the First Creek Drainage Improvements. The claim alleges that concrete median barriers placed within the roadway to control traffic through the construction zone caused flooding of his property during two separate storm events. V&M prepared the construction plans but did not administer nor inspect the construction. The case is pending.

Sevier County, TN Circuit Court No. 2012-0120-I and No. 2012-0121-IV

Ashley Rickard Storey, et al and Daniel Harrison Eslinger, et al filed complaints against Crowder Construction Company, V&M d/b/a Flynt Engineering Company, Carpenter Wright Engineers and the City of Gatlinburg for the wrongful death of Storey and Eslinger due to the collapse of a wall of a wastewater holding tank. Storey and Eslinger were employees of Veiola, who contracted

with the City of Gatlinburg to maintain and operate the WWTP where the tank was located. Flynt Engineering Company designed and administered the construction of the tank which was built prior to V&M acquiring Flynt. V&M is named as a defendant because of this relationship. The case is pending.

Marion County, SC, Twelfth Judicial Court Case Number 09-CP-33-176

Donald L. Brown and L. D. Brown filed complaint against the South Carolina Department of Transportation, City of Mullins, Vaughn and Melton Consulting Engineers, and FBI Construction, Inc. alleging damage to their building caused by a drainage malfunction that was constructed during a streetscape project performed in the town of Mullins. V&M was brought into the case as the designer of the project. V&M did no full time CEI and only performed part-time CEI for invoicing purposes. The case against V&M was settled out of court in 2012.



Existing Trail Portion Near the Beginning of the Project

FINANCIAL INFORMATION

V&M has the financial ability to undertake this work and assume the liability. V&M has adequate professional liability insurance coverage exceeding the minimum amount of \$1,000,000 required by NCDOT. We also have an adequate accounting system to identify costs chargeable to the project. If requested, we are willing and able to furnish proof of both.

V&M's long tenured status of 46 years, coupled with our lack of debt, save for the operating line of credit of one month's billing, at a significant discount below prime, also qualifies us as a stable company. Also, our primary bank, First State Financial, is available to attest to that status, if needed.



Wadsworth Trail - Spartanburg County : During Construction



Wadsworth Trail - Spartanburg County : After Construction

IN CONCLUSION

V&M will provide Watauga County with some of the most qualified NCDOT certified CEI staff available in the local region. Our CEI staffs' experience on NCDOT projects, municipal projects, and greenway related projects teamed with our Project Manager's local familiarity and previous experience with NCDOT and FHWA project construction management record keeping will provide Watauga County with the best fit for this project.



*Dawkins Line - Rails to Trails
Johnson, Magoffin & Breathitt Counties, Kentucky
Before Construction*



After Construction Trail View



After Construction Side View


3PP4.1.14

**NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
PRIME CONSULTANT
TO BE USED WITH PROFESSIONAL SERVICES CONTRACT ONLY
RACE AND GENDER NEUTRAL**

Watauga County Construction Administration for Middle Fork Greenway Phase 1

TIP No. and/or Type of Work (Limited Services)

Vaughn & Melton Consulting Engineers 61-0663508
(Consultant/Firm Name and Federal Tax Id)

<i>SERVICE / ITEM DESCRIPTION</i>		<i>Anticipated Utilization</i>
00195 Roadway Construction Engineering and Inspection		100%
TOTAL UTILIZATION:		100%
RECOMMENDED BY:		
CONSULTANT: Vaughn & Melton Consulting Engineers		
		
*BY: L. DeWayne Brown, PE, PLS		
TITLE: Vice President		
SPSF Status:	Yes <input type="checkbox"/>	No X

“PRIME CONCONSULTANT” (FORM RS-2)
RACE AND GENDER NEUTRAL

Instructions for completing the Form RS-2:

1. Complete a Prime Consultant Form RS-2 for the prime consultant firm.
2. Insert TIP Number and /or Type of Work (Limited Services)
3. Complete the Consultant/Firm name and Federal Tax ID Number for the primary firm information.
4. Enter Service/Item Description – describe work to be performed by the Prime Firm
5. Enter Anticipated Utilization – Insert dollar value or percent of work to the Prime Firm
6. *Signature of the Prime Consultant **is required** on each RS-2 Form to be submitted with the Letter of Interest (LOI) to be considered for selection
7. Complete “SPSF Status” section - Check the appropriate box regarding SPSF Status, check Yes if SPSF or No if not SPSF

3PP41.14

**NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
SUBCONSULTANT
TO BE USED WITH PROFESSIONAL SERVICES CONTRACT ONLY
RACE AND GENDER NEUTRAL**

Watauga County Construction Administration for Middle Fork Greenway Phase 1


TIP No. and/or Type of Work (Limited Services)

Vaughn & Melton Consulting Engineers 61-0663508

(Consultant/Firm Name and Federal Tax Id)

N/A

(Subconsultant/Firm Name and Federal Tax Id)

<i>SERVICE / ITEM DESCRIPTION</i>		<i>Anticipated Utilization</i>
N/A		0%
TOTAL UTILIZATION:		0%
SUBMITTED BY: SUBCONSULTANT: None	RECOMMENDED BY: CONSULTANT: Vaughn & Melton Consulting Engineers.	
		
*BY:	*BY: L. DeWayne Brown, PE, PLS	
TITLE:	TITLE: Vice President	
SPSF Status: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		

“SUBCONCONSULTANT” (FORM RS-2)
RACE AND GENDER NEUTRAL

Instructions for completing the Form RS-2:

1. Complete a Subconsultant Form RS-2 for each Subconsultant firm to be utilized by your firm.
2. Insert TIP Number and /or Type of Work (Limited Services)
3. Complete the Consultant/Firm name and Federal Tax ID Number for the primary firm information.
4. Complete the Subconsultant/Sub Firm name and Federal Tax ID Number for the sub firm information.
5. Enter Service/Item Description – describe work to be performed by the Sub Firm
6. Enter Anticipated Utilization – Insert dollar value or percent of work to the Subconsultant/Sub Firm
7. *Signatures of both Subconsultant and Prime Consultant **are required** on each RS-2 Form to be submitted with the Letter of Interest (LOI) to be considered for selection

AGENDA ITEM 6:

BUDGET AMENDMENTS

MANAGER'S COMMENTS:

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

Board approval is requested.



WATAUGA COUNTY

FINANCE OFFICE

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

MEMORANDUM

TO: Deron Geouque, County Manager
 FROM: Margaret Pierce, Finance Director
 SUBJECT: Budget Amendments-FY 2013/14
 DATE: March 24, 2014

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

<u>Account#</u>	<u>Description</u>	<u>Debit</u>	<u>Credit</u>
104199-499100	Administrative Contingency		\$23,306
104260-454000	Capital Outlay - Vehicle	\$23,306	

Per Board action 3-18-14; to allocate funding for Maintenance vehicle purchase including taxes and tag.

<u>Account #</u>	<u>Description</u>	<u>Debit</u>	<u>Credit</u>
103839-341100	Donations		\$123,820
104288-458000	Capital Outlay - Building	\$2,200	
104288-457001	Capital Outlay - Land Improvements	\$121,820	

Per Board action 3-18-14; to allocate funding for the bathroom construction change order and the paving contract. This is funded by donations from the Watauga County TDA.

<u>Account #</u>	<u>Description</u>	<u>Debit</u>	<u>Credit</u>
433991-399102	Fund Balance Appropriation		\$48,419
439800-498021	Transfer to Capital Projects Fund	\$48,419	
213980-398143	Transfer from Capital Projects Fund		\$48,419
219930-459123	WCS - Debt Service Plan	\$48,419	

Per Capital Ordinance requirements; to close out the New Watauga High School capital project fund and transfer the remaining balance to the Capital Projects Fund per the original ordinance.

