

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

**TUESDAY, SEPTEMBER 17, 2013
5:30 P.M.**

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

TIME	#	TOPIC	PRESENTER	PAGE
5:30	1	CALL REGULAR MEETING TO ORDER		
	2	APPROVAL OF MINUTES: August 20, 2013, Regular Meeting August 20, 2013, Closed Session		1
	3	APPROVAL OF THE SEPTEMBER 17, 2013, AGENDA		13
5:35	4	INTERGOVERNMENTAL RETREAT DISCUSSION	MR. PHIL TREW	15
5:40	5	SHERIFF'S OFFICE MATTERS		
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5:45	6	GREEN VALLEY COMMUNITY PARK, INC., REQUEST FOR AMENDMENTS IN TOURISM DEVELOPMENT AUTHORITY GRANTS	MS. JANICE CARROLL	27
5:50	7	SOCIAL SERVICES' OUT-OF-STATE TRAVEL REQUEST	MR. JIM ATKINSON	37
5:55	8	REQUEST TO APPLY FOR A GRANT FROM THE FOUNDATION FOR RURAL SERVICE	MR. JIM HAMILTON	55
6:00	9	PUBLIC HEARINGS TO ALLOW CITIZEN COMMENT ON THE FOLLOWING:		
	A.	Watauga County Library's Request To Name A Meeting Room In Memory Of Ms. Evelyn Johnson	MS. MONICA CARUSO	59
	B.	Proposed Amendments to the Ordinance To Regulate Signs In Watauga County	MR. JOE FURMAN	71
	C.	Proposed Amendments to the Following Ordinances:	MR. JOE FURMAN	85
	1.	Foscoe-Grandfather Community Zoning Ordinance		
	2.	Valle Crucis Historic District Ordinance		
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	4.	Ordinance to Regulate Wireless Communications Towers		
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6:15	10	TAX MATTERS	MR. LARRY WARREN	
	A.	Monthly Collections Report		105
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6:20	11	MISCELLANEOUS ADMINISTRATIVE MATTERS	MR. DERON GEOUQUE	
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7:30	14	CLOSED SESSION: Attorney/Client Matters – G. S. 143-318.11(a)(3)		132
7:45	15	ADJOURN		

AGENDA ITEM 2:

APPROVAL OF MINUTES:

August 20, 2013, Regular Meeting

August 20, 2013, Closed Session Minutes

DRAFT**MINUTES****WATAUGA COUNTY BOARD OF COMMISSIONERS
TUESDAY, AUGUST 20, 2013**

The Watauga County Board of Commissioners held a regular meeting on Tuesday, August 20, 2013, 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
Stacy 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.

Commissioner Blust opened the meeting with a prayer and Chairman Miller led the Pledge of Allegiance.

APPROVAL OF MINUTES

Chairman Miller called for additions and/or corrections to the August 6, 2013, regular meeting minutes.

The following two corrections were requested (deletions struck-through and additions in bold italic):

~~Chairman Miller~~ ***Vice-Chairman Blust*** called for additions and/or corrections to the August 6, 2013, agenda.

Commissioner Yates, seconded by Commissioner ~~Blust~~ ***Blust***, moved to appoint Jon Tate as a regular member on the Boone Planning Commission.

VOTE: Aye-4
Nay-0
Absent-1(Miller)

Commissioner Kennedy, seconded by Commissioner Yates, moved to approve the August 6, 2013, regular meeting minutes as amended.

VOTE: Aye-5
Nay-0

Chairman Miller tabled action for the August 6, 2013, closed session minutes until after the meeting as there were amendments to review during closed session.

APPROVAL OF AGENDA

Chairman Miller called for additions and/or corrections to the August 20, 2013, agenda.

County Manager Geouque requested to remove the Out-of-State Travel Request from the agenda per the Sheriff and to add a public hearing request from the Planning and Inspections Department.

Commissioner Kennedy, seconded by Vice-Chairman Blust, moved to approve the August 20, 2013, agenda as amended.

VOTE: Aye-5
Nay-0

BOARD OF EDUCATION'S REQUEST FOR LOTTERY FUNDS

Ms. Ly Marze, Watauga County Schools Finance Director, presented a request for approval of five Educational Lottery Fund applications in which a total of \$248,600 was sought for various elementary school capital improvement projects as listed below:

- Replace the boiler at Hardin Park School as a result of problems that surfaced to the hot water delivery system in a current project in the amount of \$43,000 with the project estimated to begin in August 2013 and be completed by September 2013. This amount added to the original requested amount of \$35,000 brings the project total to \$78,000.
- Upgrades to cafeteria equipment at Hardin Park, Parkway, Mabel, and Green Valley Schools in the amount of \$37,500 with the project estimated to begin in September 2013 and be completed by May 2014.
- Replacement of T-12 lights with energy efficient T-8 lights at Mabel School in the amount of \$30,000 with the project estimated to begin in November 2013 and be completed by June 2014.
- Continuation of drop ceiling installation to renovate existing ceilings that are cracking and peeling at Blowing Rock School in the amount of \$10,000 with the project estimated to begin in November 2013 and be completed by January 2014.
- Installation of security measures at the main entrances of all school buildings for school safety in the amount of \$89,700 with the project to begin in November 2013 and be completed by June 2014.

- Replacement of worn and torn carpet and floor tiles in classrooms and school buildings in the amount of \$38,400 with the project estimated to begin in November 2013 and be completed by January 2014.

Vice-Chairman Blust, seconded by Commissioner Yates, moved to approve the submission of the Educational Lottery Fund applications as presented.

VOTE: Aye-5
Nay-0

WATAUGA COUNTY LIBRARY'S REQUEST TO NAME A MEETING ROOM IN HONOR AND MEMORY OF MS. EVELYN JOHNSON

Ms. Monica Caruso, Watauga County Librarian, presented a request to name a meeting room in the Watauga County Library the "Evelyn Johnson Meeting Room." Ms. Johnson worked for the Watauga County Library for over 30 years.

Ms. Caruso requested the Board waive the stipulation requiring that the individual for which the room/facility would be named to be deceased for one (1) year as Ms. Johnson passed away in January 2013. Ms. Caruso stated that Watauga County Library would like to hold a dedication ceremony prior to summer residents leaving for the winter and requested a public hearing be scheduled, as required by policy, for the September 17, 2013, meeting.

The County Attorney stated that the Board could waive requirement for a one (1) year waiting period, per the naming policy, but would need a unanimous vote to schedule a public hearing.

Commissioner Yates, seconded by Commissioner Welch, moved to schedule a public hearing on Tuesday, September 17, 2013, at 6:00 PM for the consideration of naming the meeting room in the Watauga County Library the Evelyn Johnson Meeting Room.

VOTE: Aye-5
Nay-0

Ms. Caruso introduced Ms. Jane Blackburn, the new Regional Librarian, and invited the public to a reception in her honor which will be held on September 5, 2013, from 12:00 to 1:00 P.M.

PROJECT ON AGING'S REQUEST TO ACCEPT THE 2014 SENIOR'S HEALTH INSURANCE INFORMATION PROGRAM (SHIIP) GRANT/CONTRACT

Ms. Angie Boitnotte, Director of Project on Aging (POA), requested the Board accept the FY 2014 grant/contract for the Seniors' Health Insurance Information Program (SHIIP). The proposed grant was in the amount of \$2,767 and required no County funds. If approved and accepted, the funds would be used to provide assistance and outreach to low-income citizens.

County Manager Geouque stated that he signed the agreement which had been mailed, due to time constraints regarding the postmark deadline; however, should the Board not approve and accept the funding, the agreement could be withdrawn.

Commissioner Kennedy, seconded by Commissioner Yates, moved to approve and accept the Seniors Health Insurance Information Program (SHIIP) grant/contract in the amount of \$2,767 as presented by Ms. Boitnotte.

VOTE: Aye-5
Nay-0

BID AWARD FOR NEW TRASH TRUCK

Mr. J.V. Potter, Director of Operations Services, presented the following bids for a new front loading trash truck:

Vendor	Bid Amount
Nu-Life Environmental	\$259,892.00
Advantage Truck Center	\$244,898.28
Carolina Environment	\$221,501.00
Transource	\$217,985.00

Carolina Environmental was the lowest responsive bidder as Transource's bid was non-responsive in that the vehicle specified did not meet bid specifications with regards to engine horsepower and torque which is critical for these vehicles to operate properly in the mountain terrain. Therefore, Mr. Potter requested the Board award the bid to Carolina Environmental in the amount of \$221,501.

The County Manager stated that funds were budgeted in the Sanitation Department for this purchase.

Commissioner Yates, seconded by Commissioner Welch, moved to reject Transource's bid as it was non-responsive and to accept the lowest responsive bid from Carolina Environmental in the amount of \$221,501 for a new front loading trash truck as presented by Mr. Potter.

VOTE: Aye-5
Nay-0

At 5:49 P.M., by unanimous consensus, the Board agreed to proceed with agenda items listed after the public hearings which were scheduled to start at 6:00 P.M.

BUDGET AMENDMENTS

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

Account #	Description	Debit	Credit
103300-341600	US DOJ Drug Court Grant		\$65,509
105890-469851	Blue Ridge Mediation Drug Court	\$65,509	

The amendment would reallocate the grant award from the US Department of Justice for drug court services contracted with Blue Ridge Mediation and Restorative Justice. The County match was present in the budget.

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

VOTE: Aye-5
Nay-0

PLANNING AND INSPECTIONS REQUEST FOR A PUBLIC HEARING

Mr. Joe Furman, Planning and Inspections Director, requested a public hearing be scheduled to consider amendments to the County Sign Ordinance as well as to several other ordinances that have been affected by recent legislation (Session Law 2013-126) which will take effect October 1, 2013. The affected ordinances were Foscoe-Grandfather Zoning Ordinance, Valle Crucis Historic District Ordinance, Gated Communities Ordinance, Wireless Communications Towers Ordinance, Watershed Protection Zoning Ordinance. Due to the session law becoming effective October 1, Mr. Furman requested the hearing be scheduled for the September 17 meeting. The Planning Board has recommend approval of each of these ordinances as amended.

Commissioner Kennedy, seconded by Commissioner Yates, moved to schedule a public hearing on September 17, 2013, at 6:00 P.M. to allow citizen comment on proposed amendments to the Foscoe-Grandfather Zoning Ordinance, Valle Crucis Historic District Ordinance, Gated Communities Ordinance, Wireless Communications Towers Ordinance, Watershed protection Zoning Ordinance and Sign Ordinance as requested by Mr. Furman.

VOTE: Aye-5
Nay-0

MISCELLANEOUS ADMINISTRATIVE MATTERS

A. Proposed Resolution Establishing the Watauga County Department of Social Services Advisory Board

County Manager Geouque stated that at a previous meeting the Social Services Board was abolished. At that time the Board directed the County Attorney and Manager to draft a resolution establishing a Social Services Advisory Board. The County Manager presented the proposed resolution for consideration which specified the following be appointed to the initial Advisory Board: Mr. Nathan Miler as the County Commissioner/Manager Representative, Ms. Audrey Tate (term to expire August 30 2014), Ms. Mary Moretz (term to expire August 30, 2015), Mr. Tom Trexler (term to expire August 30, 2016), Ms. Sharon Brientenstein (term to expire August 30, 2017). The County Manager stated that Mr. David Turlington was also willing to serve if so appointed.

Commissioner Welch, seconded by Commissioner Kennedy, moved to deny the resolution and reinstate the previous Board.

County Attorney Eggers asked for clarification regarding if the “previous Board” was the Board being appointed by the State and Commissioner Welch stated that it was.

Chairman Miller ruled the motion out-of-order because the appointing authority of the Advisory Board was not up for consideration.

Therefore, Commissioner Welch, seconded by Commissioner Kennedy, moved to deny the resolution as presented.

After further discussion, Commissioner Yates called for the question and the following vote was taken:

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

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

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

B. Appointment of North Carolina Association of County Commissioners (NCACC) Annual Conference Voting Delegate

County Manager Geouque stated that the North Carolina Association of County Commissioners' (NCACC) Annual Conference was scheduled for August 22-25, 2013, in Guilford County. Each county in attendance was required to select a voting member for representation at the annual business meeting which is conducted as a part of the conference. Submission of the voting delegate was due August 9, 2013.

Board members were not available to attend the Annual Conference; therefore, a voting delegate was not appointed.

[Clerk's Note: As it was after 6:00 P.M. at the conclusion of the above agenda item, the Board proceeded with the scheduled public hearings and then continued with Miscellaneous Administrative Matters at the conclusion of the three public hearings.]

PUBLIC HEARING TO ALLOW CITIZEN COMMENT ON THE FOLLOWING:

A. The Board's Request to Rename the Hwy 421 Bridge Over The South Fork of The New River In Memory of Deputy Sheriff William Ronald Mast, Jr.

Commissioner Kennedy, seconded by Commissioner Welch, moved to declare the public hearing open at 6:03 P.M. to allow citizen comment on the Board's request to rename the Hwy 421 bridge over the South Fork of the New River in memory of Deputy Sheriff William Ronald Mast, Jr.

VOTE: Aye-5
Nay-0

Chairman Miller stated that the public hearing was scheduled to allow citizen comment on the naming of the Highway 421 Bridge over the South Fork of the New River in memory of Deputy Sheriff William Ronald Mast, Jr. as required by the North Carolina Department of Transportation (NCDOT). Chairman Miller stated that the Town of Boone was considering a like resolution and upon adoption of both resolutions, staff would forward the application for the naming of the Bridge to the NCDOT for consideration.

Chairman Miller recognized the widow, father, and mother of Deputy Sheriff William Ronald Mast, Jr. who were present and expressed their appreciation for this act of dedication.

There being no public comment, Chairman Miller declared the public hearing closed at 6:05 P.M.

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

VOTE: Aye-5
Nay-0

B. New Road Names

Vice-Chairman Blust, seconded by Commissioner Yates, moved to declare the public hearing open at 6:07 P.M. to allow citizen comment on new road names as required by North Carolina General Statute 153A-239.1.

VOTE: Aye-5
Nay-0

Mr. Jeff Virginia reviewed the process for which private and public road names were chosen and presented the following for consideration.

New Road Names:

Sky Vista	Stone Court	Parkwood Circle
Willow Ridge Lane	Stone Mountain Bluffs Parkway	King Arthurs Court
Eggers Hollow	Snowy Doe Drive	Spencer Miller Road
Smokey Bear Lane	Willies View	Parkway View Drive
Twain Place	Mountain Bike Way	Hidden Vista
Jefferson Court	Boone Circle	Upper Cascade
Mt. Jefferson View Court	Fallview Lane	Shooters Ridge Drive
Ossorio Court	Makers Lane	Bear Ridge Trail
Ramsey Court	Mesa Circle	West Ridge View

Existing Road Name Changes:

From Twin Filly to Twin Filly Peak

There being no public comment, Chairman Miller declared the public hearing closed at 6:07 P.M.

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

VOTE: Aye-5
Nay-0

C. The Board's Intent to Purchase Property on NC Hwy 194 North for the Potential Development of a Business Park

Commissioner Yates, seconded by Commissioner Welch, moved to declare the public hearing open at 6:11 P.M. to allow citizen comment on the Board's intent to purchase property on NC Hwy 194 for the potential development of a business park.

VOTE: Aye-5
Nay-0

Chairman Miller stated that per North Carolina General Statutes 158-7.1, a public hearing was scheduled to allow citizen comment on the potential purchase of the property on NC Highway 194 North for a business/commerce park. The due diligence period for the 194 property ends September 3, 2013 which was the date of the next regularly scheduled Board meeting. Chairman Miller stated that each speaker would have three (3) minutes to share their comments and stated that comments should not include personal attacks and should be limited to the pros and cons of purchasing the property.

Mr. Joe Furman, Economic Development Director, reviewed the details regarding the purchase agreement, closing date, and infrastructure needed for a business park. Mr. Furman stated that the North Carolina Department of Transportation was willing to work with the County on improvements to Hwy 194, natural gas was 3 miles away from the property, and cable and fiber optics were available to the rear of the property. Mr. Furman stated that the Economic Development Commission had been conducting an ongoing search for property on which to locate a business park

The following individuals addressed the Board regarding the proposed purchase of property:

Lauren Waterworth
Liz Riddick
Derek Moretz
Mike McKee
Susan Jones
Nancy Reigel

Pam Kidder Ashley
Ingrid Kraus
Janna Lyons
Sheri Clark
Noelle Austin
Keith Honeycutt

Bill Moretz
Jim Hamilton
Charlie Wallin
Pam Williamson
John Drake
Deborah Greene

There being no further public comment, Chairman Miller declared the public hearing closed at 7:10 P.M.

After each Board member shared their comments regarding the property, Vice-Chairman Blust, seconded by Commissioner Welch, moved to cancel the County's contract with Ms. Deborah Earp Greene for the purchase of the property in Deed Reference Book 1524, Page 211.

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

MISCELLANEOUS ADMINISTRATIVE MATTERS (CONT.)

C. September Meeting Schedule

County Manager Geouque requested direction regarding the September meeting schedule stating that the Board had historically cancelled the first regular meeting due to the Labor Day Holiday.

Commissioner Yates, seconded by Vice-Chairman Blust, moved to cancel the first regular Board of Commissioners meeting in September due to the Labor Day Holiday.

VOTE: Aye-5
Nay-0

D. Boards & Commissions

County Manager Geouque stated that one Extra-Territorial Jurisdiction (ETJ) Alternate position remained to be filled on the Town of Boone Board of Adjustment; however, recommendations had not been received from the Town.

County Manager Geouque stated that the AppalCART Board had an at-large seat which would become vacant effective August 26, 2013. That Board had also received a letter from Ms. Elaine Norris announcing her resignation from the Board as the human service agency representative. AppalCART had recommended that Ms. Kedith England be appointed to fill the at-large seat and a Volunteer Application had also been received by Ms. Wanda Miller who was interested in serving on the AppalCART Board as an at-large representative. The County Manager stated that current AppalCART at-large representative, Ms. Angie Boitnotte, qualified to serve as a human service agency representative due to being the Director of Watauga County's Project on Aging. Therefore, staff recommended changing Ms. Boitnotte's designation on the AppalCART Board to human service agency representative thereby leaving two at-large seats available for appointment.

Commissioner Kennedy, seconded by Vice-Chairman Blust, moved to waive the second reading and appoint, to the AppalCART Board, Ms. Angie Boitnotte as the human service representative and appoint both Ms. Kedith England and Ms. Wanda Miller as at-large representatives.

VOTE: Aye-5
Nay-0

Mr. Gary Childers' term to the Caldwell Community College and Technical Institute Board expired June 30, 2013. Mr. Childers has expressed his willingness to continue serving if reappointed.

The above was a first reading and, therefore, no action was required nor taken.

E. Announcements

County Manager Geouque announced the following:

- The High Country Council of Governments' Annual Banquet was scheduled for Friday, September 6, 2013, at Linville Ridge.
- The Hunger and Health Coalition has invited Board members to "Save the Date" of October 12, 2013, at 9:00 A.M. to join their First Annual Homecoming Run for Hunger. The 5K run/walk will benefit the Hunger and Health Coalition.

PUBLIC COMMENT

Ms. Deborah Greene shared comments regarding Hwy 194 and plans for a business park.

CLOSED SESSION

At 7:50 P.M., Vice-Chairman Blust, seconded by Commissioner Welch, moved to enter Closed Session to discuss Attorney/Client Matters, per G. S. 143-318.11(a)(3).

VOTE: Aye-5
Nay-0

Commissioner Yates, seconded by Vice-Chairman Blust, moved to resume the open meeting at 8:15 P.M.

VOTE: Aye-5
Nay-0

ACTION AFTER CLOSED SESSION

Commissioner Kennedy, seconded by Vice-Chairman Blust, moved to approve the August 6, 2013, closed session minutes as amended.

VOTE: Aye-5
Nay-0

ADJOURN

Vice-Chairman Blust, seconded by Commissioner Kennedy, moved to adjourn the meeting at 8:15 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 SEPTEMBER 17, 2013, AGENDA

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AGENDA ITEM 4:

INTERGOVERNMENTAL RETREAT DISCUSSION

MANAGER'S COMMENTS:

Mr. Phil Trew, High Country Director of Planning, will request direction from the Board on how to proceed with future Intergovernmental Retreats. Mr. Trew has been made aware of the dissatisfaction with the retreats as presently conducted.

Mr. Trew will request the Board appoint two elected officials to serve on a committee consisting of other elected officials from the entity's currently involved in the retreats. This committee would then meet with a professional facilitator to review and recommend changes to the retreat process. It is my understanding that there would be a cost associated with the professional facilitator but at this time no figures were available. A similar process was utilized initially which lead to the current Intergovernmental Retreats. The retreats were held quarterly and now have been reduced to twice a month.

Direction from the Board is requested.

MEMORANDUM



TO: Deron Geouque, Watauga County Manager
 Greg Young, Town Manager, Town of Boone
 Randy Feierabend, Town Manager, Town of Beech Mountain
 Ed Evans, Town Manager, Town of Seven Devils
 Bob Shepherd, Interim Town Manager, Town of Beech Mountain

CC: Greg Lovins, Vice Chancellor for Business Affairs, ASU
 Susan McCracken, Director of External Affairs, ASU

FROM: Phillip Trew, AICP *PT*
 Director, Planning and Development

SUBJECT: Watauga Intergovernmental Retreats

DATE: August 29, 2013

Robert Johnson
 Chairman of the Board

Gary D. Blevins
 Vice-Chairman

Brenda Lyerly
 Secretary

Danny McIntosh
 Treasurer

Rick Herndon
 Executive Director

High Country Council of Governments has been assisting the local governments in Watauga County with organizing Intergovernmental Retreats since 2008. Typically, two retreats are held each year. Past topics have included Transportation, Tourism, Healthcare, Long-Range Planning, and Coordinated Dispatch. On Tuesday August 27, 2013, we met to plan the next retreat.

Through you all and directly from elected officials, I have learned of dissatisfaction with the retreats. The complaints focus on the fact that the retreats have not focused on issues of significance, and have not resulted in achievements.

Recently, I have had requests from elected officials to schedule the next retreat on the topic of sales-tax distribution. Given the recent changes in sales-tax distribution, and the potential for legal action surrounding the changes, it was decided that holding a retreat on that topic in the current format would not be productive.

To address both the lack of satisfaction with the recent retreats, and the desire to address the issue of sales tax distribution among the local governments in Watauga County, it is proposed that a committee of elected officials be formed to discuss potential changes to the intergovernmental retreat process. Based on discussion at the August 27 meeting, it is proposed that each local government would delegate two Board members to the committee. The committee would meet with a professional facilitator to address the following:

468 New Market Blvd.
 Boone, NC 28607

Phone: 828-265-5434
 Fax: 828-265-5439
 TTY: 1-800-735-2962
 Voice: 1-800-735-8262

Web: www.regiond.org

- What are the goals of the Watauga Intergovernmental Retreat
- What topics are relevant for addressing at future retreats
- What process should be followed at future retreats to ensure goals are met
- What are the specific issues surrounding sales-tax distribution that should be addressed at a future retreat

I am glad to meet with your respective Boards to answer questions and provide details on the proposed strategy. Appalachian State University has offered to host a meeting of a committee, and I am glad to arrange details (facilitator, agenda, etc.) if your boards agree to that plan. I feel it is important that we get consensus from all five local governments on the future of Watauga Intergovernmental retreats.

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AGENDA ITEM 5:

SHERIFF'S OFFICE MATTERS

A. Out-of-State Travel Request

MANAGER'S COMMENTS:

Captain Al Reed will request Board approval for Detective Patrick Anderson to attend the NPLEX leadership conference in Louisville, Kentucky October 28th through 30th, 2013. Costs incurred to the County will be meals, fuel, and personnel time.

Board action is required to approve the out-of-state travel request.



Watauga County Sheriff's Office

Len Hagaman, Sheriff

Captain Al Reed

Al.reed@watgov.org

Special Operations Unit

184 Hodges Gap Road, Boone, NC 28607

(828)-265-7620 (828)-263-5345 Fax

09/04/2013

This memo is in reference to the travel and expense request submitted previously by Detective Patrick Anderson. Detective Anderson has been invited to attend an invitation only Conference in Louisville, Kentucky October 28th-30th, 2013. The only expenses that will be incurred by Watauga County are the meals annotated on the travel request and fuel.

This Conference is being held by Appriss, the company responsible for the pseudoephedrine tracking program known as NPLEX. Detective Anderson was invited to attend this conference because of his constant use of NPLEX in an effort to track the purchase of pseudoephedrine and help stop the manufacture of methamphetamine by those that purchase pseudoephedrine for illegal purposes. Detective Anderson, as one of the most frequent users of NPLEX in North Carolina, has been given this opportunity to attend this conference in an effort to further his knowledge and better serve the citizens of Watauga County, NC.

Thank you!

A handwritten signature in cursive script that reads "Capt. Al Reed".

Al Reed, Captain

Watauga County Sheriff's Office

Special Operations Unit

Watauga County Travel Authorization and Travel Advance Request

Date	07/30/2013	Budget Account Number	034310-431200
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Name: Patrick Anderson	Title: Detective	Department: WCSO
Destination: Leadership Conference Louisville, Ky	Meeting Dates: 10/28/13 to 10/30/13	
Is this out of state travel? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, Board of County Commissioners approval is required and must be signed by the County Manager.	Departure Date: 10/28/13	Return Date: 10/30/13
	Time: 06:00 <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	Time: 20:00 <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM
Purpose of Trip: Leadership Conference		
Overnight Accommodations Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Rate per night/person \$ _____
Name of Hotel/Motel _____		Government Discount <input type="checkbox"/> Yes <input type="checkbox"/> No
Method of Transportation:		
Cost \$ _____	<input checked="" type="checkbox"/> County Vehicle	<input type="checkbox"/> Personal Vehicle <input type="checkbox"/> Air
<input type="checkbox"/> Other _____	Explanation _____	

Estimated Expenses			Totals	
* REGISTRATION FEES: Please indicate meals and/or banquets included in registration fee			No registration fee	
			\$ See	
MEALS:	Breakfast	\$8.00 x 1	8.00	
	Lunch	\$10.00 x 1	10.00	
	Dinner	\$18.00 x 2/3	48	36.00
* LODGING:	Single Rate	\$ x		
* Other				
Total			Total, ⁰⁰ 54.00	

* Receipts Required for Reimbursement

Remarks: Travel and Lodging are being paid for by Host company. Meals requested for day of travel only.

Are funds requested in advance:
 Yes No Amount \$ _____Form is Mathematically Correct:
 Yes Approved as corrected

Finance Staff _____

Date _____

If settlement has not been made on this advance within 20 working days after completion of travel, I authorize this amount to be deducted from my next paycheck.

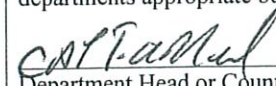
Patrick Anderson

Employee

07/30/2013

Date

I believe this trip to be necessary and beneficial to Watauga County and funds were provided for this purpose in this departments appropriate budget account.


 Department Head or County Manager

County Manager (Out of State Travel)

Date



Watauga County Sheriff's Office

184 Hodges Gap Road
Boone, NC 28607
828-264-3761- 828-265-7617

Len D. Hagan, Jr.
Sheriff

Training Request

Name: Patrick Anderson Date of Request: 07/30/2013


Division: Special Operations Unit Division Commander: Al Reed

I request to attend the following education/training: NPLEX Leadership Conference

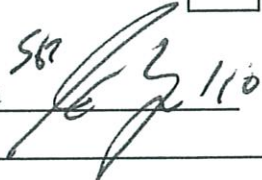
This training will be held by: (School/Institution) Apriss, INC.

Date/Time Begins: 010/28/2013 Date/Time Ends: 10/30/2013

Does this training specifically relate to your current assignment? YES NO Other (Explain)

Signature: Patrick Anderson 


Approved: Denied: Approval Pending

First Level Supervisor: Jason Zaragoza ^{SR}  Date: 7/30/13

Approved: Denied: Approval Pending

Division Commander: Al Reed  Date: 7-30-13

Approved: Denied: Approval Pending

Sheriff or Designee: Len Hagan, Jr.  Date: 7-30-13



SAVE THE DATE – 2013 NPLeX LEADERSHIP CONFERENCE

Save the date now for October 29th – 30th at the Hyatt Regency Louisville, Kentucky. This two-day Conference for State Administrators and NPLeX Champions will focus on important topics centered around NPLeX (a draft agenda will follow). The conference will also provide a great networking opportunity with your peers!

This year, NADDI will be taking care of and paying for travel and lodging arrangements. A continental breakfast and networking luncheon are included on the 29th and 30th. There will also be a welcome reception on Monday, October 28th. *You will be responsible for your own dinner(s) while in Louisville.

Please RSVP to ccichon@naddi.org ASAP!!!

*There is no conference registration fee. Given available space, additional members of your agency can attend the conference, but NADDI will not be responsible for their travel or lodging. The hotel conference room rate is \$97.00. The conference Breakfast and lunch will be included at no additional cost.

We look forward to seeing you in Louisville!

Charlie Cichon

Executive Director
NADDI
www.naddi.org



AGENDA ITEM 5:**SHERIFF'S OFFICE MATTERS*****B. Vehicle Bid Requests*****MANAGER'S COMMENTS:**

Captain Redmon will present vehicle prices for six (6) new Ford All Wheel Drive Police Interceptor SUVs and one (1) new Ford All Wheel Drive Police Interceptor sedan. The price for the All Wheel Drive Police Interceptor SUV is \$25,146 at a total cost of \$150,876, and \$26,005 for the All Wheel Drive Police Interceptor sedan for a total amount of \$176,881 for all seven (7) vehicles. Including \$5,348.43 for taxes and tags the total amount is \$182,229.43. Adequate funds have been budgeted to cover the cost of the vehicles. Captain Redmon will bring another bid for equipment and installation at a future meeting.

Board action is requested to accept the state contract price from Capital Ford in the amount of \$176,881 plus \$5,348.43 for taxes and tags for a total amount of \$182,229.43.



WATAUGA COUNTY SHERIFF'S OFFICE

184 HODGES GAP ROAD
BOONE, NORTH CAROLINA 28607
(828) 264-3761 • FAX (828) 263-5345

LEN D. HAGAMAN, JR.
SHERIFF

Memorandum

To: County Manager Deron Geouque
From: Captain Kelly Redmon
Thru: Sheriff Len Hagaman
Ref: Law Enforcement Vehicle Purchase

The Watauga County Sheriff's Office would like to piggyback on last year's purchase of law enforcement vehicles on the NC State contract price and purchase the following vehicles from Capital Ford.

Six (6) 2014 Ford Police Interceptor AWD SUV @	\$25,146.00
One (1) 2014 Ford Police Interceptor AWD Sedan @	\$26,005.00
Total:	\$176,881.00

Monies have been approved in the Sheriff's and State & Federal Substance Abuse budget for FY 2013-14 for these purchases.

Ref: 10-4310-454000
22-4310-454000
23-4310-451000

AGENDA ITEM 6:

GREEN VALLEY COMMUNITY PARK, INC., REQUEST FOR AMENDMENTS IN TOURISM DEVELOPMENT AUTHORITY GRANTS

MANAGER'S COMMENTS:

Ms. Janice Carroll, Green Valley Park, will update the Board on the Pine Run Road river access and the Green Valley walking trail grant in the amount of \$75,000. Due to the Watauga County TDA withdrawing as the grant sponsor; Green Valley Park has agreed to take on that role and is requesting the change to the NC Recreation Trails Program.

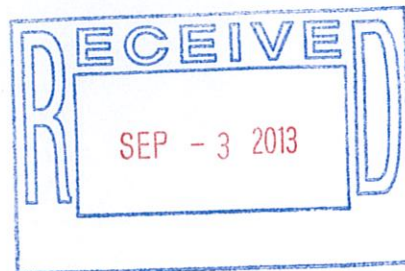
The County approved an encroachment agreement with NCDOT for the Pine Run Road portion in June of 2012. Based on conversations with NCDOT, the encroachment is still valid and the Department is awaiting direction as to the status of the project.

As the Board approved the encroachment based on the TDA being the sponsor of the project, Ms. Carroll is seeking continued support with Green Valley Park being the sponsoring agent.

Board direction is required so that Green Valley Park may proceed with the grant project.



August 21, 2013



To: Deron Geougue, County Manager
County Commissioners Miller, Blust, Kennedy, Welch, and Yates

Re: Request for Commissioners' approval for Green Valley
Community Park, Inc. to proceed with change in TDA grant

The grant was written by the Watauga County Tourism Development Authority (TDA). The purpose of the grant was to develop a river access with parking on Pine Run Road and to improve the river access at Green Valley Park, develop a walking trail there, and complete steps between the upper and lower levels of the park.

The grant has been awarded; however, when it went before TDA at a recent meeting, they rejected it. Subsequently, the park Board met with Wright Tilley to discuss what could be done to preserve this award of \$95,000 for Watauga County. We are all very aware that when a grant is awarded and then rejected it makes future Grantors look unfavorably on grant applications for additional grants for that group or in that geographic location. Thus, the Green Valley Park Board is stepping up to try to keep this grant because we feel it is in the best interest of Watauga County and Green Valley Park. At this time, we do not have the match of \$18,750 on hand but we know that, based on prior history of the park, we have always been diligent and successful.

Following are the steps necessary to re-submit to the Grantors for a change in the organization receiving the grant.

- 1- Commissioners receive a letter from the Watauga TDA stating that they do not accept the grant and relinquish the grant to the park. Mr. Tilley is calling a meeting to get this document.
- 2- Watauga County approval to continue with NCDOT encroachment and engineer drawings.
- 3- With approval and documentation of the above items, Green Valley Park will send a letter of request for this change.

I will be glad to answer any questions that you might have.

Sincerely,

Janice Carroll, GVP representative

Green Valley Community Park, Inc. is a tax-exempt, non-profit association (EIN: 31-1727760).

VERIFICATION OF COMPLIANCE WITH ENVIRONMENTAL REGULATIONS

(Check Appropriate Box)

Permits from the N.C. Department of Environment and Natural Resources and the U.S. Army Corp of Engineers are not required for this project. However, all applicable federal and state regulations have been followed.

The required permits from ~~the N.C. Department of Environment and Natural Resources~~ and the U.S. Army Corp of Engineers have been obtained for this project. Copies of permits and Completion Certificates are attached. *(TO BE ISSUED FROM CORP UPON RECEIPT OF ENCROACHMENT AGREEMENT)*

All applicable NPDES Stormwater Permit requirements have been met for this project. (The applicant should contact the N.C. Division of Water Quality in Raleigh to determine if a stormwater permit is required.)

The project is in compliance with all applicable sedimentation and erosion control laws and regulations.

Project Name: PINE RUN ROAD RIVE/PADDLE ACCESS

Township: DEEP GAP County: WATAUGA

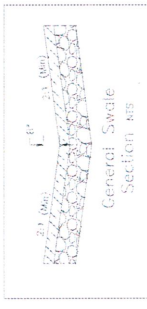
Project Engineer: SHABELEDEN ENGINEERING Phone No.: 320-7252 822-360-

Project Contact: EMC WOODRIDGE, 266-1345

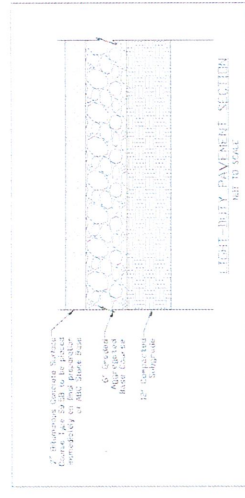
Applicant's Name: WATAUGA CO.

Date Submitted: _____

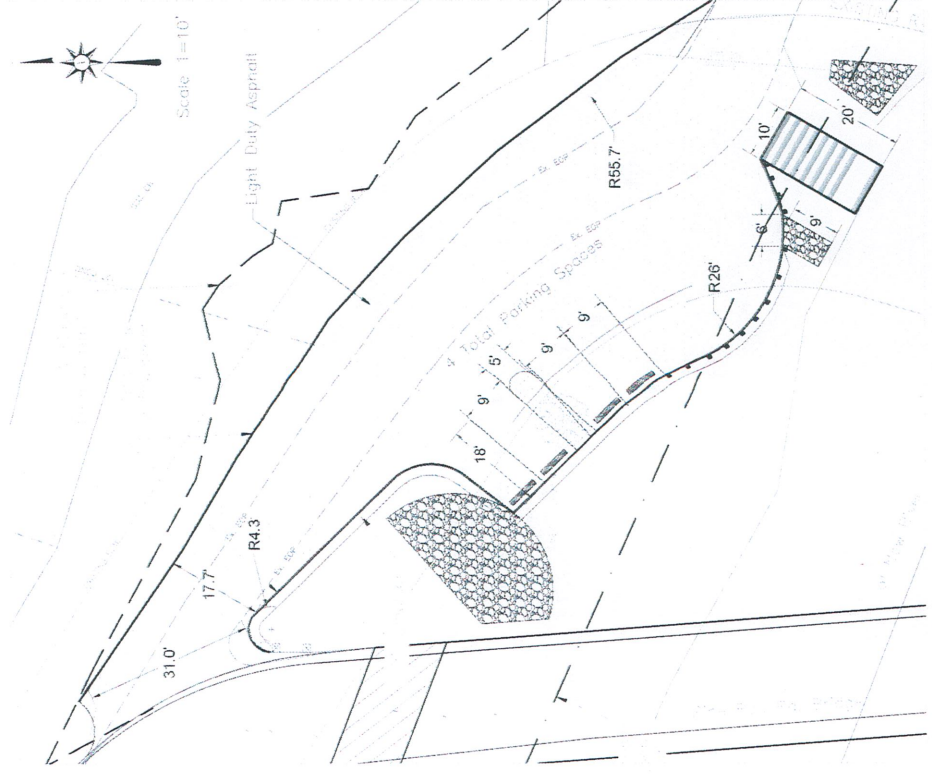
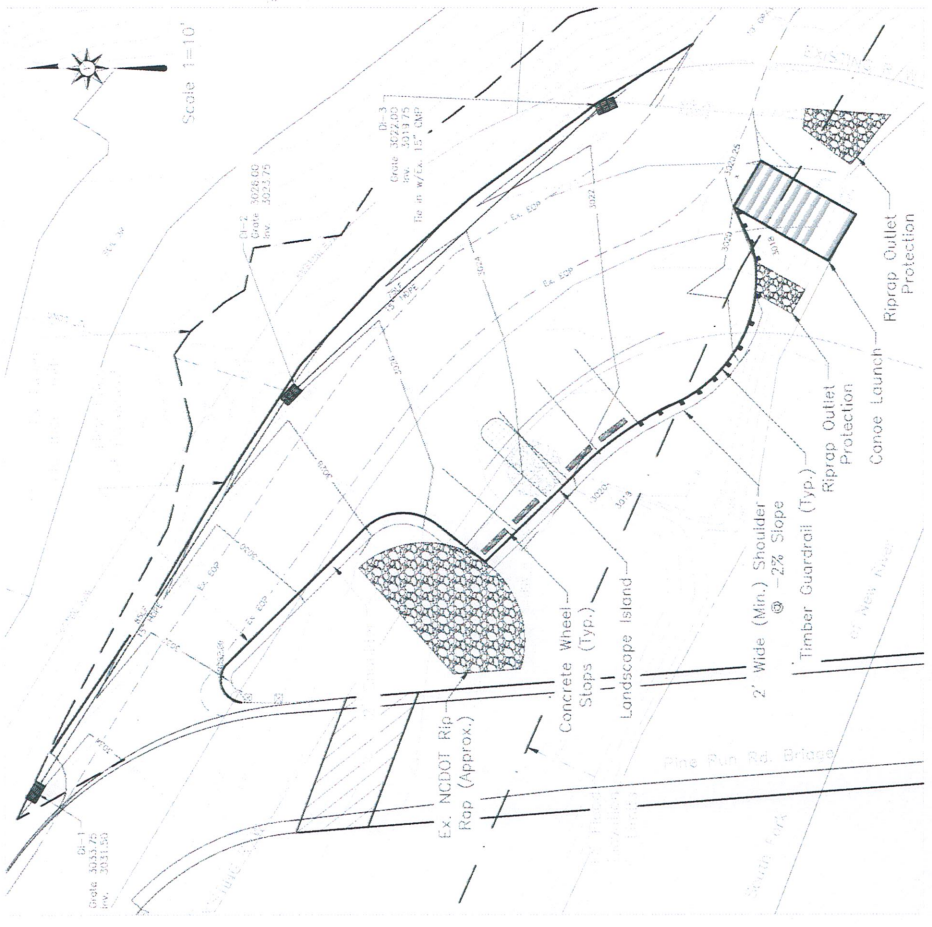
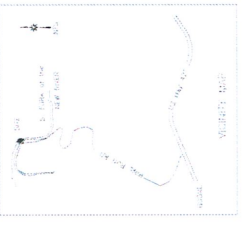
P.E. SEAL
(SEE ATTACHED PLANS)



BEFORE YOU DIG
 Contact N.C. One-Call Center
 (800) 632-4949 or 811



- Notes:
1. Concrete structures shall be traffic rated pre-cast concrete drop curbs (ASTM Std. 846.14) with 8x8, 18" std. flange and grates.
 2. The disturbed area is less than 1.0 ac. Contractor shall employ erosion control measures as necessary including best protection and silt fencing.
 3. Slope existing pavement, replace/repair, where as necessary, install new bituminous concrete surface as shown in Light-Duty Pavement Detail.



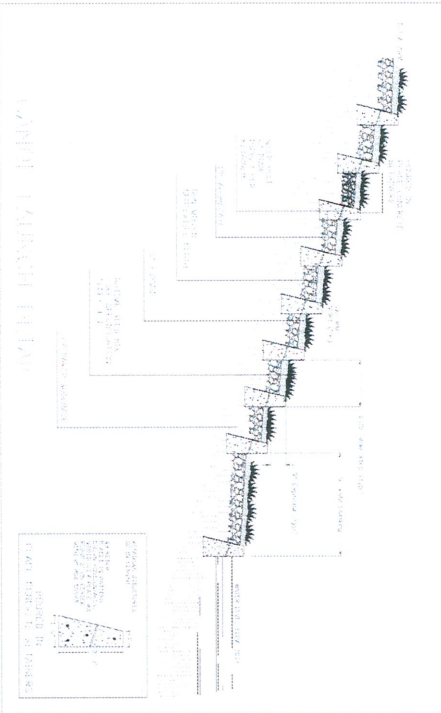
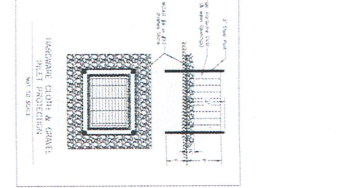
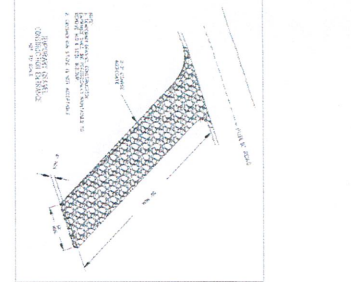
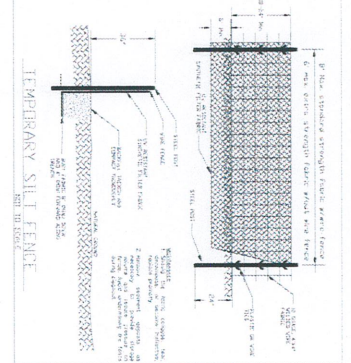
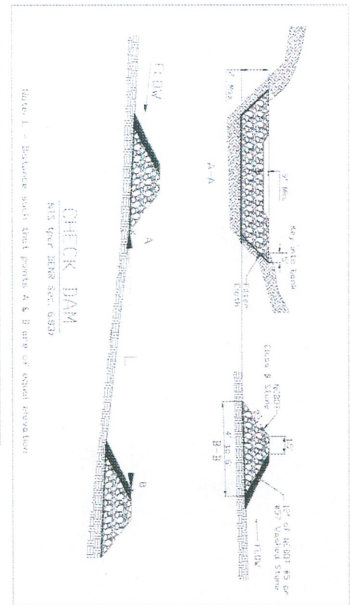


FIGURE 1 - Buckwalter South Bank Profiles A & B with 2' Spaced Riprap

TEMPORARY SILT FENCE

HORIZONTAL CURVE & GRADE

HORIZONTAL CURVE & GRADE

<p>TEMPORARY EROSION CONTROL MEASURES FOR LAKE BREWER</p> <p>GENERAL NOTES:</p> <p>1. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION AND UNTIL THE UNDERLYING EROSION CONTROL MEASURES ARE PERMANENTLY ESTABLISHED.</p> <p>2. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION AND UNTIL THE UNDERLYING EROSION CONTROL MEASURES ARE PERMANENTLY ESTABLISHED.</p> <p>3. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION AND UNTIL THE UNDERLYING EROSION CONTROL MEASURES ARE PERMANENTLY ESTABLISHED.</p> <p>4. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION AND UNTIL THE UNDERLYING EROSION CONTROL MEASURES ARE PERMANENTLY ESTABLISHED.</p>	<p>TEMPORARY SEEDING, EROSION CONTROL, ETC. SCHEDULE</p> <p>GENERAL NOTES:</p> <p>1. ALL SEEDING SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION AND UNTIL THE UNDERLYING SEEDING IS PERMANENTLY ESTABLISHED.</p> <p>2. ALL SEEDING SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION AND UNTIL THE UNDERLYING SEEDING IS PERMANENTLY ESTABLISHED.</p> <p>3. ALL SEEDING SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION AND UNTIL THE UNDERLYING SEEDING IS PERMANENTLY ESTABLISHED.</p> <p>4. ALL SEEDING SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION AND UNTIL THE UNDERLYING SEEDING IS PERMANENTLY ESTABLISHED.</p>
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1. REFER TO THE EROSION AND SEDIMENT CONTROL PLAN FOR MORE DETAILS.
2. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION AND UNTIL THE UNDERLYING EROSION CONTROL MEASURES ARE PERMANENTLY ESTABLISHED.
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14. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION AND UNTIL THE UNDERLYING EROSION CONTROL MEASURES ARE PERMANENTLY ESTABLISHED.
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DATE: 11/1/2013
 REVISIONS:
 MAY 16, 2013
 MAY 22, 2013

SHEET NUMBER
 C-2
 OF 3

SITE PLAN FOR
PINE RUN PADDLE ACCESS
 WATAUGA COUNTY, NC

SHABELDEEN ENGINEERING
 2009 W. G. F. H. BLVD.
 WATAUGA COUNTY, NC 27587
 P: 828.252.1232
 F: 828.252.1233
 E: info@shabelden.com

BUCKWALT TERESA
 1000 W. G. F. H. BLVD.
 WATAUGA COUNTY, NC 27587
 P: 828.252.1232
 F: 828.252.1233
 E: info@shabelden.com

ROUTE SR# 1671 PROJECT PINE RUN ROAD COUNTY OF WATAUGA
RIVER/PADDLE ACCESS

DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY ENCROACHMENT AGREEMENT
FOR NON-UTILITY ENCROACHMENTS ON
PRIMARY AND SECONDARY HIGHWAYS

-AND-

WATAUGA COUNTY

THIS AGREEMENT, made and entered into this the 19th day of JUNE, 20 12, by and between the Department of Transportation, party of the first part; and Watauga County party of the second part,

WITNESSETH

THAT WHEREAS, the party of the second part desires to encroach on the right of way of the public road designated as Route(s) SR# 1671, located PINE RUN ROAD BRIDGE with the construction and/or erection of: CANOE LAUNCH (SEE ATTACHED PLAN)

WHEREAS, it is to the material advantage of the party of the second part to effect this encroachment, and the party of the first part in the exercise of authority conferred upon it by statute, is willing to permit the encroachment within the limits of the right of way as indicated, subject to the conditions of this agreement;

NOW, THEREFORE, IT IS AGREED that the party of the first part hereby grants to the party of the second part the right and privilege to make this encroachment as shown on attached plan sheet(s), specifications and special provisions which are made a part hereof upon the following conditions, to wit:

That the said party of the second part binds and obligates himself to install and maintain the encroaching facility in such safe and proper condition that it will not interfere with or endanger travel upon said highway, nor obstruct nor interfere with the proper maintenance thereof, to reimburse the party of the first part for the cost incurred for any repairs or maintenance to its roadways and structures necessary due to the installation and existence of the facilities of the party of the second part, and if at any time the party of the first part shall require the removal of or changes in the location of the said facilities, that the said party of the second part binds himself, his successors and assigns, to promptly remove or alter the said facilities, in order to conform to the said requirement, without any cost to the party of the first part.