<u>Account #</u>	<u>Description</u>	<u>Debit</u>	<u>Credit</u>
103300-341400	DOT Grant-Boone Rural Fire		\$25,000
104330-449909	DOT Grant-Boone Rural Fire	\$25,000	

Per Board action 3-4-13; to recognize grant funds awarded by the NCDOT for paving reimbursements to Boone Rural Fire District for the new site on Bamboo Road.

AGENDA ITEM 7:

MISCELLANEOUS ADMINISTRATIVE MATTERS

A. Discussion Regarding Proposed Amendments to the Town of Boone's Unified Development Ordinance (UDO)

MANAGER'S COMMENTS:

Enclosed is the proposed revised language from the Town of Boone UDO provisions for Extra-territorial jurisdiction appointments. The Town Attorney advised the County Attorney that the language is tentatively acceptable to the Town Council, but the Council wanted to confirm that the language was acceptable to the Commissioners.

Board action is requested to approve the proposed amendments to the Town of Boone's Unified Development Ordinance and submit to the Boone Town Council for their approval.

Board of Adjustment

2.01.01 The Board is a quasi-judicial body which acts on specified appeals, variances, and major subdivision preliminary plat approval and special use permit requests. Except for major subdivision preliminary plat approval, the decisions by the Board represent the final decision by the Town.

2.01.02 Appointment and Terms of Board of Adjustment

A. Number of Members: There shall be a Board of Adjustment consisting of eight (8) regular members and eight (8) alternates. Alternates shall serve on the Board in the absence or temporary disqualification of any regular member or to fill a vacancy pending appointment of a member. Each alternate, while attending any regular or special meeting of the Board and serving on behalf of any regular member, shall have and may exercise all the powers and duties of a regular member.

1. Number of Town Members: Five (5) regular members of the Board of Adjustment and five (5) alternates shall reside within the Town (hereafter, "resident members").
2. Number of ETJ Members: Three (3) regular members and three (3) alternates shall reside within the Town's ETJ. Should the Town's ETJ be expanded or the ratio of the population of the ETJ relative to the population of the Town increase or decrease, in accordance with N. C. Gen. Stat. §160A-362 and as specified herein, the Town will adjust the number of members from the ETJ in order to maintain proportional representation based on population for residents of the ETJ relative to the Town. However, the resident members may never number fewer than five (5) regular members and five (5) alternates, so if necessary to maintain proportionality, the full size of the Board shall be increased. **So long as the Town exercises extraterritorial jurisdiction,** there shall be at all times at least one representative of the ETJ on the Board of Adjustment.

B. Adjustment of Ratio of Town and ETJ Members: Within six months of the publication of the decennial census information for the Town of Boone and Watauga County, conducted by the United States Census Bureau, the Administrator shall inform the Town Council of any change in the ratio of Town population to ETJ population which requires a modification in the number of Town and ETJ members. Thereafter, as positions open by resignation, removal for cause or absence, or expiration of term, the number of members shall be adjusted through the appointment process to achieve the required balance between Town and ETJ members. An ETJ position shall be created or the number of ETJ positions reduced on the Board of Adjustment when the population of the entire ETJ constitutes a full fraction of the Town's population divided by the total membership of the Board of Adjustment or when the population of the ETJ falls below a full fraction of the Town's population divided by the total membership of the Board of Adjustment, respectively.