That the party of the second part agrees to provide during construction and any subsequent maintenance proper signs, signal lights, flagmen and other warning devices for the protection of traffic in conformance with the latest Manual on Uniform Traffic Control Devices for Streets and Highways and Amendments or Supplements thereto. Information as to the above rules and regulations may be obtained from the Division Engineer of the party of the first part.

That the party of the second part hereby agrees to indemnify and save harmless the party of the first part from all damages and claims for damage that may arise by reason of the installation and maintenance of this encroachment.

It is clearly understood by the party of the second part that the party of the first part will assume no responsibility for any damage that may be caused to such facilities, within the highway rights of way limits, in carrying out its construction and maintenance operations.

That the party of the second part agrees to restore all areas disturbed during installation and maintenance to the satisfaction of the Division Engineer of the party of the first part. The party of the second part agrees to exercise every reasonable precaution during construction and maintenance to prevent eroding of soil; silting or pollution of rivers, streams, lakes, reservoirs, other water impoundments, ground surfaces or other property; or pollution of the air. There shall be compliance with applicable rules and regulations of the North Carolina Division of Environmental Management, North Carolina Sedimentation Control Commission, and with ordinances and regulations of various counties, municipalities and other official agencies relating to pollution prevention and control. When any installation or maintenance operation disturbs the ground surface and existing ground cover, the party of the second part agrees to remove and replace the sod or otherwise reestablish the grass cover to meet the satisfaction of the Division Engineer of the party of the first part.

That the party of the second part agrees to assume the actual cost of any inspection of the work considered to be necessary by the Division Engineer of the party of the first part.

That the party of the second part agrees to have available at the encroaching site, at all times during construction, a copy of this agreement showing evidence of approval by the party of the first part. The party of the first part reserves the right to stop all work unless evidence of approval can be shown.

Provided the work contained in this agreement is being performed on a completed highway open to traffic; the party of the second part agrees to give written notice to the Division Engineer of the party of the first part when all work contained herein has been completed. Unless specifically requested by the party of the first part, written notice of completion of work on highway projects under construction will not be required.

That in the case of noncompliance with the terms of this agreement by the party of the second part, the party of the first part reserves the right to stop all work until the facility has been brought into compliance or removed from the right of way at no cost to the party of the first part.

That it is agreed by both parties that this agreement shall become void if actual construction of the work contemplated herein is not begun within one (1) year from the date of authorization by the party of the first part unless written waiver is secured by the party of the second part from the party of the first part.


R/W (161A) : Party of the Second Part certifies that this agreement is true and accurate copy of the form 13 BCC Meeting R/W (161A) incorporating all revisions to date.

IN WITNESS WHEREOF, each of the parties to this agreement has caused the same to be executed the day and year first above written.


DEPARTMENT OF TRANSPORTATION

BY: _____
District Engineer

ATTEST OR WITNESS:



Anita J. Fogle
Clerk to the Board



Nathan A. Miller
Chairman
Second Party

INSTRUCTIONS

When the applicant is a corporation or a municipality, this agreement must have the corporate seal and be attested by the corporation secretary or by the empowered city official, unless a waiver of corporate seal and attestation by the secretary or by the empowered City official is on file in the Raleigh office of the Manager of Right of Way. In the space provided in this agreement for execution, the name of the corporation or municipality shall be typed above the name, and title of all persons signing the agreement should be typed directly below their signature.

When the applicant is not a corporation, then his signature must be witnessed by one person. The address should be included in this agreement and the names of all persons signing the agreement should be typed directly below their signature.

This agreement must be accompanied, in the form of an attachment, by plans or drawings showing the following applicable information:

1. All roadways and ramps.
2. Right of way lines and where applicable, the control of access lines.
3. Location of the proposed encroachment.
4. Length and type of encroachment.
5. Location by highway survey station number. If station number cannot be obtained, location should be shown by distance from some identifiable point, such as a bridge, road, intersection, etc. (To assist in preparation of the encroachment plan, the Department's roadway plans may be seen at the various Highway Division Offices, or at the Raleigh office.)
6. Drainage structures or bridges if affected by encroachment.
7. Typical section indicating the pavement design and width, and the slopes, widths and details for either a curb and gutter or a shoulder and ditch section, whichever is applicable.
8. Horizontal alignment indicating general curve data, where applicable.
9. Vertical alignment indicated by percent grade, P.I. station and vertical curve length, where applicable.
10. Amount of material to be removed and/or placed on NCDOT right of way, if applicable.
11. Cross-sections of all grading operations, indicating slope ratio and reference by station where applicable.
12. All pertinent drainage structures proposed. Include all hydraulic data, pipe sizes, structure details and other related information.
13. Erosion and sediment control.
14. Any special provisions or specifications as to the performance of the work or the method of construction that may be required by the Department must be shown on a separate sheet attached to encroachment agreement provided that such information cannot be shown on plans or drawings.
15. The Department's Division Engineer should be given notice by the applicant prior to actual starting of installation included in this agreement.
16. Method of handling traffic during construction where applicable.
17. Scale of plans, north arrow, etc.

This instrument has be preaudited in the manner required by the local Government Budget and Fiscal Control Act.

6-22-2012
Date


Deputy Finance Director

ROUTE SR# 1671

PROJECT PINE RUN RD.
POOLEY RIVER ACCESS

COUNTY OF WATAUGA

DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY ENCROACHMENT AGREEMENT FOR CURB AND GUTTER, PAVEMENT WIDENING AND STORM DRAINAGE

-AND-

WATAUGA COUNTY

THIS AGREEMENT, made and entered into this the 19th day of JUNE, 2012, by and between the Department of Transportation, party of the first part; and WATAUGA COUNTY party of the second part,

WITNESSETH

THAT WHEREAS, the party of the second part desires to encroach on the right of way of the public road designated as Route(s) SR# 1671, located PINE RUN ROAD BRIDGE (SR# 1671) with the construction and/or erection of: CANOE LAUNCH (SEE ATTACHED PLANS)

WHEREAS, it is to the material advantage of the party of the second part to effect this encroachment, and the party of the first part in the exercise of authority conferred upon it by statute, is willing to permit the encroachment within the limits of the right of way as indicated, subject to the conditions of this agreement;

NOW, THEREFORE, IT IS AGREED that the party of the first part hereby grants to the party of the second part the right and privilege to make this encroachment as shown on attached plan sheet(s), specifications and special provisions which are made a part hereof upon the following conditions, to wit:

That the said party of the second part binds and obligates himself to install the encroaching facility in such safe and proper condition that it will not interfere with or endanger travel upon said highway.

That the party of the second part agrees to provide during construction proper signs, signal lights, flagmen and other warning devices for the protection of traffic in conformance with the latest Manual on Uniform Traffic Control Devices for Streets and Highways and Amendments or Supplements thereto. Information as to the above rules and regulations may be obtained from the Division Engineer of the party of the first part.

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It is clearly understood by the party of the second part that the party of the first part will assume no responsibility for any damage that may be caused to such facilities, within the highway rights of way limits, in carrying out its construction.

That the party of the second part agrees to restore all areas disturbed during construction to the satisfaction of the Division Engineer of the party of the first part. The party of the second part agrees to exercise every reasonable precaution during construction and maintenance to prevent eroding of soil; silting or pollution of rivers, streams, lakes, reservoirs, other water impoundments, ground surfaces or other property; or pollution of the air. There shall be compliance with applicable rules and regulations of the North Carolina Division of Environmental Management, North Carolina Sedimentation Control Commission, and with ordinances and regulations of various counties, municipalities and other official agencies relating to pollution prevention and control. When any construction operation disturbs the ground surface and existing ground cover, the party of the second part agrees to remove and replace the sod or otherwise reestablish the grass cover to meet the satisfaction of the Division Engineer of the party of the first part.

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Provided the work contained in this agreement is being performed on a completed highway open to traffic; the party of the second part agrees to give written notice to the Division Engineer of the party of the first part when all work contained herein has been completed. Unless specifically requested by the party of the first part, written notice of completion of work on highway projects under construction will not be required.

That in the case of noncompliance with the terms of this agreement by the party of the second part, the party of the first part reserves the right to stop all work until the facility has been brought into compliance or removed from the right of way at no cost to the party of the first part.

That it is agreed by both parties that this agreement shall become void if actual construction of the work contemplated herein is not begun within one (1) year from the date of authorization by the party of the first part unless written waiver is secured by the party of the second part from the party of the first part.


R/W (161B) : Party of the Second Part certifies that this agreement is true and accurate copy of the form R/W (161B) incorporating all revisions to date.

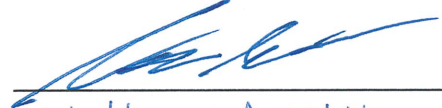
IN WITNESS WHEREOF, each of the parties to this agreement has caused the same to be executed the day and year first above written.

DEPARTMENT OF TRANSPORTATION

BY: _____
District Engineer

ATTEST OR WITNESS: _____


Anita J. Fogle, Clerk to the Board


Nathan A. Miller, Chairman
Second Party

INSTRUCTIONS

When the applicant is a corporation or a municipality, this agreement must have the corporate seal and be attested by the corporation secretary or by the empowered city official, unless a waiver of corporate seal and attestation by the secretary or by the empowered City official is on file in the Raleigh office of the Manager of Right of Way. In the space provided in this agreement for execution, the name of the corporation or municipality shall be typed above the name, and title of all persons signing the agreement should be typed directly below their signature.

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3. Location of the proposed encroachment.
4. Length and type of encroachment.
5. Location by highway survey station number. If station number cannot be obtained, location should be shown by distance from some identifiable point, such as a bridge, road, intersection, etc. (To assist in preparation of the encroachment plan, the Department's roadway plans may be seen at the various Highway Division Offices, or at the Raleigh office.)
6. Drainage structures or bridges if affected by encroachment.
7. Typical section indicating the pavement design and width, and the slopes, widths and details for either a curb and gutter or a shoulder and ditch section, whichever is applicable.
8. Horizontal alignment indicating general curve data, where applicable.
9. Vertical alignment indicated by percent grade, P.I. station and vertical curve length, where applicable.
10. Amount of material to be removed and/or placed on NCDOT right of way, if applicable.
11. Cross-sections of all grading operations, indicating slope ratio and reference by station where applicable.
12. All pertinent drainage structures proposed. Include all hydraulic data, pipe sizes, structure details and other related information.
13. Erosion and sediment control.
14. Any special provisions or specifications as to the performance of the work or the method of construction that may be required by the Department must be shown on a separate sheet attached to encroachment agreement provided that such information cannot be shown on plans or drawings.
15. The Department's Division Engineer should be given notice by the applicant prior to actual starting of installation included in this agreement.
16. Method of handling traffic during construction where applicable.
17. Scale of plans, north arrow, etc.

This instrument has be preaudited in the manner required by the local Government Budget and Fiscal Control Act.

6-22-2012 
Date Deputy Finance Director

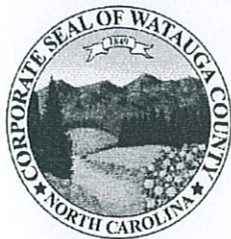
AGENDA ITEM 7:

SOCIAL SERVICES' OUT-OF-STATE TRAVEL REQUEST

MANAGER'S COMMENTS:

Mr. Jim Atkinson, Social Services Director, will request Board approval for out-of-state travel for Samantha Miller to attend the Annual NAPSA conference in St. Paul, Minnesota from October 1-4, 2013. Ms. Miller had applied for and received a scholarship to attend the conference. The scholarship will pay for all expenses of the conference and therefore the only expense to the County will be Ms. Miller's time at the conference.

Board action is required to approve the out-of-state travel request.



Watauga County
Department of Social Services

SOCIAL SERVICES BOARD

Mary Moretz, Vice Chair
Nathan Miller
Tom Trexler
Audrey Tate

132 POPLAR GROVE CONNECTOR – SUITE C.
BOONE, NORTH CAROLINA 28607

Telephone 828-265-8100
TDD 1-800-735-2962
Voice 1-800-735-8262
Fax 828-265-7638

JIM ATKINSON, MSW
Director



August 27, 2013

Memo: The attached travel authorization and supporting documents are for Samantha Miller, Social Worker II for Watauga County DSS. She had applied for and received a scholarship to attend the 24th Annual NAPSA Conference that is being held in St. Paul, Minnesota from October 1-4, 2013. The full amount of the scholarship was \$1350.00 and \$350.00 is automatically withheld for her registration fee and the remaining \$1000.00 will be given to her upon arriving at the conference. The total expenses for Ms. Miller's training are \$1308.79; therefore, the County will not be paying for any of those incurred expenses. Thank you!



Jim Atkinson, MSW
Director

Watauga County

Travel Authorization and Travel Advance Request

Date	8/15/13	
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Name: Samantha Miller	Title: Social Worker II, Adult Home Specialist	Department: Social Services: Adult Services
Destination: St. Paul, MN	Meeting Dates: <u>October 1-4, 2013</u>	
Is this out of state travel? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, Board of County Commissioners approval is required and must be signed by the County Manager.	Departure Date: 10/1/13	Return Date: 10/4/13
	Time: TBD AM or PM	Time: TBD AM or PM
Purpose of Trip: <u>24th Annual NAPSA Conference</u>		
Overnight Accommodations Required? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Rate per night/person \$ <u>119 (pre tax)</u>	
Name of Hotel/Motel <u>Crown Plaza Riverfront</u>	Government Discount <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Method of Transportation:		
Cost \$ <u>375.25</u>	<input type="checkbox"/> County Vehicle	<input type="checkbox"/> Personal Vehicle
		<input checked="" type="checkbox"/> Air
Other <u>4 mileage \$95.88</u>	Explanation	

Estimated Expenses	Totals	
* REGISTRATION FEES: Please indicate meals and/or banquets included in registration fee	\$350	350 (automatically deducted from scholarship)
MEALS:		
Breakfast	\$8.00 x 1	8.00
Lunch	\$10.00 x 1	10.00
Dinner	\$10.00 x 4	40.00
* LODGING: - Single Rate	\$119 x 3	\$405.00 (after tax)
* Other <u>- Flight costs</u> <u>- mileage</u>		\$375.25 95.88
* Receipts Required for Reimbursement		\$1308.79

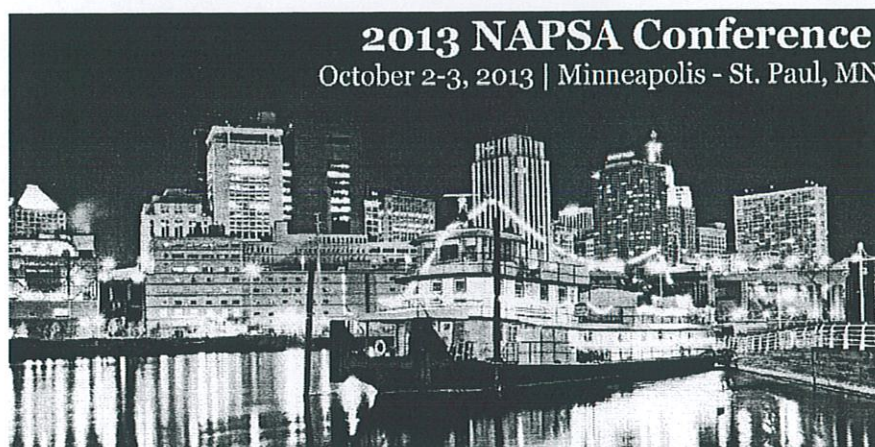
Remarks: The entire cost of attending this conference is included in the 2013 NAPSA scholarship. \$1350 has been awarded to cover all costs (Registration fee, flight cost, hotel and meals).

Are funds requested in advance: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Form is Mathematically Correct: <input type="checkbox"/> Yes <input type="checkbox"/> Approved as corrected	If settlement has not been made on this advance within 20 working days after completion of travel, I authorize this amount to be deducted from my next paycheck. <div style="text-align: center;"> Samantha Miller Employee <u>8/15/13</u> Date </div>	I believe this trip to be necessary and beneficial to Watauga County and funds were provided for this purpose in this departments appropriate budget account. <div style="text-align: center;"> Department Head or County Manager County Manager (Out of State Travel) <u>8/26/13</u> Date </div>
Finance Staff		
Date		



National Adult Protective Services Association

2013 NAPSA Conference
Scholarships Available



24th Annual NAPSA Conference
October 2-3, 2013
Minneapolis - St Paul, MN
Crowne Plaza St Paul - Riverfront

Conference Partners
MN Department of Human Services, Adult Protection
MN Board on Aging
MN Social Service Association
MN County Attorney's Association

Vulnerable Adult Justice Project

Please visit...

www.napsa-now.org/conference
and click on "Scholarship Application"

The National Adult Protective Services Association is pleased to announce the availability of four scholarships for our 2013 conference in St. Paul, Minnesota. Each scholarship will be in the amount of \$1350.00 to cover the \$350 registration fee, travel and lodging.

Preference will be given to persons who:

- Are front-line workers/investigators
- Have never before attended a NAPSA conference
- Write a clear and compelling statement for attending the conference

Applications that meet eligibility criteria will be reviewed by the NAPSA Scholarships Subcommittee and recipients will be selected. NAPSA reserves the right to split scholarships in the event of multiple eligible applicants from the host state of Minnesota.

Please see the scholarship application for full requirements. **The deadline for submission is August 2, 2013.**

Questions? Please contact us at info@napsa-now.org.

Please visit...

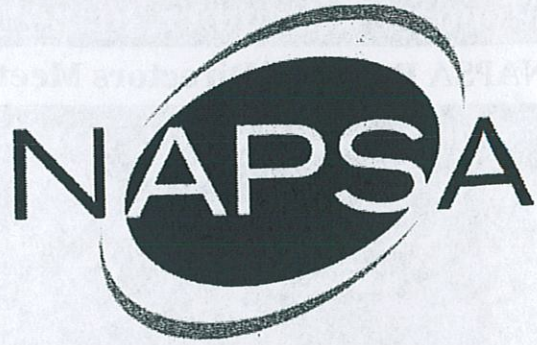
www.napsa-now.org/conference
and click on "Scholarship Application"



National Adult Protective Services Association

www.napsa-now.org

A handwritten signature in black ink, appearing to be "J. Adams" or similar, written in a cursive style.



24th Annual NAPSA Conference



4th Annual NAPSA Summit on Elder Financial Exploitation

October 2-4, 2013

Crowne Plaza Riverfront | St. Paul, MN



Conference Partners

Hennepin County Human Services and Public Health Department

MN Department of Human Services, Adult Protection

MN Board on Aging

MN Social Service Association

MN County Attorney's Association

Vulnerable Adult Justice Project



Register Now

www.regonline.com/NAPSA2013

Conference At-a-Glance

Monday September 30, 2013

9:00 am – 5:00 pm

NAPSA Board of Directors Meeting

Tuesday October 1, 2013

6:00 pm – 8:00 pm

Welcome Reception

All conference attendees, speakers and sponsors are invited to an opening reception. Come and network, catch up with colleagues and relax in the South Garden. Cash bar and light hors d'oeuvres will be served. We hope to see you here!

Wednesday October 2, 2013

7:30 am – 9:00 am

Continental Breakfast

8:30 am – 9:00 am

Opening Remarks

9:00 am – 10:15 am

General Session I/Keynote

Life Gets Better: The Unexpected Pleasures of Growing Older

Wendy Lustbader, MSW



Nationally acclaimed speaker and author Wendy Lustbader will engage us in exploring what it means to flourish in later life. Drawing on her decades of experience as a social worker with people of all ages, Lustbader makes the case that as we get older we gain self-knowledge, confidence, and an increasing capacity to be true to ourselves. She debunks the myth that youth is the best time of life, instead showing how hard-earned lessons make our later years the most fruitful. Younger people will draw hope from her message, and those with length of days will feel affirmed and inspired. The lively presentation will be full of stories and audience dialogue, designed to awaken the heart and mind.

10:15 am – 10:30 am

Break

10:30 am – 12:00 pm

Workshop Sessions I

12:00 pm – 1:30 pm

Lunch (On-Your-Own)

1:30 pm – 3:00 pm

Workshop Sessions II

3:00 pm – 3:15pm

Break

3:15 pm – 4:45 pm

Workshop Sessions III

Registration Fees

NAPSA Members & Minnesota APS Staff *	\$350
Non-Member *	\$425
NAPSA Member - Late Registration	\$425
Non-Member - Late Registration	\$500
One Day - NAPSA Member *	\$175
One Day - Non-Member *	\$215
One Day - NAPSA Member - Late Registration	\$215
One Day - Non-Member - Late Registration	\$250
Elder Financial Exploitation Summit	\$125

*reduced registration is available until September 16, 2013

Conference At-a-Glance

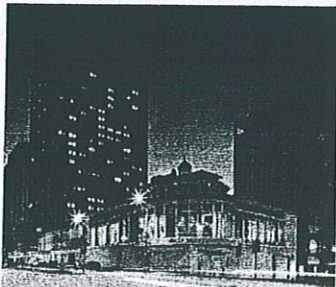
Thursday October 3, 2013

7:30 am – 9:00 am	Continental Breakfast
9:00 am – 10:30 am	Workshop Sessions IV
10:30 am – 10:45 am	Break
10:45 am – 12:15 am	Workshop Sessions V
12:15 am – 1:45 pm	Awards Luncheon Join your colleagues at this plated luncheon where the outstanding work of APS professionals and partners across the country is acknowledged and celebrated. A brief annual NAPSA business meeting is also held.
1:45 pm – 2:45 pm	<p>General Session II</p> <p>S.A.F.E. Elders</p> <p>stop abuse & financial exploitation</p> <p><i>Minnesota's S.A.F.E. Elders Initiative: A Multicultural, Multidisciplinary Collaborative Model for Building Awareness</i></p> <p>Panel Discussion</p> <p>S.A.F.E. Elders began with a training video project initiated by Anoka County (MN) Attorney, Tracy Palmiero. Fifteen months later, the project is considerably expanded effort, included a documentary on Minnesota Public Television, a DVD with victim and expert interviews, a toolkit of training materials, a web site, an investigators' App, a prosecutors' trial notebook, and a premier at the 2013 World Elder Abuse Awareness Conference, attended by over 200 people in St. Paul, MN. In the process, the number of project supporters grew across a broad span of agencies and organizations. Elder Justice Scholars' students in advanced Elder Law at William Mitchell College of Law, contributed their research and development skills to the mobile App and the prosecutors' trial notebook. This workshop will demonstrate and describe the many facets of this public awareness and training project as well as the unique mix of stakeholder and student contributions to the work.</p>
3:00 am – 4:30 pm	Workshop Sessions VI
4:30 pm – 5:00 pm	Closing Remarks



NAPSA | www.napsa-now.org/conference

Host Hotel

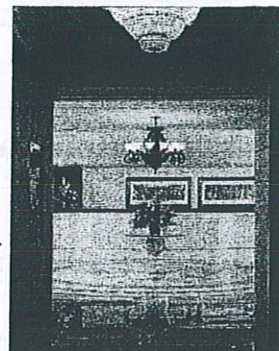


Crowne Plaza Riverfront

Situated atop the bluffs of the Mississippi River in downtown St. Paul, the Crowne Plaza Hotel St. Paul - Riverfront is one of the best hotels in St. Paul, MN. Relax in the comfortable accommodations and enjoy unrivaled access to the best of the Twin Cities.

A block of rooms have been reserved for September 29, 2013 - October 4, 2013 at the Crowne Plaza St. Paul Riverfront. The special room **rate of \$119 per night** will be **available until September 8, 2013** or until the group block is sold-out, whichever comes first. Booking a reservation is simple. To begin the process, click the link below.

Please visit www.napsa-now.org/conference for booking info.



Workshop Details

Workshop Sessions I - Wednesday, October 02, 2013 10:30 AM - 12:00 PM

101 - Responding to Older Victims of Domestic Violence

Holly Ramsey-Klawnsnik - Klawnsnik & Klawnsnik Associates

Katie Galenius - Older Battered Women's Program at Greater Lynn Senior Services

Investigation and intervention methods that best preserve victim safety and respect the rights of victims of domestic violence will be explored in this session. Topics to be addressed include: gaining access to alleged victims in ways that preserve the safety of all, building rapport and gathering information on the history of abuse, and working with victims to build and implement safety and short- and long-term intervention plans. Throughout the session, the special needs of older victims will be addressed.

102 - Guardianship, Conservatorship, and Less Restrictive Alternatives

Anita Raymond - VOA MN

When working with clients who have impaired cognitive capacity to address self-neglect, caregiver neglect, financial exploitation, we often turn to guardianship/conservatorship to protect the client from future maltreatment. However, in many circumstances, this court intervention may be an unnecessary intrusion, and may not be the most effective intervention. This workshop will teach attendees what guardianship/conservatorship is; process for appointment of a guardian/conservator in Minnesota; and will address why guardianship/conservatorship is often not the best intervention; and will explore alternatives to guardianship/conservatorship.

103 - NAMI: In Our Own Voice

Brian Jost - NAMI Minnesota

In Our Own Voice is a public education program in which two trained speakers share compelling personal stories about living with mental illnesses and achieving recovery, showing that there is hope for recovery for people with mental illnesses. The presentation includes personal stories from two presenters, video clips of other peoples' personal stories, and an opportunity for questions and answers with presenters. Topics include Dark Days, Acceptance, Treatment, Coping skills, and Successes, Hopes, and Dreams.

104 - Your Honor, Our Next Witness is...APS!

Candace Heisler, JD - Heisler & Associates

APS workers may be called as witnesses in criminal, civil, and administrative proceedings. Knowing the "rules of the road", understanding the role of the witness, and being prepared will enhance the APS worker's professionalism and confidence. In this workshop, the presenter who brings extensive experience as a courtroom litigator, will highlight ways to increase courtroom competence and suggest ways to maintain the worker's professional edge.

Workshop Details

Workshop Sessions I - Wednesday, October 02, 2013 10:30 AM - 12:00 PM

105 - The Elder Abuse Decision Support System: Development, Theory and Practice

Kendon J. Conrad, PhD - Chestnut Health Systems

Madelyn Iris, PhD - CJE Senior Life

Jessica Mazza, PhD - Chestnut Health Systems

This symposium will describe the development, theoretical framework, and implementation of the Elder Abuse Decision Support System (EADSS), an integrated, computerized, web-based system integrating standardized procedures, assessments, reporting and intervention. In the first phase of the initial conceptualization and development study, standardized, self-report assessment measures for psychological abuse and financial exploitation were developed using concept mapping methodology. These were then field tested. In the next phase of development requirements for a computerized, web-based decision support system were defined with end-user input and a prototype system was designed and tested. In the current phase, the EADSS has moved from prototype to reality, and is currently being implemented in six demonstration sites in Illinois. A screening assessment has been developed and is being tested, as well as alleged abuser assessments. Implications of the EADSS for use at the state level and for national research opportunities will also be discussed.

106 - Public-Private Partnerships to Prevent Abuse Against People with Disabilities: The IMPACT:Ability Model

Meg Stone - Triangle

Nancy Alterio - Massachusetts Disabled Persons Protection Commission

The IMPACT:Ability Model helps organizations prevent abuse and respond effectively to abuse reports. Abuse prevention is best accomplished by a visible, coordinated effort that includes official policies, education, and an organizational culture that supports choice, welcomes challenging conversations, ensures respectful communication, and values healthy relationships. Triangle, a disability service and advocacy organization in Massachusetts, has implemented a unique organizational culture and policy change effort designed to prevent abuse against people with disabilities. In IMPACT:Ability, people with disabilities are taught the skills to protect and advocate for themselves, disability service providers are educated about abuse, and the organizational culture supports safety and choice for people with disabilities. IMPACT:Ability is a collaboration that includes state agencies such as the Massachusetts Department of Developmental Services and the Massachusetts Disabled Protection Commission. Participants in this session will learn about promising practices for organizational policy and culture change, procedures for improving the reporting of abuse against people with disabilities, and ways for nonprofit organizations and state agencies to effectively collaborate. Through lecture and group activities, participants will identify the unique values and culture of the organizations they represent and identify ways of implementing abuse prevention protocols that best fit their organizations.

107 - Implementing Efficient Practices: Doing More with Less

Yolanda Thompson - Fairfax County Adult and Aging

Annie Barber - Fairfax County Adult and Aging

This workshop will provide a systems approach to case management and will be led by a senior APS worker and Quality Assurance Manager. Requests for services have increased resulting in higher caseloads. Cases are often complex due to the interaction of dementia, mental health, incapacity and other factors which creates a need for efficient practices. Join us for an interactive lecture and learn about practices implemented in Fairfax County Adult and Aging to support workers' ability to better manage their caseloads in this "Do More With Less" environment.

Workshop Sessions II - Wednesday, October 02, 2013 3:15 PM - 4:45 PM

201 - Because It's Black and Blue Does Not Mean It's a Bruise: Forensic Wound Identification and Documentation of Abuse and Neglect (Part 1)

Daniel J. Sheridan, PhD, RN, FNE-A, FAAN - Johns Hopkins University School of Nursing

Two Sessions (Part I & Part II Format) In this two-part presentation, participants from multiple disciplines will learn techniques for improving their verbal and physical assessments of abuse and neglect, forensic documentation, both written and photographic, of vulnerable individuals with possible abuse-related injuries. In addition, participants will learn to better assess if injuries were from falls versus being "found down." Basic forensic terminology will be presented in a format immediately useful to various professionals. Using a case history approach, an extensive series of instructive injury slides will be shown to demonstrate patterned injuries and injuries in various stages of healing. The last part of the workshop will include group participation and discussion to correctly identifying forensic injuries in two adjudicated cases and discuss how to best document and investigate the cases. To maximize learning, it is highly recommended participants attend Part 1 which will build in Part 2.

Workshop Details

Workshop Sessions II - Wednesday, October 02, 2013 1:30 PM - 3:00 PM

202 - Improving Case Outcomes Through Effective Partnerships with the Criminal Justice System: A Case Study

Candace Heisler, JD - Heisler & Associates

Lori Delagammatikas - San Diego State University

When elder abuse becomes both a protective services matter and a criminal case, Adult Protective Services workers seek to work with the criminal justice system to protect clients and hold offenders accountable. These efforts to partner with criminal justice agencies have not always been successful due to differences in role, system rules and requirements, practice, and knowledge. Using a case example, presenters will suggest ways to improve expectations, increase knowledge of the criminal justice system and its rules and approaches, and enhance an understanding of the critical role Adult Protective Services can play in criminal cases. The presenters will draw on their experience in prosecution and adult protective services to guide this interactive workshop.

203 - Money Smart for Older Adults - Prevent Elder Financial Exploitation Curriculum: A Train-the-Trainer for APS and Financial Professionals

Jenefer Duane - Consumer Financial Protection Bureau

Join the Consumer financial Protection Bureaus' Office for the Financial Protection Older Americans and the Federal Deposit Insurance Corporation for a train-the-trainer on how to utilize the Money Smart for Older Adults curriculum to raise community awareness and response to elder financial exploitation. The session will introduce the FDIC's Money Smart curriculum and share best practices for planning successful community events; partnering with financial institutions; and executing an effective presentation. The session will also provide an overview of the CFPB Office for Older Americans and the resources the agency provides for older adults, family caregivers and community advocates.

204 - Domestic Violence in Later Life

Tara Patet - St. Paul City Attorney's Office Joshua Lego St. Paul Police Department

Tara Patet is a Senior Prosecutor with the City Attorney's Office in St. Paul, Minnesota. She has been a prosecutor for eighteen years. She has a bachelor's degree in criminal justice, and political science from the University of St. Thomas and received her law degree from William Mitchell College of Law. She has prosecuted primarily in the area of domestic violence and currently leads elder and vulnerable adult abuse prosecution efforts for her office. She is active with the Minnesota Vulnerable Adult Justice Project and serves as Chair of the Criminal Code Subcommittee which has drafted and lobbied for legislative initiatives that aim to protect elders and vulnerable adults. Additionally, she conducts domestic violence and elder abuse investigation training for law enforcement, advocates, and prosecutors on both a local and national level.

205 - Super Self-Care for Overstressed Abuse Professionals

Holly Ramsey-Klawnsnik - Klawnsnik & Klawnsnik Associates

Professionals handling APS cases are routinely exposed to highly traumatizing material and events. As a result, super self-care is needed but often not practiced by hard-working individuals who are focused on the needs of their clients, their families, and others around them. This session will provide gentle reminders regarding the harmful effects of unmanaged stress and vicarious trauma and the need for all who handle cases involving human cruelty and suffering to take super care of themselves. Coping with a highly demanding job, clients with multiple serious unmet needs, and conflicting multiple demands will be discussed.

206 - Personal Safety in the Workplace (Part 1)

Dan Elliot - danelliot.net

Two Sessions (Part I & Part II Format) This workshop will cover essential skills needed to maintain personal safety on the job, including the Four "A"s of safety: Awareness, Assessment, Anticipation, and Action, including increased awareness when interacting with individuals and "unknown others;" building rapport, de-escalation, going into unfamiliar areas, and entering homes of strangers. Thinking about personal safety at the workplace isn't the most fun thing, but learning to be safer can be!

207 - The Use of Involuntary Interventions in APS

Alan J. Lawitz, Esq. - New York State Office of Children & Family Services, Director, Bureau of Adult Services

Paul L. Caccamise, LMSW, ACSW - Lifespan of Greater Rochester

Social Work practice ethics emphasize client autonomy and choice, as do the laws underlying APS, yet APS staff are frequently called upon to consider involuntary interventions for their clients. They often must assess the need for involuntary measures and are sometimes called upon to implement involuntary interventions in their cases. This workshop will examine when involuntary interventions are called for, when they are not, and what ethical decisions and dilemmas surround service planning that contradicts a clients wishes or cases in which it is unclear what the clients wishes are. Presenters will review involuntary measures that are available and discuss case examples.

Workshop Details

Workshop Sessions II - Wednesday, October 02, 2013 1:30 PM - 3:00 PM

208 - Building Your Case to Stand the Test of Time *Paul Needham, MBA - Oklahoma Department of Human Services* *Steve Field - Tennessee Department of Human Services*

In this fun and interactive workshop participants will learn the value of "Building Your Case to Stand the Test of Time." APS Training of all kind can be and should be an interactive experience. Two experienced APS trainers from different states will demonstrate the adaptability and availability of this workshop on APS Case Documentation and the other 22 APS Core Competency Training Modules identified by NAPSA. This workshop will be short on lecture and long on discussion, demonstration and interactive exercises.

Workshop Sessions III - Wednesday, October 02, 2013 3:15 PM - 4:45 PM

301 - Because It's Black and Blue Does Not Mean It's a Bruise: Forensic Wound Identification and Documentation of Abuse and Neglect (Part 2)

Daniel J. Sheridan, PhD, RN, FNE-A, FAAN Johns Hopkins University School of Nursing

Two Sessions (Part I & Part II Format) In this two-part presentation, participants from multiple disciplines will learn techniques for improving their verbal and physical assessments of abuse and neglect, forensic documentation, both written and photographic, of vulnerable individuals with possible abuse-related injuries. In addition, participants will learn to better assess if injuries were from falls versus being "found down." Basic forensic terminology will be presented in a format immediately useful to various professionals. Using a case history approach, an extensive series of instructive injury slides will be shown to demonstrate patterned injuries and injuries in various stages of healing. The last part of the workshop will include group participation and discussion to correctly identifying forensic injuries in two adjudicated cases and discuss how to best document and investigate the cases. To maximize learning, it is highly recommended participants attend Part 1 which will build in Part 2.

302 - What To Do About Bullies in Long-Term Care Settings

Lori Goetz - Office of Ombudsman for Long Term Care

Sandra Newbauer - Office of Ombudsman for Long Term Care

The purpose of the Adult Bullying presentation is to help residents and staff at Long-Term Care facilities prevent bullying amongst residents and to also have some possible solutions to implement if bullying is already going on at facilities. We will discuss causes for bullying that may help narrow down potential solutions to try, define what constitutes bullying, talk about the characteristic of those who bully and who are bullied, discuss types of bullying, and will also give some solutions for individuals and systemic solutions to try. We hope to help facilities and residents make the residents' place to live one that they enjoy and truly consider their home.

303 - Research Analyzing Adult Protective Service Data: What Does It Tell Us?

Joy Swanson Ernst, PhD, MSW - Hood College

Carol Dayton, MSW - Consultant & Trainer in Aging & Elder Abuse Investigations

Holly Ramsey-Klawnsnik, PhD - Klawnsnik, Klawnsnik & Associates

The mission of Adult Protective Services (APS) is to protect older and vulnerable adults from abuse, neglect, and exploitation. The complexity of APS cases and the potential for life-changing interventions point to the need for research that examines and evaluates APS practices. The purpose of this workshop is to present the results of a review of published, peer-reviewed research that used APS agencies, clients, data, or resources to test hypotheses regarding elder abuse. The review identified 50 studies conducted in the United States between 1996 and 2001. Each study was categorized according to its essential research questions; several studies were placed into more than one category. Instruction will be delivered by lecture and PowerPoint presentation. After attending this session participants will be able to:

1. Appreciate the range and categories of research studies that use data and resources from Adult Protective Services (APS) agencies.
2. Understand the major findings of and limitations of studies that use data from APS agencies.
3. Be knowledgeable of recommendations for future research utilizing APS data and resources.

304 - Impact of Nursing Home Profit Status on Percentage of Residents with Dementia and Quality of Care *Kevin E. Hansen, J.D. School of Aging Studies, University of South Florida*

This study examined whether profit status of nursing homes predicted the number of residents with dementia, and whether these residents were admitted into facilities with higher numbers of deficiency citations. We analyzed nursing homes in 2008 (N = 14,554) using the Online Survey Certification and Reporting (OSCAR) data, conducting a linear regression to measure impact of profit status. Covariates included total deficiencies per facility, facility chain membership, reimbursement by Medicaid and Medicare, and percentage of residents by facility with behavioral symptoms. Correlations of variables and covariates were significant ($p < .001$), and linear regressions evaluated predictive contributions of each covariate. Results showed a 2.4% and 1.3% decrease in the proportion of residents with dementia according to for-profit status and chain membership, respectively. Residents with dementia were admitted to facilities with higher quality of care (measured by fewer deficiencies), and to those with greater percentages of residents with behavioral symptoms. Attendees will learn the nature of nursing homes who admit residents with severe cognitive impairment and will also discover the general nature of quality of care provided in such nursing homes. This presentation will be delivered in lecture format.

Workshop Details

Workshop Sessions III - Wednesday, October 02, 2013 3:15 PM - 4:45 PM

305 - Risk Factors for Re-Reports to APS: Findings Across Three United States' Jurisdictions

Kristen Johnson - National Council on Crime & Delinquency

Kez Wold - Texas Department of Family & Protective Services

Stephen Roberts - Texas Department of Family & Protective Services

Many Adult Protective Service (APS) jurisdictions are constrained to serving individuals for whom reported allegations were found to be true, and/or are living in poverty. These characteristics used to determine whether or not an individual can receive treatment and prevention services may or may not be related to the likelihood of future harm. Other client and caregiver characteristics may be more closely related to the likelihood of subsequent APS involvement. This presentation will compare recidivism data from three United States' jurisdictions to examine whether APS workers' decisions to substantiate allegations or not is related to recidivism when measured as re-reports of harm in a one-year follow-up period. Additional risk factors common to all three states will be discussed as well. The latter part of the session will be a facilitated discussion about how agencies can conduct similar research, and why this information might be helpful. 1. Participants will learn about the predictive validity and reliability of case actions taken by APS staff, such as whether or not to substantiate allegations as founded or confirmed. 2. Participants will be able to identify the empirical risk factors common across three United States' jurisdictions; 3. Participants will understand the benefits and limitations of recidivism analyses for APS agencies.

306 - Personal Safety in the Workplace (part 2)

Dan Elliot - danelliot.net

Two Sessions (Part I & Part II Format) This workshop will cover essential skills needed to maintain personal safety on the job, including the Four "A"s of safety: Awareness, Assessment, Anticipation, and Action, including increased awareness when interacting with individuals and "unknown others," building rapport, de-escalation, going into unfamiliar areas, and entering homes of strangers. Thinking about personal safety at the workplace isn't the most fun thing, but learning to be safer can be!

307 - Chemical Restraint: Elder Abuse in Long Term Care

Linda Kincaid, MPH - Examiner.com

Chris Murphy, MS Director - Consumer Advocates for RCFE Reform

Use of psychoactive drugs as chemical restraint is harmful to the resident, and it is unlawful. Chemical restraint destroys dignity and quality of life. Formerly functional residents lose the ability to walk and become incontinent. Cognitive function declines, and memories are lost. California's Personal Rights for Residential Care Facilities for the Elderly specifies the right to reject unwanted medical care, including medication. A similar statement of personal rights applies to residents in skilled nursing facilities, plus federal regulations prohibit chemical restraint in skilled nursing. California's Notice of Conservatee's Rights specifies that a conservatee retains the right to make his or her own medical decisions. Chemical restraint is a crime under both California and federal law. Public records from California show that over-medication and chemical restraint are common. Many long-term care facilities are cited for administration of psychoactive medication to manage dementia, wandering, agitation, and other "behavioral problems." Licensing agencies and APS staff can benefit from understanding that chemical restraint is not an appropriate or lawful response to the challenges of managing cognitive impairment and dementia.

308 - In Their Own Words: I'm Having to Suffer for What He Did to Me

Paul Needham, MBA - Oklahoma Department of Human Services

Jerry Hines Oklahoma - Department of Human Services

Through a short introduction and an interactive session utilizing a video clip and group activity & discussion this workshop will help participants be able to: recognize and acknowledge power and control dynamics in abuse later life cases, affirm victim's strengths, survival skills, and courage; use an approach that recognizes safety issues; list potential services; promote an interdisciplinary approach.

Workshop Sessions IV - Thursday, October 03, 2013 9:00 AM - 10:30 AM

401 - Monitoring & Prosecuting Guardianship Fraud in Ground Zero

Anthony Palmieri Clerk & Comptroller Palm Beach Clerk & Comptroller

Sharon R. Bock, Esq. Clerk & Comptroller Palm Beach

As the nation's population continues to rapidly age, the importance of monitoring guardianship fraud will grow exponentially. Monitoring is critical to protecting society's most vulnerable citizens – incapacitated adult wards. The Clerk & Comptroller of Palm Beach County Florida, Sharon R. Bock, Esq., and her Inspector General team perform highly specialized and in-depth audits of guardianships. Session participants will hear about a cutting-edge monitoring program that is successfully deterring and identifying guardianship fraud. Participants will uncover the deceptive actions of some unscrupulous predators through the examination of court records and documents discovered using advanced investigative methods. Participants will learn how to bridge the gap between the civil guardianship courts and criminal prosecution. Participants will be empowered to approach their legislatures and courts to encourage action and effect change. Participants will learn how and why the Clerk's office has partnered with local Adult Protective Services investigators in this pursuit of righteousness.

Workshop Details

Workshop Sessions IV - Thursday, October 03, 2013 9:00 AM - 10:30 AM

402 - Healing Through The Dying Experience, Strategies to Help Dying Individuals and Their Loved Ones Find Hope and Healing

Brenda Hartman, MSW, LICSW - Therapy for Children, Adults and Families, Inc.

This presentation will explore ways to assist individuals and families when in the final life-stage of death. Specific strategies will be provided to help the dying person and their loved ones manage their feelings and find the healing potential of death. Lecture, group discussion, and case examples from a wide range of situations will illustrate the variety of responses professionals working in this area may confront and be expected to guide.

403 - San Diego County's Intake Pilot Project

Carol Castillon - County of San Diego

Lynn Calhoon - County of San Diego

San Diego County's Adult Protective Services undertook a Pilot Project that analyzed the intake/investigative process of Adult Protective Services workers. Adult Protective Services (APS) has had a steady increase in referrals over the past several years. Causes for the increase may be attributed to an increase in the aging population, mandated reporters, the economic crisis and an increase in immigrant refugees. In the meantime, Adult Protective Services is poorly funded and notoriously known for having a shortage in staff. Without increased funding Adult Protective Social Workers are being heavily impacted. Social workers are receiving an average of 24 cases per month which equates to a 29.9% increase in workload from years past. There has been an increase in social worker "burn-out" and a decrease in morale. Knowing that the workload would not decrease we needed to determine how to better manage the current workload while assisting our workers with burn-out and morale. The Methodology used was adopted from Lean Six Sigma. The Pilot Project initiated a different way of investigating cases. Through this process we were able to analyze our efficiency and effectiveness. We used several tools that included a time study, weighted case assignment, Re-engineered APS Worker Roles and worker Surveys. The presentation will be in the form of a lecture.

404 - The Impact of Hoarding Disorder on Individuals, Families and Communities

Janet Yeats The Hoarding Project

Hoarding Disorder impacts over 15 million Americans, and when we include the further impact to families and communities, the number of Americans who are affected by hoarding disorder is staggering. Hoarding Disorder is complex and often misunderstood. Additionally, the impact of hoarding behaviors is felt by family members of people who hoard, adult and child protective services, mental health professionals, county and city employees, first responders, and the communities in which people who hoard live. Most often, the response to treating hoarding disorder is to conduct forced clean-outs which have been proven to be expensive, ineffective, and do not last. This presentation will provide a foundational understanding of hoarding disorder, including assessment, effective treatment, and strategies for professionals to best work with individuals who hoard, their family members and communities.

405 - Meeting the Challenge of Protecting At-Risk Elders with Cognitive Impairment: an Integrated and Empirical Approach

Linda Henderson - County of Ventura Human Services

Marcy Snider - County of Ventura Human Services

Dr. David Sommerfeld - University of California San Diego

Dr. Erik Lande - Private Practice

Workshop presents approaches and outcomes addressing the increase in elders with cognitive impairment and resulting situational complexity with emphasis on financial abuse. Successful strategies leading to measurable outcomes include sustaining an effective multi-disciplinary team; integrating evidenced-based tools for screening into practice; integrating MSW Interns/Public Health Nurses into APS practice; conducting in-home neuropsychological evaluations and assessing for financial capacity.

406 - APS and Hospital Intensive Case Management Program: A Multidisciplinary Approach to Helping Vulnerable Adults

Martha Haas, LCSW - Sacramento County Department of Health and Human Services, Adult Protective Services

Kim Dochterman, MSW - Sacramento County Department of Health and Human Services Adult Protective Services Roderick

Tinsley, BA - Sacramento County Department of Health and Human Services Adult Protective Services

Phyllis Pena, RN, BSN, PHN - Sacramento County Department of Health and Human Services Adult Protective Services

Sacramento County Adult Protective Services (APS) staff will share the successful case management program developed and implemented by APS and local hospitals that focuses on the senior and dependent adult population who are at high risk of abuse and/or neglect as well as repeated hospitalizations and emergency room visits. Funded via a combination of hospital, county, state and federal funding, the hospital case management program was created to strengthen the system of protection for this vulnerable population utilizing a collaborative, care coordination approach among public and private agencies. Workshop participants will learn how APS added a case management component to their agency's services to address client safety and expedite access and linkage to community resources while preventing and/or reducing inappropriate emergency room visits and unnecessary hospitalizations.