C. Appointment of Members to the Board of Adjustment

1. **Town Appointments:** All Town members of the Board of Adjustment shall be appointed by the Town Council following the procedures of Section 35.01 of the Municipal Code.
 - a. **Qualifications:** The Council shall select appointees only from those who apply for the position and are otherwise qualified. A qualified person is one who lives in the Town, who expresses a willingness to familiarize herself with the Town's UDO, Comprehensive Plan and all other duly adopted plans and Ordinances relating to the regulation of development within the Town planning jurisdiction, who agrees to apply in good faith the Town's Unified Development Ordinance and Comprehensive Plan, and who expresses a willingness to serve on the Board of Adjustment.
2. **ETJ Appointments:** When an ETJ member vacancy exists as the result of the expiration of a term, resignation, or because a new area is brought into the ETJ and the increased population requires that a new ETJ member be appointed, the following procedures shall be followed:
 - a. **Council Town Procedure:** ~~When an ETJ member vacancy exists as the result of the expiration of a term, resignation, or because a new area is brought into the ETJ and the increased population requires that a new ETJ member be appointed, the following procedures shall be followed:~~
 - i. **By January 15 of each calendar year, the Town Clerk shall forward to the County Clerk a list of the current members of the Board, designating the ETJ members and the expiration date of their terms.**
 - ii. **When a vacancy occurs in an ETJ position prior to the end of a term or due to increased population which requires that a new ETJ member be appointed, the Town Clerk will notify the County Clerk, in writing, of the vacancy or position, including, as applicable, the name of the person who has vacated the position and the date the vacancy is effective, with vacancies which have already occurred at the time of the notification labeled "immediate."**
 - iii. **At least sixty (60) days before a vacancy occurs due to the expiration of a term; or in the case of a vacancy prior to the end of a term, at the next meeting of the Council after the Town Clerk becomes aware of the vacancy; the Town Clerk shall inform the Town Council of the vacancy. The Council will announce the vacancy at the meeting at which it is so informed by the Town Clerk and solicit applications for the vacancy. The Town Clerk shall promptly post notice of the vacancy on the Town's website.**

- iv. **At its next regular meeting after it has announced a vacancy, the Town Council shall adopt a resolution requesting that the Watauga County Board of Commissions appoint a qualified person as a member to the position and it shall direct the Town Clerk to forward the resolution to the County Clerk, along with the names of such persons who have applied through the Town for the position and who the Council recommend for appointment.** ~~Prior to adopting the resolution, when it pertains to positions created by vacancy due to the expiration of a term or resignation of a member, the Town Council may itself solicit applications for the position, and it may transmit its two top choices for each position to the Board of Commissioners. If, after a protracted time, the Council has received a single application or no applications, it may nevertheless request that the Board of Commissioners proceed with an appointment.~~
 - v. **If the Board of County Commissioners fails to make an appointment within ninety (90) days after receiving a resolution from the Town Council requesting that it be made, the Council may make the appointment, but the person appointed shall reside in the ETJ and be otherwise qualified.**
- b. **Board of Commissioners Procedure:**
- i. **The Board of Commissioners shall have ninety (90) days after the County Clerk receives the Town Council's resolution requesting the Board of Commissioners to appoint a person to fill an ETJ member vacancy. If it does not make an appointment within that time, the power of appointment shall revert to the Council.**
 - ii. **The Board of Commissioners shall only appoint a person to the Board to fill a term which has expired on or after date of expiration and only after it has received the resolution from the Council requesting the appointment.**
 - iii. **The Board of Commissioners shall only appoint a person to fill a vacancy that occurs prior to the end of a term, or which has been created due to increased population which requires that a new ETJ member be appointed, after thirty days have elapsed from the receipt by the County Clerk of the Council's resolution requesting the appointment.**
 - iv. **Should the Council fail to adopt a resolution in compliance with 2.01.02(C)(2)(a), the Board of Commissioners may make an appointment without first receiving a resolution from the Town, but shall wait sixty days from the date of notice of the vacancy by the Clerk before doing so.**