Workshop Details

Workshop Sessions IV - Thursday, October 03, 2013 9:00 AM - 10:30 AM

408 - Seven Tips to Improve Team Performance
Lori Delagrammatikas San Diego State University
Jill Nielsen City and County of San Francisco

APS supervisors have the challenging task of keeping worker morale and performance up while workloads continue to increase and staffing, unfortunately, does not. In this interactive workshop, supervisors will learn a variety of techniques to improve the motivation, cohesion and performance of workers so that their teams can meet their goals without burning out.

Workshop Sessions V - Thursday, October 03, 2013 10:45 AM - 12:15 PM

501 - Undue Influence: Parallels to Domestic Violence, Stalking, and Sexual Abuse (Part 1)

Paul Needham, MBA - Oklahoma Department of Human Services
Candace Heisler, JD - Heisler & Associates

Two Sessions (Part I & Part II Format) Undue influence is a pattern of manipulative behaviors that result in a perpetrator getting a victim to do what the exploiter wants, even if it is contrary to the victim's previous beliefs and wishes. The tactics are employed to exploit the trust, dependency and fear of another in order to deceptively gain decision making control of the victim and may be a method to commit a crime.

502 - Facilitated Discussion of Standardized Data Elements for APS

Lori Delagrammatikas - Academy for Professional Excellence
NAPSA Regional Representatives

This workshop will allow APS experts/participants to begin the national discussion of what standardized data elements should be collected by APS programs. Questions asked will include "what data elements are you currently collecting?" "How are you using them?" "What data do you wish we would collect?" "How do you define a case, a report, an investigation?" Results of the discussion will be submitted to the Resource Center to provide a voice from the field about this important topic.

503 - Understanding the Neuropsychological Functioning of a Vulnerable Adult: Beyond the Psychologist's Report

Nancy Foster, Phd Institute for Brain-Behavior Integration

What is executive functioning and how does it make someone vulnerable? What do the numbers in the psychologist's report really tell me about my client's ability to live independently? The purpose of this workshop is to demystify the findings of a neuropsychological evaluation and to help practitioners put their clients' behaviors into a more realistic, day-to-day functioning perspective. Specific tests will be discussed and clinical case examples will be provided.

504 - Upping Your Rapport Factor: A Prescription for Success in APS Practice

Paula M Mixson, LMSW-AP, CVP, CG Paula Mixson and Associates

Participants will learn to recognize and better apply the elements of rapport in their interactions with others, and thereby increase their effectiveness as communicators and APS practitioners. Lecture, PowerPoint, small group activities, demonstrations.

505 - Protecting the Gray and Gay: Introduction to Lesbian, Gay, Bisexual and Transgender (LGBT) Older Adults

Rajeane Moore - Greater Twin Cities United Way
Jane Danner - Volunteers of America

Whether you know it or not, lesbian, gay, bisexual and transgender (LGBT) elders are probably part of your caseload. Learn about the unique issues facing these populations and how these issues affect their willingness to seek out services. This session will outline issues of LGBT aging, increase service provider awareness about the diversity of sexual orientations and gender identities among senior clients, present findings from a recent needs assessment, and identify actions you can take to make your practice and organization, more LGBT culturally competent. Participants will: Understand the difference between sexual orientation and gender identity and the most appropriate language to use when working with LGBT elders; Know the significant risks that LGBT elders face and the reasons LGBT elders are reluctant to seek formal social services; Learn about three environmental changes organizations can make to become more welcoming to LGBT elders.

Workshop Details

Workshop Sessions V - Thursday, October 03, 2013 10:45 AM - 12:15 PM

506 - Implementing a Virtual Workforce

Robert K. Anderson - Florida Department of Children and Families, Adult Protective Services
Lee Ann Kelly-Christenson - Florida Department of Children and Families, Adult Protective Services
Nelson Mongiovi - Florida Department of Children and Families, Adult Protective Services

In response to increased budget shortfalls, Florida's Department of Children and Families developed and implemented a virtual workforce concept, known as "Hoteling." The Hoteling concept was first developed in response to an increasing need to optimize resources, which resulted in significant decreases in fixed costs, while investing in people and services. Attendees of this workshop will learn: Hoteling - what is it? Technology requirements for implementation Benefits of Hoteling for staff and clients Challenges to implementation.

507 - Uncovering Evidence-Based Practices for APS

Shannon Flasch - National Council on Crime & Delinquency
Nichole Carlisle - National Council on Crime & Delinquency

This session will describe, in lecture format, three reports produced under the National Adult Protective Services Resource Center. The first two concern evidence-based practices currently in use in APS agencies across the country. In 2012, NCCD conducted a literature review and a national survey under the auspices of the NAPSRC to identify evidence-based practices currently in use. In 2013, NCCD followed-up on this work with a review of evidence-based practices used in other human services fields and the potential for adapting these practices to APS. Goals: 1. Participants will be able to describe evidence-based practices currently in use in APS agencies. 2. Participants will be able to describe the extent to which evidence-based practices are used in APS agencies. 3. Participants will be able to identify evidence-based practices in other human services that may have application in APS

508 - Reaching Within: The APS Journey Into Ethics and Values (part 1)

Nyla McCarthy, RMT - Oregon Department of Human Services

Two Sessions (Part I & Part II Format) In this fast paced, highly interactive workshop, award winning trainer and presenter Nyla McCarthy will guide participants through an exploration of both personal and professional meanings of ethics and values as they apply to living a highly ethical APS service life. We will journey through developmental, cultural, class, media influenced, and politically colored beliefs, examine personal decision making frameworks, consider the three Foundational Ethical Questions for professionals and explore the NAPSA Code of Ethics and APS Principles. Finally, time permitting, Nyla will present a model framework for ethical decision making which participants will apply to real life ethical case dilemmas.

Workshop Sessions VI - Thursday, October 03, 2013 3:00 PM - 4:30 PM

601 - Undue Influence: Parallels to Domestic Violence, Stalking, and Sexual Abuse (part 2)

Paul Needham, MBA - Oklahoma Department of Human Services
Candace Heisler, JD - Heisler & Associates

Two Sessions (Part I & Part II Format) Undue influence is a pattern of manipulative behaviors that result in a perpetrator getting a victim to do what the exploiter wants, even if it is contrary to the victim's previous beliefs and wishes. The tactics are employed to exploit the trust, dependency and fear of another in order to deceptively gain decision making control of the victim and may be a method to commit a crime.

602 - National APS Certification - A Discussion

Krista Brown - San Diego State University
Lori Delagammatikas - San Diego State University

This workshop will provide an update on NAPSA's current efforts to develop a National APS Certification process as well as allow APS Professionals to discuss questions related to access, availability, and interest in certification. Questions will include: "What are your thoughts on certification?", "Would you seek certification for yourself, for your staff?", "What are some potential barriers you foresee to accessing certification in your state, county, agency?" Results of this discussion will inform the work of the NAPSA Certification Subcommittee. All levels of APS Professional are encouraged to attend.

603 - The Philadelphia APS Bank Reporting and Loss Prevention Program

Joseph Snyder - Philadelphia Corporation for Aging

Participant will learn how a local APS program worked with a national bank to establish fraud protection for vulnerable older adults. Resources used to create and maintain the program will be discussed. Participants will learn how to develop relationships with the financial industry. Participants will learn how the project evolved into a city-wide Financial Exploitation Task Force that includes several major banks, law enforcement prosecution and APS.

Workshop Details

Workshop Sessions VI - Thursday, October 03, 2013 3:00 PM - 4:30 PM

604 - Understanding the Rationale & Recognition of Senior Financial Exploitation

Cary Steven Johnson 1ST District Attorney's Office

The speaker provide general facts about the older adult population in relation to elder abuse. There will be a common discussion of what constitutes financial exploitation and valid consent. The most common reasons that older adults are victimized will be presented along with warning signs of exploitation. Reasons that older adults don't report exploitation will be discussed. The speaker will discuss why information is the most relevant and effective crime prevention methodology and a discussion of how to reach seniors with that information will take place. Finally, attendees will be able to identify, understand, and assist older adults in avoiding prevalent scams. Part II: I will do a demonstration crime prevention seminar. Attendees will understand ID theft demographics, prevention of purse/wallet theft, prevention of mail theft, the safe use of checks and credit cards, methods of guarding one's Social Security number, and steps for avoiding 'Power of Attorney' fraud. Relevant Federal protections will be given and attendees will receive tools they can use to assist in keeping older adult clients or family members safer. A replicable 28-page handbook will be given to each attendee. Learning methodology will include lecture, question-and-answer, PowerPoint, handouts, audience participation, and 'show-and-tells.'

605 - Data Informed Practice Reform: How Texas is Developing and Implementing the Structured Decision Making Model

Jennifer Cotter - National Council on Crime & Delinquency

Beth Engelking - TX Dept. of Family and Protective Services

Kez Wold - TX Dept. of Family and Protective Services

Stephen Roberts - TX Dept. of Family and Protective Services

Texas Department of Family and Protective Services (DFPS) is in the process of developing and implementing the SDM assessment model to help support case decision making as part of a more comprehensive, well-planned, evidence-based practice reform effort. This presentation will provide an overview of the drivers for change as well as the steps taken to develop, test and improve the assessments with attention to tool validity, reliability, equity and utility. A representative from Texas DFPS will describe the implications of statewide implementation and practice change. 1. Participants will understand the drivers for practice reform. 2. Participants will learn about the steps taken to develop valid, reliable, equitable and useful assessment tools. 3. Participants will understand how implementation of SDM will impact practice.

606 - Financial Exploitation Investigations Protocols for APS

Linda Mill, CFE - Temple University

Denise Getgen, R.N., BSN - PA Department of Aging

This lecture will share the financial exploitation investigation protocols and forms recently introduced in Pennsylvania. Developed by the PA Department of Aging Institute on Protective Services at Temple University, the protocol uses a 7-step process and detailed investigative checklist. Using the checklist and custom forms, Protective Services Workers are recovering assets and making successful referrals to law enforcement for prosecution. The session will also review the partnership between the PA Department of Aging and Temple University, which includes the use of an Attorney and Certified Fraud Examiner as expert investigators and trainers supporting both APS and law enforcement on complex financial cases.

608 - Reaching Within: The APS Journey Into Ethics and Values

Nyla McCarthy, RMT - Oregon Department of Human Services

Two Sessions (Part I & Part II Format) In this fast paced, highly interactive workshop, award winning trainer and presenter Nyla McCarthy will guide participants through an exploration of both personal and professional meanings of ethics and values as they apply to living a highly ethical APS service life. We will journey through developmental, cultural, class, media influenced, and politically colored beliefs, examine personal decision making frameworks, consider the three Foundational Ethical Questions for professionals and explore the NAPSA Code of Ethics and APS Principles. Finally, time permitting, Nyla will present a model framework for ethical decision making which participants will apply to real life ethical case dilemmas.

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AGENDA ITEM 8:

REQUEST TO APPLY FOR A GRANT FROM THE FOUNDATION FOR RURAL SERVICE

MANAGER'S COMMENTS:

Mr. Jim Hamilton, Cooperative Extension Director, will request authorization to apply to the Foundation for Rural Service Grant Program. The grant would be utilized to purchase a digital scale/portable head gate for shared use by the Watauga County cattlemen and as an educational tool for the Livestock Agent's programming. Total cost for the equipment would be \$8,000 and Mr. Hamilton is requesting \$4,000 in County matching funds. Mr. Hamilton is proposing to use the unspent funds set aside for the multiflora rose program. Mr. Hamilton plans to have the Blue Ridge Seeds of Change act as the fiscal agent.

Board direction is requested.



FOUNDATION FOR RURAL SERVICE MISSION STATEMENT

The Foundation for Rural Service (FRS), in cooperation with the NTCA–The Rural Broadband Association, seeks to sustain and enhance the quality of life throughout rural America by advancing an understanding of rural telecommunications issues. FRS is a 501c(3) nonprofit organization.

GRANT GUIDELINES

FRS will provide annual grants for programs in rural communities served by NTCA members. Our grants support local efforts to build and sustain a high quality of life in rural America. Applicants may request grants in the range of \$250 to \$5,000. Each grant is a one-time award. Projects may be funded at a lesser amount than requested.

The foundation supports organizations and projects that fit into the following grant categories:

- **Business Development**
Technology equipment for agriculture, entrepreneurship and/or job creation programs.
- **Community Development**
Parks and recreation, tourism and the arts.
- **Education**
Education technology (such as computers and smart boards), curriculum development, extracurricular activities and distance learning programs.
- **Telecommunications**
Broadband adoption projects, technology education and training.

We give priority to projects that:

- Could be fully funded by the grant maximum of \$5,000 or have 75% or more of the project currently funded.
- Foster collaboration among different community agencies and local government.
- Have a long-term/long-lasting effect in the community.
- Promote community participation and engagement.
- Make rural communities a better place to live and work.

As a guideline, FRS will not fund grants to the following::

- Individuals
- Scholarship programs
- International organizations
- Lobbying and political activities
- Ticketed events
- Infrastructure/Building campaigns
- Capital campaigns
- Endowments
- Event sponsorships

***Please note that FRS will not award grant money to an NTCA member. We ask that NTCA members support and assist their local community partners in obtaining grants by submitting a letter of support (see grant proposal requirements below).**

GRANT PROPOSAL REQUIREMENTS

Please submit a grant proposal containing all of the items listed below. Incomplete proposals will not be considered. Electronic submissions will not be accepted.

Your grant proposal must include:

1. Cover letter signed by project leader or person responsible for funds
2. Organizational overview (mission of organization, your programs and major activities)
3. General description of project (no more than three to five pages) that includes:
 - Problem statement (why are you doing this project, what is the need within the community?)
 - Goals and objectives
 - Project activities
 - Target population (demographics)
 - Listing of other partners in the community
 - Estimation of project start and end dates
4. Project budget and amount requested
 - Listing of other funding sources for the project (include financial commitment)
5. A letter of support from an NTCA member company endorsing the project (must be original signed copy on company letterhead). All applications without this letter will be ineligible for a grant.
6. W-9 form with a tax ID number and/or 501c(3) certificate

**PLEASE SEND ALL MATERIALS TO THE FOUNDATION
FOR RURAL SERVICE GRANT PROGRAM AT:**

**4121 Wilson Boulevard, Suite 1000
Arlington, VA 22203**

For questions or more information, email foundation@frs.org.

Proposals due to FRS	Notice of Grant Award	Fund Distribution by
October 1	December 1	December 31

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AGENDA ITEM 9:

PUBLIC HEARING TO ALLOW CITIZEN COMMENT ON THE FOLLOWING:

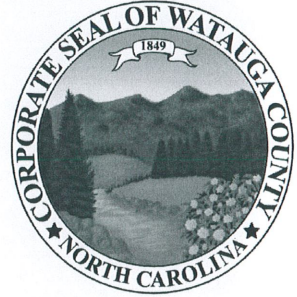
- A. Watauga County Library's Request to Name A Meeting Room In Memory of Ms. Evelyn Johnson*

MANAGER'S COMMENTS:

Per Board direction, a public hearing has been scheduled to allow citizen comment on the naming of the meeting room in the Watauga County Library the Evelyn Johnson Meeting Room. Ms. Johnson worked for the Watauga County Library for over 30 years. The Board recently passed a naming policy that requires the individual for which the facility will be named after to be deceased for one (1) year. Ms. Johnson passed away in January 2013. The Board approved the waiving of this requirement per the naming policy.

In accordance with the naming policy a public hearing is required to be scheduled to seek comments and input from County citizens. Once the public hearing has been completed the Board may vote on the request. A unanimous vote of the Board is required for the naming application to be approved.

Staff seeks directions from the Board.

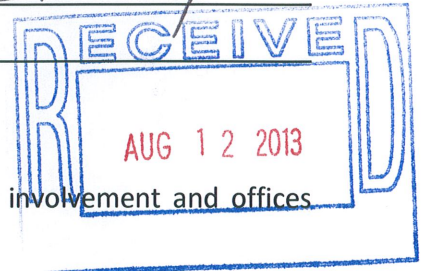


Watauga County Facility, Property, and Space Naming Application

Before submitting, please review the County Facility, Property, and Space Naming Policy.

Name of proposed honoree(s) Evelyn Johnson

Proposed location of the building, structure, memorial, plaque, marker, area, or facility to be named Watauga County Public Library Meeting Room



If the proposed honoree(s) is a **living individual** please attach:

- a) Current resume (may include items b-d below).
- b) List of volunteer and/or service activities, including dates of involvement and offices held.
- c) List of professional accomplishments.
- d) List of honors and/or awards, both volunteer and professional, including dates awarded.
- e) Information regarding any significant donations, gifts, financial support or contributions made by the individual to Watauga County.
- f) Additional documents that support the proposal (optional)

If the proposed honoree(s) is a **deceased individual**, please attach:

- a) Source-identified, dated copy of obituary.
- b) List of volunteer and/or service activities, including dates of involvement and offices held.
- c) List of professional accomplishments.
- d) List of honors and/or awards, both volunteer and professional, including dates awarded.
- e) Information regarding any significant donations, gifts, financial support or contributions made by the individual to Watauga County.
- f) Additional documents that support the proposal (optional).

If the proposed honoree(s) is an **organization**, please attach:

- a) A copy of the charter for the organization, including mission statement.
- b) A copy of the minutes of the meeting or authentic copy of the proclamation made that substantiates the organization's desire to seek a County facility, property, or space naming or renaming opportunity.
- c) List of service to community, both volunteer and monetary, including dates of involvement and results.
- d) Authentic copies of recognitions awarded by national organization of which the local organization is an affiliate.
- e) List of other honors/awards earned by organization.
- f) Narrative as to why the organization should be honored with the naming of a facility.
- g) Information regarding any significant donation, gifts, financial support or contributions made by the organization to the County.

Narrative describing why the individual should be honored with the naming or dedication of a building, structure, memorial, plaque, marker, area, or facility: _____

Please see attached narrative.

Attach additional pages if more space is required.

Please note: Honoree will be subject to a background check.

Please submit this application and all attachments to: **Watauga County Manager
814 West King Street, Suite 205
Boone, North Carolina 28607**

Applicant Contact Information & Signature

Name Monica Caruso
Organization Watauga County Public Library
Address 140 Queen Street

City Boone State NC
Telephone (828) 264-8784 x4
E-mail mcaruso@arlibrary.org
Applicant Signature Monica Caruso Date 8/7/13

Office Use Only

Date Received: _____ By: _____

Notes: _____

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Evelyn Shook Johnson

Evelyn Shook Johnson, 54, of Park Road, Banner Elk, died Monday, Jan. 14, 2013, at Wake Forest University Baptist Medical Center in Winston-Salem.

Evelyn was born Jan. 29, 1958, in Watauga County, a daughter of the late Roy Jeffrey Shook and Beulah Tester Shook. She was a librarian at the Watauga County Library, and a member and Sunday School Teacher at Watauga Baptist Church. Evelyn was also a member of the Kiwanis Club.

Evelyn is survived by two sons, Seth Johnson and Caleb Johnson, both of the Foscoe community; two sisters, Betty Norwood and husband, William "Buster," of the Foscoe community, and Mary Helen Brown of Morganton; one brother, David Shook and wife, Lucy, of the Foscoe community; and one brother-in-law, Johnny Townsend of the Foscoe community. She is also survived by a number of nieces and nephews.

In addition to her parents, she was preceded in death by two sisters, Margaret Adams and Ruth Townsend, and two brothers-in-law, Paul Brown and James Adams.

A celebration of Evelyn's life will be conducted 2 p.m. Thursday, Jan. 17, 2013, at Watauga Baptist Church. The body will lie in state at the church from 1 to 2 p.m. Officiating will be the Rev. R.D. Watson and Pastor Gordon Noble. Burial will follow in Watauga Baptist Church Cemetery.

The family will receive friends 6 to 8 p.m. Wednesday at Watauga Baptist Church. At other times, friends may call at the home of her brother, David and Lucy Shook, 314 Park Road, Banner Elk.

Flowers are appreciated, or memorial contributions may be made to family, in care of David Shook, 314 Park Road, Banner Elk, North Carolina, 28604.

Online condolences may be sent to the Johnson family at <http://www.hamptonfuneralnc.com>.

Hampton Funeral and Cremation Service is in charge of the arrangements.



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ASU Sports

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App State Football Practice Report: 08/05/2013

Nate Woody: Media Day 2013

Interviews/Practice Reports

Highlights

Local Business Marketplace



August 7, 2013

Narrative describing why the individual should be honored with the naming or dedication of a building, structure, memorial, plaque, marker, area, or facility:

Evelyn was hired by the Watauga County Public Library through a government Summer Jobs Program for Youth in the summer of 1977, just after she graduated high school. What began as a temporary position turned into a library career that spanned over three decades! During that time, she performed many different jobs in the library: Shelver, Circulation Assistant, substitute in the Children's Department and at the branch library, a stint in Technical Services, and eventually promoted to Reference Librarian, then Adult Services Librarian.

Evelyn began working on a bachelor's degree around 1979 at Appalachian State University in the Library Science Program when there was such a program. Meanwhile, she continued to work full-time at the library, married, and eventually became the mother of two boys. She worked diligently and steadfastly on her degree. When she graduated in 1995 she was the last person remaining in the undergraduate Library Science program. While technically she did not have a Masters in Library Science, she completed all of the required graduate level courses. Evelyn was the Adult Services Librarian at the Watauga Library for about 27 years. Despite her longevity in this position, she never lost the spark and excitement of being a librarian and amazingly would come up with new and creative ideas all the time. The programs she and the staff sponsored were fresh and innovative and usually attracted high numbers of attendees. The majority of the time these programs were held in the library's meeting room. Evelyn many a time would come in on Saturdays to ensure that a program she organized would go smoothly and to meet/welcome anyone involved, such as a presenter or performers. If there was a library-sponsored program in the meeting room, chances were that Evelyn had a hand in organizing it! Her sons have stated that they felt many times she would rather have been at work than at home! Her dedication to her job here was unwavering.

In years past, she sponsored an Adult Summer Reading Program that was filled to capacity. She also managed the Watauga Library's part in the annual "Watauga Reads" event, an overall major undertaking that includes the logistics of the author's library visit.

She enjoyed the respect and admiration of all local and regional library staff and a close and productive relationship with the Friends of the Library. She was known and loved by just about everyone in her community, many of whom she knew all her life. She was active in the local Kiwanis Club and held prominent positions in that organization. Each new venture that she undertook received the best she had to give, whether it was a spelling bee, a puppet show, an ice cream social, or a Christmas Parade.

Our staff, the Friends of the Library, and Library Board would all agree that naming the meeting room after Evelyn would be a great honor to her and would keep her memory alive and well here for all to see; this would ensure that she will not be forgotten by a community that loved her so dearly and will inform those who didn't know her how instrumental she was in shaping the image of this library.

Watauga County Facility, Property, and Space Naming Application

Evelyn Johnson's Volunteer/Service Activities Section:

VOLUNTEER/SERVICE ACTIVITIES

OFFICES HELD WITH KIWANIS CLUB OF BOONE

Kiwanis Lt. Governor (overseeing 6 Kiwanis Clubs and serving on a district board) - 2010 – 2011

President -2009 - 2010

President-Elect - 2007-2008.

Advisor to the Key Club (High School Leadership Club) - 2008-2013

Advisor to the Aktion Club (Leadership Club for those living with a disability) 2008-2013

Vice President - 2006-2007

Secretary - 2003-2008; 2012-2013

AWARDS WITH KIWANIS CLUB OF BOONE

Certificate of Distinction – September 27, 2011

President's Award – 2008-2009

Distinguish Service Award – 2006-2007

Carl B. Hyatt Fellowship Award – September 17, 2004

Distinguished Club Secretary - 2003-04

OTHER VOLUNTEER ACTIVITIES/CERTIFICATES

Certificate of Appreciation in recognition of ongoing volunteer efforts to enhance the lives of residents, Appalachian Brian Estates, April 16, 2007

Sunday School Teacher, Watauga Baptist Church - 1998 – 2012

PROFESSIONAL ACCOMPLISHMENTS

OFFICES HELD WITH THE NORTH CAROLINA LIBRARY PARAPROFESSIONAL ASSOCIATION (NCLPA)

Region 4 Director - 2011-2013

Programs Committee Chair - 2011-2013

Quotations take from Evelyn's Memorial Book

- Evelyn was such a knowledgeable librarian – she knew it all. I'll miss having her here at the library when we come in. With deepest sympathy to her family and co-workers
- You were our children's first librarian – they are all successful because learned to love books— thank you for all you did for the community since 1975
- Thank you, Evelyn for everything you gave to all of us. Your life was an inspiration to so many of us and you enriched us all by your service.
- From the first days of when Evelyn began her internship, she loved her job and made us all feel she did. I miss her ready smile and willing spirit
- I met Evelyn in the late seventies; she always had a smile on her face and goodness in her heart. I will always miss seeing her at the library. Evelyn was one of those people who made Boone a great place to live.
- I remember Evelyn's kindness and help when I came to the library as a child and she remained a familiar face every time I visit. The library is special now when I bring my own son , and she made it that way. She will be missed.
- The loss of Evelyn is a loss for the library and the community.
- You will be missed beyond understanding. Thank you for your years of devoted service and shared knowledge.
- Thank you for the kindness you showed me over the years.
- Evelyn... the unfading beauty of a gentle and quiet spirit, which is of great worth in God's sight.
- You were such an inspiration to everyone; I miss your smile.
- Bless you Evelyn – will your spirit be here as we all miss your physical presence.
- Can hear her voice, see her smile, here in the walls of books, she was just always here to greet you.
- Evelyn was always ready and willing to help me at the library. She is missed.
- You helped so many. Your passion for learning was evident to all. Thank you for caring , for serving, for leading. We miss you.

WATAUGA COUNTY FACILITY, PROPERTY, AND SPACE NAMING POLICY

I. PURPOSE

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

II. AUTHORIZATION

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

III. OBJECTIVES

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

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

IV. QUALIFYING NAMES

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

V. PROCESS OF CONSIDERATION

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

A. Making an Application:

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

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

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

VI. APPLICABILITY

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

VII. LIMITATIONS

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

VIII. RESPONSIBILITY

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

AGENDA ITEM 9:

PUBLIC HEARING TO ALLOW CITIZEN COMMENT ON THE FOLLOWING:

B. Proposed Amendments to the Ordinance To Regulate Signs in Watauga County

MANAGER’S COMMENTS:

Mr. Furman will present proposed changes to the County Sign Ordinance. The proposed changes were developed by the Planning Board and staff per Commissioner request to afford signage for agritourism and similar businesses, to clarify language regarding campaign signs, and to regulate, rather than prohibit, off premises signage.

The Planning Board recommends the Board adopt the changes as presented. Note the proposed new wording found in Section J.4 and L.2.d were required by the change in the North Carolina Statutes.

Upon completion of the hearing the Board may schedule a work session with the Planning Board or adopt the changes as presented.

Staff seeks direction from the Board.

STATE OF NORTH CAROLINA

COUNTY OF WATAUGA

AN ORDINANCE TO REGULATE SIGNS IN WATAUGA COUNTY

Pursuant to the authority granted counties in North Carolina General Statute 153A-121, the Board of Commissioners of Watauga County do order and ordain the following:

Purpose

The purposes of this ordinance are to promote the safety and general welfare of the citizens of Watauga County and to maintain the aesthetically pleasing environment of the mountain setting through regulation of signs. Specifically, the purposes are as follows:

- A. To provide for the safety of vehicular and pedestrian traffic by limiting visual interference of distractions.
- B. To protect the public from injury due to collapse, fire, decay, or abandonment of signs;
- C. To maintain the aesthetically pleasing environment which is unique to the mountains by regulating the size and location of signs.

It is also acknowledged that the County's economic well being is heavily dependent upon the resort and tourism industry. This dependence makes the preservation of the environment from unreasonable signage a matter of critical importance to the County.

A. Definitions.

1. Sign. Any surface, fabric or device bearing lettered, pictorial or sculptured matter designed to convey information visually and exposed to public view, or any structure (including billboard or poster panel) designed to carry the above visual information.
 - a. Sign Face. The part of the sign that is or can be used to identify, advertise, or communicate information or for visual representation which attracts the attention of the public for any purpose. The sign structure shall not be included as a portion any of the aforementioned sign face criteria are displayed on or designed as part of the sign structure.
 - b. Sign Structure. A supporting structure upon which any sign may be fastened, affixed, displayed, or applied, provided however said definition shall not include a building, fence, wall or earthen berm.
2. Advertising Sign (Billboard). A sign directing attention to a business, commodity, service, or entertainment which is conducted, sold or offered on premises other than the premises upon which the sign is located.

3. Business Sign. A sign directing attention to a business, commodity, service or entertainment conducted, sold or offered on the same premises.
4. Identification Sign. A sign identifying only the name of the individual, family, organization or enterprise occupying the premises, or the profession of the occupant, or the name of the building on which the sign is displayed.
5. Attached Sign. A sign permanently attached to the building located on the premises.
6. Detached Sign. A free standing sign, including those mounted on towers or stations, not affixed to the building.
7. Illumination. A lighted sign shall be one which is illuminated only by light cast upon the sign from a concealed source; a luminous sign is one illuminated by any type of internal or external electrical light source.
8. Portable Sign. Any sign which is attached to a mobile vehicle or is not permanently affixed to a building, structure, or the ground.
9. Temporary Sign. A sign or advertising display intended to be displayed for no longer than six (6) months to inform the public of an unusual or special event, or as otherwise specified in this ordinance.
10. Changeable Electronic Variable Message Sign. A sign (other than a public variable message sign, which is erected by a town, city, county, state for federal government or agency for traffic communication purposes) which results in illuminated display or messages or information by the use of a matrix of electric lamps, i.e., digital, LED (light emitting diode) or similar or refined display technology, movable discs, movable panels, light apertures, or other methods, which allow the message change to be actuated by a control mechanism rather than manually changing of message.

B. Signs Permitted Without Limitation. Signs Exempt from Permit Requirements but Subject to Ordinance Provisions. The following shall be permitted without limitation, except as ~~those~~ described in Sections B and C of this ordinance.

1. Signs to regulate traffic.
2. Signs required to be posted by law.
3. Warning signs and no-trespassing signs.
4. Signs established by governmental agencies.
5. Signs indicating bus stops, taxi stands, and similar transportation facilities.

6. Signs giving information concerning the location or use of accessory off-street parking facilities or loading and unloading facilities. Signs shall not exceed two (2) square feet.
7. Identification signs on premises of one and two-family dwellings (name and/or address).
8. Temporary real estate signs advertising specific property for sale, lease, rent, or development. Such signs shall be removed within five (5) working days after the sale, lease, etc. of the property. Signs advertising single-family residential property shall not exceed sixteen (16) square feet. Signs advertising large tract, commercial or multi-family property shall not exceed thirty two (32) square feet.
9. Temporary signs not exceeding sixteen (16) square feet **directing to the premises of advertising yard sales or real estate for sale.**
10. Subdivision and multi-family complex identification signs not exceeding fifty (50) square feet in area.
11. Signs not exceeding thirty-two (32) square feet involved in campaigns of religious, charitable, civic, fraternal, political and similar organizations. Such signs shall be placed no more than sixty (60) days prior to an event, such as an election, and shall be removed within seven (7) days after completion of campaign unless permitted in accordance with Section E. Political signs shall not be placed upon property **that is a polling place and is** owned and/or leased by the County or the County Board of Education except after 6 pm on the day before an election, and shall be removed no later than the day after the election. **Political signs shall not be placed upon property owned and/or leased by the County or the County Board of Education that are not polling places at any time.**
12. Signs not exceeding fifty (50) square feet on premises of schools, colleges, hospitals, nursing homes, community recreation centers, parks, libraries, museums, art galleries, playgrounds, golf courses, country clubs, and similar uses.
13. Signs not exceeding six (6) square feet which are on the premises of residences and are advertising home occupations.
14. Identification and directional signs on premises of or directing to the premises of churches.
15. **Identification and directional signs on premises of or directing to the premises of sales of Watauga-grown agricultural commodities or locations of agritourism.**
16. Flags or emblems of political, civic, philanthropic, educational or religious organizations erected on private property.

C. Prohibited Signs.

1. Signs that are structurally unsafe and thereby endanger the public safety shall be removed unless they are repaired and made to comply with the requirements of the North Carolina State Building Code.
2. Flashing and moving signs are prohibited. A sign provided as a public service showing the time and temperature shall not be considered a flashing sign. Changeable electronic variable message signs are not considered flashing and moving provided the signs comply with the following provisions:
 - a. The sign does not contain or display flashing, intermittent, or moving lights, including animated or scrolling advertising;
 - b. The sign facing remains in a fixed position for at least ~~eight (8) seconds (for off-premise signs) and~~ one (1) hour (for on-premise signs);
 - c. If a message is changed electronically, it must be accomplished within an interval of two (2) seconds or less;
 - d. The sign must contain a default design that will freeze the sign in one position if a malfunction occurs;
 - e. A changeable electronic variable message sign shall be equipped with a control system that automatically adjusts light emission level to ambient light conditions so as to not cause glare or excessive brightness. In no case shall the light level of any such sign exceed 300 nits (candelas per square meter) between the time of sunset and sunrise, nor 5,000 nits at other times. No more than 25% of the sign message may be white. Notwithstanding the acceptable light levels, internal illumination shall not be at an intensity that is distracting to vehicular traffic; and
 - f. Subsequent to installation, Watauga County shall have the ongoing discretion to require that brightness, frequency, colors or other qualities be adjusted in order to address safety concerns.
3. Advertising and business signs that are tacked, nailed, posted, pasted, painted, glued, or otherwise attached to trees or rocks.
4. No source of illumination on a sign, such as floodlights, spotlights, unshielded bulbs, etc. shall shine directly into any public right-of-way. Internal illumination shall not be at an intensity that is distracting to vehicular traffic.

D. On Premises Signs.

1. Attached business and industrial identification signs.

Permitted number and area of signs:

Wall signs shall be limited to signs 10% of each wall. The roof shall be considered as a wall and separately from each wall. Only visible portions of the roof may be used when calculating sign area. Projecting signs shall be

limited to one (1) twenty-four (24) square foot for each street/road front.

Permitted illumination:

Luminous-lighted.

Permitted location:

Signs shall be mounted flush against the building extending not more than ten (10) feet above the parapet of the building, or may project from the wall of the building (sign face is perpendicular to wall). Projecting signs must not extend into a street/road right-of-way and may not exceed twenty-four (24) square feet in area.

2. Detached business and industrial identification signs

Permitted number of signs:

One (1) per street/road front, plus an additional sign may be utilized for each two hundred (200) feet of street/road frontage. (There must be a distance of 200 feet between each sign located on the same premises when the signs are located on the same street/road. This spacing requirement does not apply to signs on premises of adjacent businesses.) Permanent subdivision signs shall not exceed fifty (50) square feet. Produce signs shall be limited to two (2) detached signs per business. Each sign may not exceed twenty-four (24) square feet.

Maximum area of signs:

Fifty (50) square feet. If a property and/or business industry owner is eligible for more than one (1) detached sign (due to road frontage) and he waives the right to erect more than one (1) detached sign and also waives the right to have any advertising sign(s) on his property, he may petition the Planning Board for a permit to erect one (1) detached sign with an area of up to one hundred fifty (150) square feet.

Permitted illumination:

Luminous-lighted

Permitted location:

Behind street/road right-of-way

Maximum height: Thirty five (35) feet in height above the street/road or natural grade level, whichever is higher, depending upon terrain.

3. Changeable electronic variable message signs are subject to Section C.2 to the extent applicable.

E. Advertising Signs.

~~1. Newly erected advertising signs shall not be permitted.~~

~~2. Maintenance of existing advertising signs shall be in accordance with Sections J and L.~~

~~3. No existing advertising signs may be converted to or replaced with a changeable electronic variable message sign.~~

1. Advertising signs shall not exceed three hundred (300) square feet in area unless otherwise approved by the Planning Board. This square footage includes both sign face and border.
2. Advertising signs shall be located as follows:
 - a. Be located outside the right-of-way of all roads, or thirty five (35) feet from the center line if there is no recorded right-of-way, provided that on corner lots no part of an advertising sign may be located within a triangular area formed by the street right-of-way lines and a line connecting them at points fifty (50) feet from the right-of-way intersection.
 - b. Be located only in "unzoned commercial areas" as defined in the North Carolina DOT Outdoor Advertising Manual and spaced as set forth in said manual except that new "side-by-side" signs shall be prohibited. This paragraph shall be applicable on all streets/roads in Watauga County which are not within the jurisdiction of a municipality.
 - c. Be located not closer than one hundred (100) feet to a pre-existing residential structure on an adjoining lot. This does not prevent the owner of a residence from placing an advertising sign on the same lot as the residence provided that the placement of such sign complies with subparagraph b. above.
 - d. Not exceed thirty five (35) feet in height above the street/road grade level.
 - e. Not exceed a width of thirty (30) feet.
 - f. Be located in such a way that they maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with the National Electric Code and local electric utilities' requirements.

3. No existing advertising signs may be converted to or replaced with a changeable electronic variable message sign. No new locations for changeable electronic variable message signs shall be permitted.

F. Special Sign Regulations.

1. For the purpose of this sign regulation an industrial or business complex or a shopping center consisting of two (2) or more businesses located in a unified building or group of buildings may have business and/or identification signs as permitted in Section D.1 in this ordinance. The center as a whole may have one (1) detached directory sign per street front. The center or complex sign shall not exceed fifty (50) square feet and each business and/or identification sign shall not exceed twenty-five (25) square feet.
2. Three (3) temporary signs shall be permitted on the site of any construction work bearing the name of the buildings, business, owner or those furnishing services or materials used on such construction work. Such sign(s) shall be removed within five (5) working days after completion of construction.

G. Portable Signs.

1. Advertising (off-premises) portable signs shall be prohibited except as specified in Section B.
2. Electrical cords for any portable sign may not extend across any surface where they will be traversed by vehicular or pedestrian traffic. If it is essential for a cord to extend across such a surface, then the cord must be buried or secured overhead. Furthermore, an electrical sign must comply with the National Electrical Code and display the Underwriter's seal of approval. Coupled with this provision all signs must be clearly marked with the name, address and telephone number of the person, firm, or corporation erecting or maintaining the sign.
3. All portable signs must have some type of tie down provisions to prevent them from becoming a hazard during high winds.

H. Permit Required.

For signs regulated by Sections D, E, F, and G of this ordinance, a permit shall be required in accordance with the North Carolina State Building Code, ~~Subsection 2301.3~~ Appendix H. Such permit shall be obtained from the Watauga County Department of Planning and Inspections. Applications for permits must be accompanied by a fee which will be set from time to time by the County Commissioners and must show the following information:

1. Ownership of the property on which the signs will be located.

2. Name and address of the sign owner.
3. Plans showing the exact location of the sign with respect to the building driveway or street access, property line and parking areas.
4. Size, shape, design and method of attachment for the sign.

For signs proposed to be located on Highways 321, 221, 421, and 105, evidence of N.C. DOT approval shall be required.

I. Variances and Appeals.

1. Appeal: With Request for Variance. Recognizing that the strict application of the requirements of this chapter may work an undue hardship on certain applicants, variances from the strict application of the provisions of this chapter may be granted by the Watauga County Board of Adjustment. Each application for a variance shall be in writing and shall state the reasons for the request for variance. The basis for a claim of hardship shall not be economics alone. The Board of Adjustment shall grant the variance, grant the variance with conditions, or deny the variance within sixty (60) days of the date of appeal from the decision of the County administrative official.
2. Appeal: Without Request for Variance. Any sign owner or applicant who alleges that a County administrative official acted erroneously in enforcing this ordinance may appeal the decision of that administrative official to the Board of Adjustment as specified in I.1. above.
3. Every decision of the Board of Adjustment shall be subject to review at the instance of any aggrieved party by the Superior Court by proceedings in the nature of certiorari. The appeal to Superior Court must be filed within thirty (30) days of the filing by the secretary of the Board of Adjustment to the decision in the office of the Department of Planning and Inspections.

J. Maintenance of Signs.

All sign supports, braces, poles, wires, and anchors thereof shall be constructed and kept in good repair as specified in the North Carolina State Building Code, ~~Section 2304~~ Appendix H. They shall be maintained in safe conditions, free from deterioration, missing parts, and peeling paint. Any sign not in compliance with these standards shall be deemed a nuisance and the following action may be taken.

1. The Building Inspector or his agent shall give written notice to the owner specifying the sign indicated and telling what needs to be done to bring the sign into compliance.
2. The owner of the sign shall respond to the notice within two (2) weeks and shall have sixty (60) days to complete said repairs. Additional time shall be granted by the Building

Inspector only upon delay of parts when it has been clearly shown that the parts have been ordered.

3. Failure to complete repairs in the specified time shall result in the Building Inspector causing the sign to be repaired, removed or altered at the expense of the owner(s).
4. In the event of a sign which is damaged in excess of 60% of its replacement value, such shall be restored or repaired only in compliance with the provisions of this ordinance.
This limitation does not apply to repair of any outdoor advertising signs for which there is in effect a valid permit issued by the NC Department of Transportation so long as the square footage of its advertising surface is not increased.

K. Obsolete or Abandoned Signs.

1. Signs or parts of signs which advertise or pertain to a business, product, service, commodity, event, activity, or purpose which no longer exists or that has not been in use for ninety (90) days or more shall be deemed to be an abandoned sign. Signs which are associated with seasonal business such as ski shops, Horn in the West, etc., shall not be considered obsolete or abandoned provided there is clear intent to continue the business in the up-coming season.
2. Obsolete or abandoned signs are prohibited and shall be removed by the owner or his agent within thirty (30) days of termination of the business, activity, event, etc.
3. Failure to remove such signs or parts of signs shall result in written notice from the Building Inspector. Failure to comply with this notice shall result in the sign being removed at the owner's expenses.

L. Non-Conforming Signs.

1. Intent - Signs in existence prior to the adoption of this ordinance and which do not conform to the provisions of this ordinance are declared non-conforming signs. It is the intent of this section to recognize that the eventual elimination of non-conforming signs is just as important to the health, safety, welfare, and appearance of Watauga County as is the prohibition of new signs which would violate this ordinance. It is also the intent of this section to allow sign owners a reasonable period of time to remove or bring into compliance such signs. This section provides a period of compliance which avoids any unreasonable invasion of established property rights.
2. General Provisions for Non-Conforming Signs – A non-conforming sign may be continued provided that it:
 - a. Shall not be modified in any way which increases its degree of non-conformity.
 - b. Shall not be expanded or relocated, unless such relocation brings the sign into conformance with this ordinance.

- c. Shall not be re-established after damage or destruction in excess of sixty (60) percent of its replacement value at the time of the damage or destruction, except as provided in Subsection J.4.
- d. Shall not be structurally changed or replaced with another non-conforming sign. Advertising copy shall not be considered a structural change. **This limitation does not apply to reconstruction of any outdoor advertising signs for which there is in effect a valid permit issued by the NC Department of Transportation so long as the square footage of its advertising surface is not increased.**

3. Removal and Compliance Schedule for Non-Conforming Signs:

- a. Signs which do not comply with Section J, Maintenance of Signs; and Section K, Obsolete or Abandoned Signs; shall come into compliance in accordance with the notification schedule therein.
- b. Signs prohibited in Section C, Prohibited Signs and Section G, Portable Signs shall be removed or brought into compliance within thirty (30) days of adoption of this ordinance.
- c. In cases where signs exceed the other requirements of this ordinance (square footage, height, setback) such signs may be amortized-provided North Carolina General Statutes-do not require cash compensation according to the following schedule.
- ~~d. In cases where signs exceed the other requirements of this ordinance (square footage, height, setback) such signs may be amortized—provided North Carolina General Statutes—do not require cash compensation according to the following schedule.~~

ORIGINAL COST OF SIGN

MUST CONFORM WITHIN

Less than \$1000	2 years from effective date of ordinance
\$1000 - 3000	3 years from effective date of ordinance
\$3001 - 5000	5 years from effective date of ordinance
over \$5000	7 years from effective date of ordinance

- e. Non-conforming signs shall be removed except as regulated by N.C.G.S. 136-131.1 or brought into conformity according to the time schedules herein. Failure to comply shall result in Watauga County instituting penalties and/or remedies as per Section M and N of this ordinance.

M. Penalties for Violation.

Any person violating provisions of this ordinance shall be given ten (10) working days to comply. Failure to comply within ten (10) working days shall be a misdemeanor and upon conviction shall be punished for each offense by a fine not exceeding fifty (50) dollars or by

imprisonment not to exceed thirty (30) days, or both. Each day such violation continues shall be deemed a separate offense.

N. Remedies.

In case any sign is erected, constructed, reconstructed, altered, repaired, converted or continued in violation of this ordinance the Building Inspector or any other appropriate County authority, as outlined in Sections J, K, L, may institute an action for injunction , or other appropriate action or proceeding to prevent or abate such violations.

O. Interpretation and Conflicts.

1. Minimum requirements. The standards and provisions of this ordinance shall be interpreted as being the minimum requirements necessary to uphold the purposes of this ordinance.
2. Other regulations, ordinances, etc. Whenever this ordinance imposes a higher standard than required by other regulations, ordinances or rules, or by easements, covenants, or agreements, the provisions of this ordinance shall govern.
3. Statutes. When the provisions of any applicable state or federal statutes impose higher standards, the provisions of such statutes shall govern unless it is determined that such higher standard is not being enforced. In such case, the provisions of this ordinance shall govern until such time as the higher standard is enforced.

P. Severability.

If any part of this Ordinance is held to be unconstitutional, it shall be construed to have been legislative intent to pass said ordinance without such unconstitutional provision, and the remainder of said ordinance shall be deemed and held to be valid as if such portion had not been included. If to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances.

Q. Effective Date.

This ordinance shall take effect and be in force from its adoption by the Watauga County Board of Commissioners. Adopted this the 16th day of April 1985. Amended this the 18th day of April, 2005. Amended this the 20th day of October, 2009.

ADOPTED this the 20th day of October, 2009.

James M. Deal, Jr., Chairman
Watauga County Board of Commissioners

SEAL

Anita J. Fogle, Clerk to the Board

TRANSPORTATION - DIVISION OF HIGHWAYS

T19A:02E.0200

SECTION - 0200 - OUTDOOR ADVERTISING

.0201 DEFINITIONS FOR OUTDOOR ADVERTISING CONTROL

(a) Commercial or Industrial activities for Unzoned Areas. Those activities generally are recognized as commercial or industrial by zoning authorities in the state, except that for the purpose of controlling outdoor advertising none of the following activities shall be considered commercial or industrial:

1. Outdoor advertising structures;
2. Agricultural, forestry, ranching, grazing, farming, and related activities, including, but not limited to, wayside fresh produce stands;
3. Transient or temporary activities;
4. Activities not visible from the main traveled way;
5. Activities more than 660 feet from the nearest edge of the right of way;
6. Activities conducted in a building principally used as a residence;
7. Railroad tracks and minor sidings;
8. Any commercial or industrial activity engaged in or established primarily for the purpose of qualifying an area for the establishment of outdoor advertising. It shall be conclusively presumed that any such activity is for the primary purpose of qualifying an area for outdoor advertising which:
 - (A) does not regularly have an attendant or individual, who is an employee of the business, present during normal working hours;
 - (B) has not earned within the immediate past year a gross annual income of at least twenty-five thousand dollars (\$25,000), except that, in those cases where the business has been in continuous operation at the same location for at least two years, there shall be no gross annual income requirement. Evidence of gross annual income shall be furnished by the sign owner as required by the District Engineer; and
 - (C) derives the majority of gross income from coin/currency operated vending devices. Any sign erected using the criteria stipulated in Subparagraph .0201 (a) (8) shall be removed at the sign owner's expense if any provision of Subparagraph .0201(a) (8) is violated or is no longer in existence within 24 months of the date of issuance of the permit;
9. Any outdoor advertising activity or any other business or commercial activity carried on in connection with an outdoor advertising activity.