- v. ~~Before making an appointment, the Board of Commissioners shall make its appointments in accordance with N.C. Gen. Stat. § 153A-45. announce the vacancy at a regularly-scheduled meeting and solicit applications for the position, and the County Clerk shall post notice of the vacancy on the Watauga County Website.~~
- v. ~~The Board of Commissioners shall not make an appointment until its next regularly-scheduled meeting after it has announced the vacancy.~~
- vi. v. The Board of Commissioners shall consider the choices directed to it **person(s) recommended** by the Council **for the position**. If the Board of Commissioners is unwilling to appoint **either any** of the **two** applicants submitted by the Town Council, it may appoint a person of its own choosing. ~~However, before appointing a new person to the Board of Adjustment, the Watauga County Board of Commissioners must hold a public hearing on the selection.~~
- vii. vi. **In the event of an extension of the ETJ by the Town which creates new positions on the Board, the County shall follow the procedures mandated by N.C. Gen. Stat. §160A-362.**
- i. **Notice:** Notice of the hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area.
- viii. vii. **Qualifications:** The Watauga County Board of Commissioners shall **appoint a qualified person as defined by N.C. Gen. Stat. §160A-362. select appointees only from those who apply at or before the public hearing for the position** and are otherwise qualified. A qualified person is one who lives in the ETJ, who expresses a willingness to familiarize herself with the Town's UDO, Comprehensive Plan and all other duly adopted plans and Ordinances relating to the regulation of development within the Town planning jurisdiction, who agrees to apply in good faith the Town's Unified Development Ordinance and Comprehensive Plan, and who expresses a willingness to serve on the Board of Adjustment. ~~If, despite good faith efforts, enough qualified residents of the ETJ cannot be found to fill the seats reserved for residents of such area, then the Watauga County Board of Commissioners may appoint other residents of the county who are otherwise qualified, including residents of the Town, to fill these seats.~~
- ii. ~~The Commissioners shall make the appointment within forty-five days following the public hearing. If the Watauga County Board of Commissioners fails to make an appointment within ninety (90) days after receiving a resolution from the Town Council requesting that it be made, the Council may make the appointment, but the person appointed shall reside in the ETJ.~~

Planning Commission

2.02.01 Appointment and Terms of Planning Commission Members

- A. Number of Members:** There shall be a Planning Commission consisting of thirteen (13) members.
1. **Number of Town Members:** Eight (8) members of the Planning Commission shall reside within the Town. To the extent a qualified person can be found, one of the Town members shall be a resident of Boone and a full-time student of Appalachian State University.
 2. **Number of ETJ Members:** Five (5) members shall reside within the Town's extraterritorial planning area (hereafter "ETJ"). Should the Town's ETJ be expanded or the ratio of the population of the ETJ relative to the population of the Town increase or decrease, in accordance with N. C. Gen. Stat. §160A-362 and as specified herein, the Town will adjust the number of members from the ETJ in order to maintain proportional representation based on population for residents of the ETJ. **So long as the Town exercises extraterritorial jurisdiction,** there shall be at all times at least one representative of the ETJ on the Planning Commission.
- B. Adjustment of Ratio of Town and ETJ Members:** Within six months of the publication of the decennial census information for the Town of Boone and Watauga County, conducted by the United States Census Bureau, the Administrator shall inform the Town Council of any change in the ratio of Town population to ETJ population which requires a modification in the number of Town and ETJ members. Thereafter, as positions open by resignation, removal for cause or absence, or expiration of term, the number of members shall be adjusted through the appointment process to achieve the required balance between Town and ETJ members. An ETJ position shall be created or the number of ETJ positions reduced on the Planning Commission when the population of the entire ETJ constitutes a full fraction of the Town's population divided by the total membership of the Planning Commission or when the population of the ETJ falls below a full fraction of the Town's population divided by the total membership of the Planning Commission, respectively.
- C. Appointment of Members to the Planning Commission:**
1. **Town Appointments:** All Town members of the Planning Commission shall be appointed by the Town Council following the procedures of Section 35.01 of the Municipal Code.
 - a. **Qualifications:** The Council shall select appointees only from those who apply for the position and are otherwise qualified. A qualified person is one who lives in the Town, who expresses a willingness to familiarize herself with the Town's UDO, Comprehensive Plan and all other duly adopted plans and Ordinances relating to the regulation of

development within the Town planning jurisdiction, and who expresses a willingness to serve on the Planning Commission.

2. **ETJ Appointments:** When an ETJ member vacancy exists as the result of the expiration of a term, resignation, or because a new area is brought into the ETJ and the increased population requires that a new ETJ member be appointed, the following procedures shall be followed:

a. **Council Town Procedure:** When an ETJ member vacancy exists as the result of the expiration of a term, resignation, or because a new area is brought into the ETJ and the increased population requires that a new ETJ member be appointed, the following procedures shall be followed:-

i. By January 15 of each calendar year, the Town Clerk shall forward to the County Clerk a list of the current members of the Commission, designating the ETJ members and the expiration date of their terms.

ii. When a vacancy occurs in an ETJ position prior to the end of a term or due to increased population which requires that a new ETJ member be appointed, the Town Clerk will notify the County Clerk, in writing, of the vacancy or position, including, as applicable, the name of the person who has vacated the position and the date the vacancy is effective, with vacancies which have already occurred at the time of the notification labeled "immediate."

iii. At least sixty (60) days before a vacancy occurs due to the expiration of a term; or in the case of a vacancy prior to the end of a term, at the next meeting of the Council after the Town Clerk becomes aware of the vacancy; the Town Clerk shall inform the Town Council of the vacancy. The Council will announce the vacancy at the meeting at which it is so informed by the Town Clerk and solicit applications for the vacancy. The Town Clerk shall promptly post notice of the vacancy on the Town's website.

iv. At its next regular meeting after it has announced a vacancy, whether it is due to the expiration of a term, a vacancy prior to the end of a term, or increased population which requires that a new ETJ member be appointed, the Town Council shall adopt a resolution requesting that the Watauga County Board of Commissions appoint a qualified person as a member to the position and it shall direct the Town Clerk to forward the resolution to the County Clerk, along with the names of such persons who have applied through the Town for the position and who the Council recommend for appointment. Prior to adopting the resolution, when it pertains to positions created by vacancy due to the expiration of a term or resignation of a member, the Town Council may itself solicit applications for the position, and it may transmit its two top

~~choices for each position to the Board of Commissioners. If, after a protracted time, the Council has received a single application or no applications, it may nevertheless request that the Board of Commissioners proceed with an appointment.~~

- v. **If the Board of County Commissioners fails to make an appointment within ninety (90) days after receiving a resolution from the Town Council requesting that it be made, the Council may make the appointment, but the person appointed shall reside in the ETJ and be otherwise qualified.**
- b. **Board of Commissioners Procedure:**
- i. **The Board of Commissioners shall have ninety (90) days after the County Clerk receives the Town Council's resolution requesting the Board of Commissioners to appoint a person to fill an ETJ member vacancy. If it does not make an appointment within that time, the power of appointment shall revert to the Council.**
 - ii. **The Board of Commissioners shall only appoint a person to the Commission to fill a term which has expired on or after date of expiration and only after it has received the resolution from the Council requesting the appointment.**
 - iii. **The Board of Commissioners shall only appoint a person to fill a vacancy that occurs prior to the end of a term, or which has been created due to increased population which requires that a new ETJ member be appointed, after thirty days have elapsed from the receipt by the County Clerk of the Council's resolution requesting the appointment.**
 - iv. **Should the Council fail to adopt a resolution in compliance with 2.02.02(C)(2)(a), the Board of Commissioners may make an appointment without first receiving a resolution from the Town, but shall wait sixty days from the date of notice of the vacancy by the Clerk before doing so.**
 - ~~iv. **Before making an appointment, the Board of Commissioners shall announce the vacancy at a regularly-scheduled meeting and solicit applications for the position, and the County Clerk shall post notice of the vacancy on the Watauga County Website.**~~
 - ~~v. **The Board of Commissioners shall not make an appointment until its next regularly-scheduled meeting after it has announced the vacancy.**~~
 - ~~vi.~~ v. The Board of Commissioners shall consider the ~~choices directed to it~~ **person(s) recommended** by the Council **for the position**. If the Board of Commissioners is unwilling to appoint ~~either~~ **any** of the ~~two~~ applicants