(b) Zoned Commercial or Industrial Areas. Those areas which are zoned for business, industry, commerce, or trade pursuant to a state or local zoning ordinance or regulation.

(c) Unzoned Commercial or Industrial Areas:

(1) Those areas which are not zoned by state or local law, regulation, or ordinance, and on which there is located one or more permanent structures devoted to a commercial or industrial activity or on which a commercial or industrial activity is actually conducted, whether or not a permanent structure is located thereon, and the area along the highway extending outward 800 feet from and beyond the edge of such activity. Each side of the highway will be considered separately in applying this definition;

(2) All measurements shall be from the outer edges of the regularly used buildings, parking lots, storage or processing and landscaped areas of the commercial or industrial activities, not from the property line of the activities, and shall be along or parallel to the edge or pavement of the highway.

(d) Traveled Way. The traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main-traveled way. It does not include such facilities as frontage roads, turning roadways, or parking areas.

(e) Main-traveled Way. The traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main-traveled way. It does not include such facilities as frontage roads, turning roadways, or parking areas.

(f) Sign. A sign is any outdoor sign, display, light, device, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended, or used to advertise or inform, any part of the advertising or information contents of which is visible from any part of the main traveled way of the interstate or federal-aid primary highway system.

(g) Maintain. To allow to exist.

(h) Scenic Area. A scenic area is any area of particular scenic beauty or historical significance as determined by the federal, state, or local officials having jurisdiction thereof, and includes interests in land which have been acquired for the restoration, preservation and enhancement of scenic beauty.

AGENDA ITEM 9:

PUBLIC HEARING TO ALLOW CITIZEN COMMENT ON THE FOLLOWING:

C. Proposed Amendments to the Following Ordinances:

- 1. Foscoe-Grandfather Community Zoning Ordinance**
- 2. Valle Crucis Historic District Ordinance**
- 3. Ordinance to Regulate Electronic Access Gates for Gated Communities**
- 4. Ordinance to Regulate Wireless Communications Towers**
- 5. Water Supply Watershed Protection Ordinances**

MANAGER'S COMMENTS:

Mr. Furman will present changes to the various ordinances included in the packet due to the changes in the North Carolina General Statutes. A staff report on the changes has been included.

Upon completion of the hearing the Board may schedule a work session with the Planning Board or adopt the changes as presented. As these changes were mandated by the North Carolina General Assembly, little discretion is left for Commissioner consideration.

Staff requests direction from the Board.

STAFF REPORT**VARIOUS ORDINANCE TEXT AMENDMENTS****Initiated by S.L. 2013-126 - An Act to Clarify and Modernize Statutes****Regarding Zoning Boards of Adjustment**

TO: County Planning Board
Board of County Commissioners

FROM: Planning & Inspections Department Staff

DATE: July 3, 2013

RE: Legislation Affecting Local Ordinances that involve the Board of Adjustment

SYNOPSIS:

From the NC Local Government Law Blog – by David Owens:

“The statute creating boards of adjustment and setting their authority was first adopted in North Carolina in 1923. Over the decades the statute has been frequently adjusted – some 17 times by my quick count. The result was a nearly century old statute with its original language largely intact, supplemented with dozens of uncoordinated individual legislative tweaks added over the decades...”

What originated as a modest effort by the North Carolina Bar Association’s Zoning, Planning & Land Use Section to fix a few practical issues in the statute establishing local Boards of Adjustment, H.B. 276 eventually expanded into a line by line review and ultimately evolved into a complete modernization of the statutes. The intent was not to alter the fundamental aspects of the Boards’ authority, but to provide clarity, create standardized procedures for Board actions, and provide greater certainty and predictability about the processes used by Boards of Adjustment throughout the State.

SUMMARY:

Because Watauga County has adopted numerous ordinances that rely upon the Board of Adjustment to hear cases involving administrative reviews of staff decisions (appeals), requests to vary provisions of the ordinance (variances), or in some cases, requests for special use or conditional use permits, the new legislation necessitates local government review and revision of adopted local ordinances. Affected Ordinances follow this summary. We’ve also taken this opportunity to correct minor typographical errors and punctuation.

PUBLIC HEARING AND NOTICE:

Prior to taking action on many of the proposed amendments that follow, the Board of Commissioners must hold a duly advertised public hearing.

PLANNING BOARD RECOMMENDATION:

The Planning Board will review and comment on the proposed amendments prior to the public hearing. No plan consistency statement is necessary as local ordinance making authority in North Carolina is derived from and limited by State law.

COUNTY COMMISSIONERS ACTION:

The Commissioners’ approval of these amendments is certainly reasonable and in the public interest because the County is obliged to comply with the law.

Code as defined in G.S. 105-130.2(1); G.S. 105-130.2(1) or (ii) meets the definition of a private club set forth in G.S. 18B-1000(5).

...."

OUTDOOR ADVERTISING AMENDMENTS

SECTION 8.(a) G.S. 136-133.1 reads as rewritten:

"§ 136-133.1. Outdoor advertising vegetation cutting or removal.

...
(a) Notwithstanding any law to the contrary, in order to promote the outdoor advertiser's right to be clearly viewed as set forth in G.S. 136-127, the Department of Transportation, at the request of a selective vegetation removal permittee, may approve plans for the cutting, thinning, pruning, or removal of vegetation outside of the cut or removal zone defined in subsection (a) of this section along acceleration or deceleration ramps so long as the view to the outdoor advertising sign will be improved and the total aggregate area of cutting or removal does not exceed the maximum allowed in subsection (a) of this section.

...
 (f) Tree branches within a highway right-of-way that encroach into the zone created by points A, ~~C~~, and ~~DB~~, D, and E may be cut or pruned. Except as provided in subsection (g) of this section, no person, firm, or entity shall cut, trim, prune, or remove or otherwise cause to be cut, trimmed, pruned, or removed vegetation that is in front of, or adjacent to, outdoor advertising and within the limits of the highway right-of-way for the purpose of enhancing the visibility of outdoor advertising unless permitted to do so by the Department in accordance with this section, G.S. 136-93(b), 136-133.2, and 136-133.4.

...."

SECTION 8.(b) Article 11 of Chapter 136 of the General Statutes is amended by adding a new section to read:

"§ 136-131.2. Modernization of outdoor advertising devices.

No municipality, county, local or regional zoning authority, or other political subdivision shall, without the payment of just compensation as provided for in G.S. 136-131.1, regulate or prohibit the repair or reconstruction of any outdoor advertising for which there is in effect a valid permit issued by the Department of Transportation so long as the square footage of its advertising surface area is not increased. As used in this section, reconstruction includes the changing of an existing multipole outdoor advertising structure to a new monopole structure."

DISPOSITION OF DMH/DD/SAS RECORDS

SECTION 9. The Division of Mental Health, Developmental Disabilities, and Substance Abuse Services shall amend its Records Retention and Disposition Schedule Manual to provide that if a Medicaid service has been eliminated by the State, the provider must retain records for three years after the last date of the service, unless a longer period is required by federal law. At the termination of that time period, records may be destroyed or transferred to a State agency or contractor identified by the Department of Health and Human Services.

STUDY OCCUPATIONAL LICENSING BOARD AGENCY

SECTION 10.(a) The Joint Legislative Program Evaluation Oversight Committee shall include in the 2013-2014 Work Plan for the Program Evaluation Division of the General Assembly a study to evaluate the structure, organization, and operation of the various independent occupational licensing boards. For purposes of this act, the term "occupational licensing board" has the same meaning as defined in G.S. 93B-1. The Program Evaluation Division shall include the following within this study:

- (1) Consideration of the feasibility of establishing a single State agency to oversee the administration of all or some of the occupational licensing boards.
- (2) Whether greater efficiency and cost-effectiveness can be realized by combining the administrative functions of the boards while allowing the boards to continue performing the regulatory functions.
- (3) Whether the total number of boards should be reduced by combining and/or eliminating some boards.

SECTION 10.(b) The Program Evaluation Division shall submit its findings and recommendations from Section 10(a) of this act to the Joint Legislative Program Evaluation

ZONING ORDINANCE for FOSCOE-GRANDFATHER COMMUNITY

Original Adoption Date: November 6, 1990

ARTICLE II

GENERAL PROVISIONS

Section 5. Open Space Requirements. No part of a yard, court or other open space provided around any building or structure for the purpose of complying with the provisions of this ordinance shall be included as a ~~past~~ **part** of a yard or other open space required under this ordinance for another building or structure.

ARTICLE IV

ADMINISTRATION AND ENFORCEMENT

Section 2. Permit Process.

(d) Zoning Permit for New, Altered, or Nonconforming Uses

(1) It shall be unlawful to ~~use~~ **use** or occupy or to permit the use or occupancy of any building or premises, or both, or any part thereof which may be hereafter created, erected, changed, converted, (or wholly or partly altered or enlarged as to its use or structure) until a zoning permit shall have been issued therefore by the Zoning Official stating that the proposed use of the building or land conforms to the requirements of this ordinance.

ARTICLE V

DISTRICT REGULATIONS

Section 3. Highway District.

B. Conditional Uses

2. a. 6. The **conditional** use permit shall be issued for a one (1) year period with automatic renewal for **additional** (1) year periods provided that the site is maintained in a satisfactory manner as originally approved. When the conditional use is discontinued or abandoned for one hundred and eighty (180) consecutive days, the ~~special~~ **conditional** use permit shall become null and void and application to Watauga County will be required for any subsequent ~~special~~ **conditional** use request for the site.

C. Dimensional Requirements

Yard Requirements Minimum yard requirements for residential structures shall be as established for the Rural District. Yard requirements for nonresidential structures are established in Article VI, Section ~~3~~ **4**.

ARTICLE VII

AMENDMENTS

Section 5. Public ~~Heating~~ Hearing and Notice

Section 6. Action of Board of County Commissioners

ARTICLE VIII

BOARD OF ADJUSTMENT

Section 3. Administration

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

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

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

Application for variances, request for interpretations and appeal for review of decisions of the Department of Planning & Inspections shall be filed with the ~~Secretary of the Board~~ Clerk, as agent for the Board, on forms provided by the ~~Secretary~~ Clerk.

~~It shall be the responsibility of the Department of Planning & Inspections to notify by certified mail the applicant or appellant of the disposition which the Board made of the matter.~~

The decision of the Board shall be delivered to the applicant, property owner, and to any other person who has submitted a written request for a copy, prior to the date the decision becomes effective.

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

Section 4. Quorum and Vote Required

A quorum of Board, necessary to conduct any business of the Board, shall consist of four-fifths of the total membership of the Board.

The concurring vote of four-fifths of ~~the members of the Board, present for the hearing,~~ shall be necessary ~~in order to:~~ to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. Vacant positions on the Board and members who are disqualified from voting on a quasi-judicial

matter shall not be considered members of the Board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

- ~~a. Reverse any order, requirement, decision or determination of the Department of Planning & Inspections;~~
- ~~b. Decide in favor of the applicant any matter upon which it is required to pass by this Ordinance; or~~
- ~~c. Approve an application for a variance, or conditional use permit.~~

A simple majority vote shall be necessary to conduct routine business of the Board.

Section 5. Application of the Variance Power

A variance may only be allowed by the Board in cases involving ~~practical difficulties or unnecessary hardships~~ when substantial evidence in the official record of the application support all of the following findings:

- ~~a. That if the applicant complies with the provisions of the ordinance, he can secure no reasonable return from, or make no reasonable use of, his property;~~
- a. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- ~~b. That the hardship results from the application of the ordinance only;~~
- b. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
- ~~c. That the hardship is suffered by the property in question;~~
- c. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
- ~~d. That the hardship is not the result of the applicant's own actions;~~
- d. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured and substantial justice is achieved.
- ~~e. That the hardship is peculiar to the applicant's property.~~

Furthermore, the Board must find that the variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit, and that in the granting of the variance the public safety and welfare have been assured and substantial justice has been done.

No change in permitted uses may be authorized by variance.

The Board may impose ~~reasonable~~ **appropriate** conditions upon the granting of any variance, ~~in order to protect the public interest and neighboring property owners. Violation of any such conditions shall be a violation of this ordinance.~~ **provided that the conditions are reasonably related to the variance.**

Section 9. Application of Conditional Use Power

- b. Subject to subsection (c), the Board of Adjustment shall issue the requested permit unless it concludes, based upon the information submitted at the hearing, that:
- (1) The requested permit is not within its jurisdiction according to the district regulations pertaining to uses, or
 - (2) The application is incomplete, or
 - (3) If completed as proposed in the application, the development will not comply with one or more requirements of this ~~article~~ **Ordinance** (not including those the applicant is not required to comply with under the circumstances specified in Article II, Section 4, Nonconforming Uses).
- d. The Board shall consider whether the application is complete. If the Board concludes that the application is incomplete and the applicant refuses to provide the necessary information, the application shall be denied. A motion to this effect shall specify either the particular type of information lacking or the particular requirement with respect to which the application is incomplete. A motion to this effect, concurred in by ~~two members~~ **a majority** of the Board, shall constitute the Board's finding on this issue. If a motion to this effect is not made and concurred in by ~~at least two~~ **a majority of** members, this shall be taken as an affirmative finding by the Board that the application is complete.
- e. The Board shall consider whether the application complies with all of the applicable requirements of this ~~chapter~~ **Ordinance**. If a motion to this effect passes by ~~the necessary four-fifths vote~~ **a majority of members**, the Board need not make further findings concerning such requirements. If such a motion fails to receive the ~~necessary four-fifths~~ **majority** vote or is not made, then a motion shall be made that the application be found not in compliance with one or more requirements of this chapter. Such a motion shall specify the particular requirements the application fails to meet. A separate vote may be taken with respect to each requirement not met by the application. ~~the vote of the number of members equal to more than one-fifth of the Board membership (excluding vacant seats) in favor of such a motion shall be sufficient to constitute such motion a finding of the Board.~~ It shall be conclusively presumed that the application complies with all requirements not found by the Board to be unsatisfied through this process. As provided in Subsection 9 (c) if the Board concludes that the application fails to meet one or more of the requirements of this section, the application shall be denied.
- f. If the Board concludes that all such requirements are met, it shall issue the permit unless it adopts a motion to deny the application for one or more of the reasons set forth in Subsection 9 (c). Such motion shall propose specific findings, based upon the evidence submitted,

justifying such a conclusion **and is** ~~Since such a motion is not in favor of the applicant, it is~~ carried by a simple majority vote.

- k. All additional conditions or requirements authorized by this Section are enforceable in the same manner and to the same extent as any other applicable requirements **if of this chapter Ordinance**.
- l. A vote may be taken on application conditions or requirements before consideration of whether the permit should be denied for any of the reasons set forth in Subsections ~~(e) or (d)~~ **(b) or (c)**.

Section 11. Appeals of Board Actions

Every **quasi-judicial** decision of the Board shall be subject to review at the instance of any aggrieved party by the Superior Court by proceedings in the nature of certiorari. The appeal to Superior Court must be filed within 30 days of the filing by the ~~Secretary of the Board~~ **Clerk** of the decision in the office of the Department of Planning & Inspections or the delivery of the notice required in VIII 3, whichever is later.

**VALLE CRUCIS
HISTORIC DISTRICT ORDINANCE**
Original Adoption Date: September 1, 1990

ARTICLE IV

BOARD OF ADJUSTMENT

4.3 Administration

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

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

The ~~person acting as Chairman of the Board~~ **Chair and Board Clerk are** is authorized to administer oaths to any witnesses in any matter coming before the Board.

Applications for variances, requests for interpretations and appeals for review of decisions of the Department of Planning and Inspections shall be filed with the ~~Secretary of the Board~~ **Clerk**, as agent for the Board, on forms provided by the ~~Secretary~~ **Clerk**.

~~It shall be responsibility of the Department of Planning and Inspections to notify by certified mail the applicant or appellant of the disposition that the Board made of the matter.~~

The decision of the Board shall be delivered to the applicant, property owner, and to any other person who has submitted a written request for a copy prior to the date the decision becomes effective.

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

4.4 Quorum and Vote Required

A quorum of the Board, necessary to conduct any business of the Board, shall consist of four-fifths of the total membership of the Board.

The concurring vote of four-fifths of ~~the members of the Board, present for the hearing,~~ shall be necessary ~~in order to:~~ **to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. Vacant positions on the Board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the Board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.**

- a. ~~Reverse any order, requirement, decision or determination of the Department of Planning and Inspections;~~
- b. ~~Decide in favor of the applicant any matter upon which it is required to pass by this Ordinance;~~
- c. ~~Approve an application for a variance.~~

~~A simple majority vote shall be necessary to conduct routine business of the Board.~~

4.5 Application of the Variance Power

A variance may only be allowed by the Board in cases involving ~~practical difficulties or unnecessary hardships~~ when substantial evidence in the official record of the application supports all of the following findings:

- a. ~~That if the applicant complies with the provisions of the ordinance, he can secure no reasonable return from, or make no reasonable use of, his property;~~
 - a. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- b. ~~That the hardship results from the application of the ordinance only;~~
 - b. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
- c. ~~That the hardship is suffered by the property in question;~~
 - c. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
- d. ~~That the hardship is not the result of the applicant's own actions;~~
 - d. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.
- e. ~~That the hardship is peculiar to the applicant's property.~~

~~Furthermore, the Board must find that the variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit, and that in the granting of the variance the public safety and welfare have been assured and substantial justice has been done.~~

No change in permitted uses may be authorized by variance.

The Board may impose ~~reasonable~~ **appropriate** conditions upon the granting of any variance, ~~in order to protect the public interest and neighboring property owners. Violation of any such conditions shall be a violation of this ordinance.~~ **provided that the conditions are reasonably related to the variance.**

4.8 Exceptions to Stay of Action

An appeal to the Board of a determination or decision shall not stay proceedings in furtherance of the decision or determination appealed from, if the Department of Planning and Inspections certifies either:

- a. that a stay would cause imminent peril to life or property
- b. that the situation appealed from is transitory in nature and, therefore, an appeal would seriously interfere with enforcement of this Ordinance.

In each instance, the Department of Planning and Inspections shall place in the ~~certificate~~ **affidavit** facts to support the conclusion.

4.10 Appeals of Board Actions

Every **quasi-judicial** decision of the Board shall be subject to review at the instance of any aggrieved party by the Superior Court by proceedings in the nature of certiorari. The appeal to Superior Court must be filed within 30 days of the filing by the Secretary of the Board of the decision in the office of the Department of Planning and Inspections or the delivery of the notice required in 4.3, whichever is later.

**WATAUGA COUNTY ORDINANCE TO REGULATE INSTALLATION AND
MAINTENANCE OF ELECTRONIC ACCESS GATES FOR GATED COMMUNITIES**

Original Adoption Date: September 18, 2012

100.09 APPEAL PROCEDURE

The Watauga County Board of Adjustments shall hear all appeals which may be taken by an owner or other party in interest from any decision or order of the Watauga County Office of Planning and Inspections **charged with enforcement of this Ordinance.**

The appeal shall be taken within ~~ten~~ **thirty** days from ~~the service~~ **receipt of actual or constructive notice** of the decision by the Watauga County Office of Planning and Inspections by filing with the Watauga County Director of Planning and Inspections a notice of appeal, which shall specify the grounds upon which the appeal is based. Upon filing of any notice of appeal, the Watauga County Director of Planning and Inspections shall schedule the matter for hearing in accordance with the rules of procedure for the Watauga County Board of Adjustment. ~~When an appeal is from the decision of the Watauga County Office of Planning and Inspections refusing to allow the person aggrieved thereby to do any act, the decision shall remain in force until modified or reversed.~~

When any appeal is from a decision of the Watauga County Office of Planning and Inspections requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing of the Board, unless the Director of the Watauga County Office of Planning and Inspections certifies to the Board, after the notice of appeal is filed, that by reason of the facts stated in **an affidavit** ~~the certificate~~ (a copy of which shall be furnished to the petitioner) a suspension of the requirement would, in his or her opinion, cause imminent peril to life or property or that because the violation charged is transitory in nature, a stay would seriously interfere with enforcement of the ordinance. In that case, proceedings shall not be stayed except by a restraining order, which may be granted by ~~the Board of Adjustment or by a court of record~~ **an application upon due notice to the Director of the Watauga County Office of Planning and Inspections** and in accordance with the requirements of Rule 65 of the North Carolina Rules of Civil Procedure.

The Watauga County Board of Adjustments shall have all the powers of the officer from whom the appeal is taken.

The Board shall fix a reasonable time for the hearing of appeals, shall give due notice to all the parties and shall render its decision within forty-five days of the conclusion of the evidence presented to it. Any party may appear in person or by agent or by attorney. The Board may reverse, affirm, in whole or in part, or may modify the decision or order appealed. The concurring vote of ~~four-fifths~~ **a majority** of the members of the Board shall be necessary to reverse or modify any decision or order appealed under this Ordinance.

The Board shall have the power also in passing upon appeals in any case where there are ~~practical difficulties or undue~~ **unnecessary** hardships in the way of carrying out the strict letter of this code, to adapt the application of the code to the necessities of the case to the end that the

spirit, **purpose and intent** of the code shall be observed, public safety ~~and welfare~~ **is** secured, and substantial justice ~~done~~ **achieved**. **The concurring vote of four-fifths of the Board shall be necessary to grant a variance.**

Every **quasi-judicial** decision of the Board shall be subject to review by proceedings in the nature of certiorari instituted in the Watauga County Superior Court within 30 days after the written decision of the Board is filed or after a copy thereof is delivered to the appealing party, whichever is later. The decision of the Board may be delivered to the aggrieved party either by hand delivery or by any method authorized by the State Rules of Civil Procedure.

**ORDINANCE TO REGULATE WIRELESS COMMUNICATIONS TOWERS IN
WATAUGA COUNTY**

Original Adoption Date: May 1997

ARTICLE V. APPEALS AND VARIANCES

Appeals and requests for variances shall be taken to the Watauga County Board of Adjustment, as established by resolution found in Book of Records 5, page 42.

SECTION A. APPEALS OF ORDINANCE ADMINISTRATOR'S DECISION

An appeal for review of any order, requirement, decision, or determination made by the Ordinance Administrator may be made by ~~the applicant~~ **a petitioner who has standing to challenge the decision being appealed.** ~~the Board of Adjustment.~~ Such appeal shall be submitted in writing to the Board of Adjustment within ~~ten (10)~~ **thirty (30)** days ~~of~~ **from** receipt of **actual or constructive** notice of order, requirement, decision, or determination. The Board shall decide the appeal based upon its findings of fact and the intent of the ordinance. The effect of this decision shall not be to vary the terms of the ordinance, but rather to interpret it.

SECTION B. VARIANCE REQUEST

A request for a variance shall be submitted by the applicant in writing to the Watauga County Board of Adjustment, ~~within ten (10) days of receipt of notice of an adverse decision by the Ordinance Administrator.~~ The request shall be accompanied by:

1. Identification of ~~any variance(s) to the~~ **ordinance provision(s) responsible for the alleged hardship.**
2. **The reason(s) for seeking the variance(s).**
3. **Any measures conditions that are proposed by the applicant to mitigate possible adverse effects of the proposed ordinance(s) variance(s).**
- ~~2. Tax parcel numbers and names of all owners of residential dwellings, day care centers, and schools within one hundred (100) feet of the tower site property line.~~

SECTION C. VARIANCE CONDITIONS

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

- ~~1. Extraordinary and exceptional conditions pertaining to the particular place or property in question because of its size, shape, topography, or requirement for towers that are not applicable to other tower sites governed by this Ordinance.~~
 - 1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.**

~~2. The variance would not confer upon the applicant any special privileges that are, or would be, denied to other operators of towers governed by this Ordinance.~~

2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

~~3. This Ordinance would deprive the applicant of rights commonly enjoyed by other operators of towers governed by this Ordinance.~~

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

~~4. The variance will not seriously deter from the purpose and intent of this Ordinance and will not be injurious to the neighborhood or to the general welfare.~~

4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured and substantial justice is achieved.