submitted by the Town Council, it may appoint a person of its own choosing. However, before appointing a new person to the Board of Adjustment, the Watauga County Board of Commissioners must hold a public hearing on the selection.

vii- vi. In the event of an extension of the ETJ by the Town which creates new positions on the Commission, the County shall follow the procedures mandated by N.C. Gen. Stat. §160A-362.

- i. **Notice:** Notice of the hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area.

viii- vii. **Qualifications:** The Watauga County Board of Commissioners shall appoint a qualified person as defined by N.C. Gen. Stat. §160A-362. select appointees only from those who apply at or before the public hearing for the position and are otherwise qualified. A qualified person is one who lives in the ETJ, who expresses a willingness to familiarize herself with the Town's UDO, Comprehensive Plan and all other duly adopted plans and Ordinances relating to the regulation of development within the Town planning jurisdiction, and who expresses a willingness to serve on the Planning Commission. If, despite good faith efforts, enough qualified residents of the ETJ cannot be found to fill the seats reserved for residents of such area, then the Watauga County Board of Commissioners may appoint other residents of the county who are otherwise qualified, including residents of the Town to fill these seats.

- ii. The Commissioners shall make the appointment within forty-five days following the public hearing. If the Watauga County Board of Commissioners fails to make an appointment within ninety (90) days after receiving a resolution from the Town Council requesting that it be made, the Council may make the appointment, but the person appointed shall reside in the ETJ.

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AGENDA ITEM 7:

MISCELLANEOUS ADMINISTRATIVE MATTERS

B. Proposed Proclamation Establishing Community Pride Week

MANAGER'S COMMENTS:

Staff will request the Board adopt the proposed proclamation declaring Monday, May 12 – Saturday, May 17, 2014, as Community Pride Week in Watauga County. This event is conducted each year by Sanitation staff and has proved to be very popular with the County's citizens.

Board action is requested to approve the proclamation as presented.

**Watauga County
Recycling Office
828-265-4852**

Memo

To: Deron Geouque
CC: JV Potter, Donna Watson
From: Lisa Doty, Recycling Manger
Date: 3/25/2014
Re: Community Pride Proclamation

Attached is the "Community Pride Proclamation" for the Commissioners to sign. We will hold Community Pride Week from Monday, May 12 – Saturday, May 17. Household Hazardous Waste Day will take place on Saturday, May 17 from 9 a.m. to 2 p.m. at the Sanitation Department in conjunction with the NC Department of Agriculture, the County Maintenance Department and the Town of Boone. We also will hold the prescription and over-the counter drug take-back on Saturday, May 17 at locations throughout the county (time and locations to be determined) in conjunction with the Watauga County Sheriff's Department.

These events will be advertised at all the County Convenience Centers, on the County website and through the media and other outlets.

Please let me know if you have any questions or concerns. Thank you!

STATE OF NORTH CAROLINA

COUNTY OF WATAUGA

DRAFT

COMMUNITY PRIDE WEEK PROCLAMATION

May 12 - 17, 2014

WHEREAS, Watauga County is the beneficiary of an abundance of natural resources, including clean air and water, some of the oldest, most scenic mountains in the world, cascading waterfalls, wildlife, pristine rivers and streams, rolling hills and pastureland; and

WHEREAS, working together to protect and conserve these natural resources is essential to the continued quality of life for the residents of the County; and

WHEREAS, the May 2014 observance of Community Pride Week provides a unique opportunity for individuals and groups to promote and raise awareness of environmental stewardship by setting goals and taking actions to lessen the negative impact on the environment; and

WHEREAS, the goal of Community Pride Week is to improve the appearance and character of Watauga County by removing litter and other debris from roadways, waterways and public and private lands; and

WHEREAS, residents will be allowed to dispose of brush, metal, furniture, appliances, tires, rocks, cement, cement blocks and asphalt at the Watauga County Sanitation Department May 12 – 17 and dispose of household hazardous waste and over-the-counter and prescription medications on May 17 for no charge. *(This does not apply to commercial haulers or businesses.)*

NOW, THEREFORE BE IT PROCLAIMED, by the Watauga County Board of Commissioners that May 12 - 17, 2014 be declared **COMMUNITY PRIDE WEEK** throughout the County and encourage all County residents to work together to ensure the preservation of our natural resources now and for future generations.

ADOPTED this the 1st day of April, 2014.



Nathan A. Miller, Chairman
Watauga County Board of Commissioners

ATTEST:

Anita J. Fogle, Clerk to the Board

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AGENDA ITEM 7:**MISCELLANEOUS ADMINISTRATIVE MATTERS*****C. 347 Oak Street Property Sale*****MANAGER'S COMMENTS:**

Per Commissioner direction, the property located at 347 Oak Street, Boone NC was advertised for sale on GovDeals in which the closing date was March 25, 2014. The final bid on the property was \$150,001 which did not meet the \$300,000 reserve set by the Board. During the foreclosure process the County used fifty percent (50%) of the value of the property (\$185,600) to loan to New River Mental Health. The difference in the bid minus the 7.5% commission (\$11,250.08) to be paid to GovDeals, should the Board accept the bid, and the loan amount is \$46,849.08.

The Board may reject all bids, accept the bid and proceed with the sale of the property, or use the \$150,001 as the base bid and start the bid process over. Should the Board continue with the bid process and use the \$150,001 as the minimum bid there is no guarantee that the current bidder would continue bidding, potentially losing the current sale offer.

Board direction is requested.



WATAUGA COUNTY FINANCE OFFICE

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

MEMORANDUM

TO: Deron Geouque, County Manager
FROM: Margaret Pierce, Finance Director
SUBJECT: Sale of Real Property
DATE: March 25, 2014

Per the Resolution approved by the Board of Commissioners on March 18, 2014, property located at 347 Oak Street, Boone, NC has been advertised and bids received. The list of bids is attached. The high bid of \$150,001 was offered by Tyler Conner of 2300 Sharon Road, Charlotte, NC. The bid did not meet the reserve of \$300,000 the Board instructed staff to establish on the electronic bid process.

The Board has three options:

1. Accept the high bid and instruct staff to proceed with the sale process.
2. Restart the bid process with the \$150,001 as the minimum bid.
3. Reject all bids as not meeting the reserve.

Board action on the sale of property is requested.

AGENDA ITEM 7:**MISCELLANEOUS ADMINISTRATIVE MATTERS*****D. Announcements***

The North Carolina Association of County Commissioners will be holding district meetings across the State in March and April with the meeting for our district being on April 3, 2014 in Catawba County. If you wish to attend, please see Anita who will be happy to RSVP for you. Please click on the following link to view a short introduction to the District Meetings: <http://www.youtube.com/watch?v=eDbhnkMxySA&feature=youtu.be>

The Watauga County Economic Development Commission and Appalachian State University will hold an Economic Summit on Tuesday, April 8, 2014, at the Holmes Convocation Center from 8:00 A.M. to 1:30 P.M.

AGENDA ITEM 8:

PUBLIC COMMENT

AGENDA ITEM 9:

BREAK

AGENDA ITEM 10:

CLOSED SESSION

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

Land Acquisition – G. S. 143-318.11(a)(5)(i)