~~5. The special circumstances causing the need for variance(s) are not the fault of the applicant.~~

~~6. The variance is necessary for the applicant to achieve operational objectives.~~

SECTION D. MITIGATING FACTOR(S)

Co-location of facilities and/or stealth technology shall be considered a mitigating factor to a variance request and may be justification for the request.

SECTION E. DECISION OF BOARD OF ADJUSTMENT

The Board shall make written findings to support its decision either granting or denying the variance. ~~and a copy shall be provided to the applicant.~~ A copy of the Board's decision shall be delivered to the applicant, property owner, and to any person who has submitted a written request for a copy prior to the date the decision becomes effective. The Board may attach to any variance such conditions as it deems necessary and appropriate. **provided that the conditions are reasonable related to the variance.** A request for a variance under this section shall not constitute an admission by the applicant of any findings of fact made by the Ordinance Administrator or a waiver of appeal rights provided by Section E. Should the Watauga County Board of Adjustment grant the requested variance, the Ordinance Administrator shall issue a tower permit. The permit applicant shall acknowledge and agree to permit conditions approved by the Ordinance Administrator and Board of Adjustment.

WATAUGA COUNTY
WATERSHED PROTECTION ZONING ORDINANCE
(Winkler's Creek, Howards Creek, Norris Branch, Flat Top Branch, South Fork New River)
Original Adoption Date: December 6, 1993

&
WATAUGA COUNTY
WATERSHED PROTECTION ORDINANCE FOR POND CREEK
Original Adoption Date: December 6, 1993

ARTICLE 500: ADMINISTRATION, ENFORCEMENT AND APPEALS

Section 502. Appeal from the Watershed Administrator

Any order, requirement, decision or determination made by the Watershed Administrator may be appealed to and decided by the Board of Adjustment.

An appeal from a decision of the Watershed Administrator must be submitted to the Board of Adjustment **by a petitioner with standing** within thirty (30) days from ~~the date the~~ **receipt of actual or constructive notice of the** order, interpretation, decision or determination is made. All appeals must be made in writing stating the reasons for appeal. Following submission of an appeal, the Watershed Administrator shall transmit to the Board all papers constituting the record upon which the action appealed from was taken.

An appeal stays all proceedings in furtherance of the action appealed unless the officer from whom the appeal is taken certifies to the Board, after the notice of appeal has been filed with him, that by reason of facts stated in ~~the certificate~~ **an affidavit**, a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed ~~otherwise than~~ **except** by a restraining order which may be granted by ~~the Board or by~~ a court of record. ~~on application of notice of the officer from whom the appeal is taken and upon due cause shown.~~

The Board shall fix a reasonable time for hearing the appeal and give notice thereof to the parties and shall decide the same within a reasonable time. At the hearing, any party may appear in person, by agent or by attorney.

Section 506. Powers and Duties of the Board of Adjustment.

(A) Administrative Review. The Board of Adjustment shall hear and decide appeals from any decision or determination made by the Watershed Administrator in the enforcement of this ordinance.

(B) Variances. The Board of Adjustment shall have the power to authorize, in specific cases, minor variances from the terms of this Ordinance as will not be contrary to the public interests where, owing to special conditions, a literal enforcement of this Ordinance will result in ~~practical difficulties or unnecessary hardship~~, so that the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done. In addition, the county

shall notify and allow a reasonable comment period for all other local governments having jurisdiction in the designated watershed where the variance is being considered.

(1) Applications for a variance shall be made on the proper form obtainable from the Watershed administrator and shall include the following information:

(a) A site plan, drawn to a scale of at least one (1) inch to forty (40) feet, indicating the property lines of the parcel upon which the use is proposed; any existing or proposed structures; parking areas and other built-upon areas; surface water drainage. The site plan shall be neatly drawn and indicate north point, name and address of person who prepared the plan, date of the original drawing, and an accurate record of any later revisions.

(b) A complete and detailed description of the proposed variance, together with any other pertinent information which the applicant feels would be helpful to the Board of Adjustment in considering the application.

(c) The Watershed Administrator shall notify in writing each local government having jurisdiction in the watershed. Such notice shall include a description of the variance being requested. Local governments receiving notice of the variance request may submit comments to the Watershed Administrator prior to a decision by the Board of Adjustment. Such comments shall become a part of the record of proceedings of the Watershed Review Board.

(d) The Board of Adjustment may subpoena witnesses and compel the production of evidence. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the Board of Adjustment may apply to the General Court of Justice for an order requiring that its order be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties. No testimony of any witness before the board of adjustment pursuant to a subpoena issued in exercise of the power conferred by this subsection may be used against the witness in the trial of any civil or criminal action other than a prosecution for false swearing committed on the examination. Any person who, while under oath during a proceeding before the Board of Adjustment willfully swears falsely, is guilty of a Class 1 misdemeanor.

(2) Before the Board may grant a variance, it shall make the following ~~three~~ findings which shall be recorded in the permanent record of the case and shall include the factual reasons on which they are based:

~~(a) There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance. In order to determine that there are practical difficulties or unnecessary hardships, the Board must find that the five following conditions exist:~~

(a) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

~~(1) If he complies with the provisions of the Ordinance, the applicant can secure no reasonable return from, nor make reasonable use of, his property. Merely proving that the variance would permit a greater profit to be made from the property will not be considered adequate to justify the Board in granting a variance. Moreover, the Board shall consider whether the variance is the minimum possible deviation from the terms of the Ordinance that will make possible the reasonable use of his property.~~

(b) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

~~(2) The hardship results from the application of the Ordinance to the property rather than from other factors such as deed restrictions or other hardship.~~

~~(3) The hardship is due to the physical nature of the applicant's property, such as its size, shape, or topography, which is different from that of neighboring property.~~

(c) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

~~(4) The hardship is not the result of the actions of an applicant who knowingly or unknowingly violates the Ordinance, or who purchases the property after the effective date of the Ordinance, and then comes to the Board for relief.~~

(d) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured and substantial justice is achieved.

~~(5) The hardship is peculiar to the applicant's property, rather than the result of conditions that are widespread. If other properties are equally subject to the hardship created in the restriction, then granting a variance would be a special privilege denied to others, and would not promote equal justice.~~

~~(b) The variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit.~~

~~(c) In the granting of the variance, the public safety and welfare have been assured and substantial justice has been done. The Board shall not grant a variance if it finds that doing so would in any respect impair the public health, safety, or general welfare.~~

~~(3) In granting the variance, the Board may attach thereto such conditions regarding the location, character, and other features of the proposed building, structure, or use as it may deem advisable in furtherance of the purpose of this ordinance. If a variance for the~~

~~construction, alteration or use of property is granted, such construction, alteration or use shall be in accordance with the approved site plan.~~

(3) Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.

~~(4) The Board of Adjustment shall refuse to hear an appeal or an application for a variance previously denied if it finds that there have been no substantial changes in conditions or circumstances bearing on the appeal or application.~~

~~(5) A variance issued in accordance with this Section shall be considered a Watershed Protection Permit and shall expire if a Building Permit or Watershed Occupancy Permit for such use is not obtained by the applicant within six (6) months from the date of the decision.~~

(4) (6) If the application calls for the granting of a major variance, and if the Board of Adjustment decides in favor of granting the variance, the Board shall prepare a preliminary record of the hearing with all deliberate speed. The preliminary record of the hearing shall include:

- (a) The variance application;
- (b) The hearing notices;
- (c) The evidence presented;
- (d) Motions, offers of proof, objections to evidence, and rulings on them;
- (e) Proposed findings and exceptions;
- (f) The proposed decision, including all conditions proposed to be added to the permit.

The preliminary record shall be sent to the Environmental Management Commission for its review. as follows:

~~(a) If the Commission concludes from the preliminary record that the variance qualifies as a major variance and that (1) the property owner can secure no reasonable return from, nor make any practical use of the property unless the proposed variance is granted, and (2) the variance, if granted, will not result in a serious threat to the water supply, then the Commission shall approve the variance as proposed or approve the proposed variance with conditions and stipulations. The Commission shall prepare a Commission decision and send it to the Board of Adjustment. If the Commission approves the variance as proposed, the Board shall prepare a final decision granting the proposed variance. If the Commission approves the variance with conditions and stipulations, the Board shall prepare a final decision, including such conditions and stipulations, granting the proposed variance.~~

~~(b) If the Commission concludes from the preliminary record that the variance qualifies as a major variance and that (1) the property owner can secure a reasonable return from or make a practical use of the property without the variance or (2) the variance, if granted, will result in a serious threat to the water supply, then the Commission shall deny approval~~

~~of the variance as proposed. The Commission shall prepare a Commission decision and send it to the Board of Adjustment. The Board shall prepare a final decision denying the variance as proposed.~~

AGENDA ITEM 10:

TAX MATTERS

A. Monthly Collections Report

MANAGER'S COMMENTS:

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

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

AGENDA ITEM 10:

TAX MATTERS

B. Refunds and Releases

MANAGER'S COMMENTS:

Mr. Warren will present the Refunds and Releases Report.

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

AGENDA ITEM 11:**MISCELLANEOUS ADMINISTRATIVE MATTERS*****A. Proposed Buyer Agency Agreement & Commission Agreement*****MANAGER'S COMMENTS:**

Included in your packets is a copy of the Buyer Agency Agreement and Commission Agreement related to the sale of the old Watauga High School Property. The Buyer Agency Agreement is between Scott Sullivan and Chip Kassinger (Buyers) and Wright Properties, Elliot Wood, and Edward Chapman (the Firm). The Commission Agreement secures a 5% commission for the Firm (Wright Properties, Elliot Wood, and Edward Chapman) in the event that they bring a successful offer for the sale of the old high school property.

It is my understanding that the Firm will not bring an offer for sale on the property until the Commissioners have approved the Commission Agreement. The County has not received a signed Buyer Agency Agreement for the above parties. Should the Board desire to approve the Commission Agreement, staff would recommend that approval not be given until a signed Buyer Agency Agreement has been submitted and a valid offer is presented.

Staff seeks direction from the Board.

EXCLUSIVE RIGHT TO REPRESENT BUYERS
Buyer Agency Agreement

STATE OF NORTH CAROLINA

COUNTY OF WATAUGA

SCOTT SULLIVAN and CHIP KASSINGER (hereinafter called "Buyers"), hereby employ WRIGHT PROPERTIES OF NORTH CAROLINA, LLC, a North Carolina limited liability company (hereinafter called the "Firm"), ELLIOT WOOD, an individual (hereinafter called "Wood"), and EDWARD B. CHAPMAN, an individual (hereinafter called "Chapman") as the Buyers' exclusive agents to assist the Buyers in the acquisition of the Real Property (defined below) which may include any purchase, option and/or exchange on terms and conditions acceptable to Buyers. The Firm, Wood, and Chapman are hereinafter called the "Agents". All references to the Agents in this Agreement refer to each Agent, separately and alone, and to the Agents, collectively or jointly. All references to the Buyers in this Agreement refer to each Buyer, separately and alone, and to the Buyers, collectively or jointly.

Buyers represent that, as of the commencement date of this Agreement, neither of the Buyers is a party to a buyer representation agreement with any real estate broker(s) or real estate firm(s), other than the Agents. Roger Wright has signed this Agreement on behalf of the Firm and shall be the only individual who shall act on behalf of the Firm in connection with this Agreement.

1. REAL PROPERTY: The Real Property is a tract of land located on Highway 105 and High School Drive in the Town of Boone, Watauga County, North Carolina, containing 74.641 acres, more or less, and is more particularly described in instruments recorded in Book of Records 1084 at Page 728, Book of Records 1804 at Page 732, and Book of Records 1353 at Page 115 in the office of the Watauga County Register of Deeds. The Real Property is now owned by Watauga County (hereinafter called the "County").

2. DURATION OF AGENCY; TERM OF AGREEMENT: Unless sooner terminated as provided herein, Agents' authority as Buyers' exclusive agents shall begin August 29, 2013, shall expire at midnight March 31, 2014, or when Buyers acquire the Real Property, whichever occurs sooner.

3. EFFECT OF AGREEMENT: Buyers wish to acquire the Real Property. Buyers may negotiate and communicate partly or entirely through the Agents, or may negotiate and communicate partly or entirely directly with the County, its agents or representatives, as Buyers may elect, from time to time. The Agents shall carry on only such communications and negotiations with the County regarding the Real Property as Buyers may authorize in writing. The Agents shall refer to Buyers all inquiries received in any form from other real estate firms, the County, other prospective buyers, or any other source, regarding the Real Property, during the term of this Agreement.

4. COMPENSATION OF AGENTS: The Agents shall negotiate and arrange with the County for the payment of all compensation to the Agents in connection with the acquisition of the Real Property by Buyers. The Buyers shall not be obligated to pay any compensation to the Agents in connection with the acquisition of the Real Property. The Buyers are not now and shall not be obligated to pay any compensation to the Agents in connection with any future sale, leasing, subdivision, or development of the Real Property, unless the Buyers agree to do so in writing.

5. EARNEST MONEY DEPOSITS: In accordance with NC General Statutes Section 93A-12, if a dispute regarding the return or forfeiture of any earnest money deposit arises between Buyers and the County. The escrow agent holding the deposit may deposit the disputed monies with the appropriate Clerk of Court following written notice to the parties. In the event of any such dispute, Buyers direct Agents to disclose Buyers' last known mailing addresses to the escrow agent to enable the escrow agent to comply with the notice requirement of such law.

6. OTHER POTENTIAL BUYERS: During the term of this Agreement, and for sixty (60) days after the expiration or termination of such term, the Agents will not seek the Real Property, submit offers for the Real Property, conduct negotiations for the Real Property, or assist in arranging a contract to purchase the Real Property on behalf of any prospective buyers of the Real Property other than the Buyers.

7. AGENTS' DUTIES: During the term of this Agreement, Agents shall promote the interests of Buyers by:

- (a) performing the terms of this Agreement;
- (b) presenting in a timely manner all written offers or counteroffers to and from Buyers;
- (c) disclosing to Buyers all information related to the Real Property or concerning the transaction of which Agents have or acquire knowledge;
- (d) accounting for in a timely manner all money and property received in which Buyers have or may have an interest;

In addition, Agents may not show the Real Property to other buyers, or represent other buyers with respect to the Real Property during the term of this Agreement and for sixty (60) days after the expiration or termination of such term.

8. CONFIDENTIALITY:

- (a) Unless Buyers consent in writing to the disclosure of the information, during the term of this Agreement and for sixty (60) days after the expiration or termination of this Agreement, Agents shall keep strictly confidential all information known to them regarding the Real Property or regarding the Buyers (the "Information"), including but not limited to the identity of the Buyers, site plans, engineering plans, traffic studies, utility studies, agreements with the City of Boone, and conversations with potential participants in a development plan for the Real Property. If the Information has been or is disclosed

to the Agents by the Buyers, the Agents shall keep the Information confidential during the term of this Agreement and for one (1) year after the expiration or termination of the term of this Agreement.

(b) Agents shall take all necessary precautions to protect and safeguard the Information and to prevent any Information from being disclosed to an unauthorized firm, person, or company. If Buyers consent in writing to the disclosure of any Information, Agents shall advise the person(s) to whom Information is disclosed of the confidential nature thereof, and shall require such person(s) to take all precautions necessary to prevent such person(s) from disclosing such Information during the term of this Agreement and for sixty (60) days after the expiration or termination of this Agreement.

(c) During the term of this Agreement and for sixty (60) days after the expiration or termination of this Agreement, Agents shall not use any Information for any purpose without with the written consent of Buyers.

(d) At any time, Buyers may request that all or part of the Information shall be returned to Buyers. Upon such request, Agents shall promptly return the requested Information, together with all copies, notes, or summaries of such Information, to the Buyers. If any copies, notes, or summaries of any of such Information cannot be returned, such copies or summaries shall be destroyed by Agents.

(e) In the event of any unauthorized disclosure of any Information, Agents shall be liable to Buyers for any damages proximately caused by any such disclosure or breach.

(f) Agents acknowledge that any violation of the provisions of this Section will result in irreparable injury to Buyers, for which there is no adequate remedy at law, and Agents agree that in the event of any breach of the provisions of this Section, Buyers shall be entitled to injunctive relief in addition to any other remedy at law or in equity which may be available to Buyers.

9. UNAUTHORIZED DISCLOSURE OR NEGOTIATIONS: In the event of any disclosure of any Information by the Agents not authorized by the Buyers in writing, or in the event of any negotiations or discussions by the Agents with County not authorized by the Buyers in writing, the Buyers may forthwith terminate this Agreement.

10. BUYERS' DUTIES: During the term of this Agreement, Buyers will not authorize any other licensed real estate brokers or agents to represent Buyers in connection with the Real Property.

11. NON-DISCRIMINATION: THE AGENTS SHALL CONDUCT ALL BROKERAGE ACTIVITIES IN REGARD To THIS AGREEMENT WITHOUT RESPECT TO THE RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN, HANDICAP OR FAMILIAL STATUS OF ANY PARTY OR PROSPECTIVE PARTY TO THE AGREEMENT.

12. OTHER PROFESSIONAL ADVICE: In addition to the services rendered to Buyers by the Agents under the terms of this Agreement, Buyers are advised to seek other professional advice

in matters of law, taxation, financing, insurance, surveying, engineering, and other matters pertaining to any proposed transaction. Although Agents may provide Buyers the names of providers who claim to perform such services, Buyers understand that Agents cannot guarantee the quality of service or level of expertise of any such provider. Buyers agree to pay the full amount due for all services directly to the service provided whether or not the transaction closes.

13. ADDITIONAL PROVISIONS: Buyers may assign this Agreement, any offer they make for the Real Property, and any contract they may enter into with respect to the Real Property to one or more other entities.

14. ENTIRE AGREEMENT/CHANGES/ TERMINATION: This Agreement constitutes the entire agreement between Buyers and Agents relating to the Real Property, and any prior agreements pertaining to the Real Property, whether oral or written have been merged and integrated into this Agreement. This Agreement may be signed in multiple originals or counterparts, all of which together constitute one and the same instrument. No modification of any of the terms of this Agreement shall be valid, binding upon the parties, or entitled to enforcement unless such modification has first been reduced to writing and signed by Buyers and the Agents. The contract created by this Agreement may not be terminated by Buyers or the Agents prior to its expiration date except as provided herein, or by a mutually acceptable written agreement signed by both Buyers and Agents.

15. CONFIDENTIALITY OF OFFERS: Real estate brokers are prohibited by N.C. Real Estate Commission rule from disclosing the price or other material terms contained in a party's offer to purchase, sell, lease, rent or option real property to a competing party without the express authority of the party making the offer. However, the County may elect not to treat the existence, terms, or conditions of any offers Buyers may make as confidential.

16. DUAL AGENCY: Buyers have received a copy of the "Working With Real Estate Agents" brochure and has reviewed it with Agents. The Agents will not become a dual agent in any respect with regard to the Real Property, during the term of this Agreement.

17. BIND AND INURE: This Agreement shall be binding upon and inure to the benefit of the parties hereto, and their respective heirs, successors, and assigns.

18. CAPTIONS: The captions and titles in this Agreement are for informational purposes only, and shall not affect the meaning of this Agreement.

Date: _____

BUYERS:

Scott Sullivan

Chip Kassinger

Agents' Initials: _____

Buyers' Initials: _____

AGENTS:

Wright Properties of NC, LLC

By: _____
Roger Wright, Member-Manager

Elliot Wood

Edward B. Chapman

Commission Agreement

This agreement made and entered on this the ____ day of August, 2013 by and between the County of Watauga (hereinafter 'the County' and Wright Properties of NC, LLC, Elliott Wood, and Edward B. Chapman, jointly and severally, 'hereinafter' Broker, is for the purpose of governing the terms of a commission which may be paid to Broker in regards to the sale of that tract of real estate located at 400 High School Drive in Boone, North Carolina, consisting of approximately 74 acres and more fully described in the Notice of Sale posted by Watauga County.

Whereas, Watauga County is the Owner of a certain tract of real estate located on Highway 105 and High School Drive in the Town of Boone, consisting of 74.641 acres, more or less, as described at Book of Records 1084 at Page 728, Book of Records 1084 at Page 732 and Book of Records 1353 at Page 115 in the Watauga County Register of Deeds Office; and

Whereas, Roger Wright is a licensed North Carolina Real Estate Agent and is the member/manager of Wright Properties of NC, LLC; and

Whereas, the Broker has certain parties which are interested in contracting for the purchase of the property described above whom he represents and is desirous of entering into an agreement whereby a commission is paid upon the purchase of this property by his clients; and

Whereas, Watauga County does not desire the services of a real estate agent to represent the County, and the Broker shall be acting solely as agent for the Buyer;

Now therefore, in consideration of the mutual covenants contained herein, and based upon the representations set forth above, the parties agree as follows:

1. Upon the presentation to the County of a Buyer Agency Agreement signed by the client of the Broker (hereinafter 'the Buyer'), the County shall consider the Broker to be the Agent of the Buyer for the period of the Agency Agreement.
2. Upon the successful closing and purchase of the property by the Buyer listed in the Buyer Agency Agreement, the County shall pay to the Broker a Commission in the amount of five percent (5%) of the purchase price of the property.
3. No commission shall be due and owing to the Broker in the event the Buyer does not purchase the property in accordance with the terms of the Contract between the parties, nor shall any commission be due or payable to Broker in the event the County sells the property to an entity or buyer other than the Buyer represented by Broker. Additionally, if the Buyer re-approaches the County after the expiration of the Buyer Agency Agreement and a subsequent sale of the property is made, no commission shall be payable by the County to the Broker.
4. The Broker acknowledges that the County is selling this property pursuant to the negotiated offer and upset bid process as set forth in N.C. Gen. Stat. §160A-269 *et seq.* The County may propose to accept the Offer to Purchase and Sale of Buyer and advertise any contract which it proposes to

enter into in accordance with the applicable statute. The County shall evaluate any and all upset bids upon the basis of net proceeds to be received by the County, and shall deduct any commissions due and payable to any parties in evaluating the amount of the upset bids in accordance with the advertisement for sale posted by the County. In the event of an upset bid by a third party wherein the Broker's Buyer is not the party to whom the County ultimately contracts to sell the property, no commission shall be payable to Broker. It shall be the obligation of the Broker to advise the County in writing as to: 1) any claim he has to any commission at the time he submits an upset bid on behalf of his clients to the County, or 2) within twenty-four hours of notification by the County that they have received an upset bid or offer by any party. All notifications by Broker shall be personally delivered to the Watauga County Manager, and shall not be effective if delivered to any other person on behalf of the County. In the event of the failure of the Broker to notify the County within this timeframe of his claim to any commission, the Broker waives any right to make such claim against the County for payment of a commission.

5. The commission set forth above shall only be payable upon the sale of the property as set forth above to the Buyer represented by the Broker. In the event that closing does not occur upon the property in accordance with the underlying contract, no commission shall be paid to Broker. In accordance with State statute, the Watauga County Board of Commissioners reserves the right to reject any or all offers in its sole discretion.

6. This agreement is made and entered into in Watauga County, North Carolina, and shall be construed in accordance with the laws of the State of North Carolina. The parties hereby agree that Watauga County, North Carolina is an appropriate venue for the resolution of any disputes arising as a result of this contract.

7. Time is of the essence as to all timeframes set forth herein.

8. Watauga County shall not be responsible for incidental or consequential damages as a result of any breach of this contract, or for any Acts of God, fire, riot, war, civil unrest, or impossibility beyond the control of the County.

9. In the event notices are to be sent to either party under this agreement, such notices will be sent to the following addresses:

Watauga County
Attn: County Manager
814 West King Street
Boone, NC 28607

Wright Properties of NC, LLC
Attn: Roger Wright
709 Trillium Ridge
Boone, NC 28607

10. This agreement may not be assigned or transferred by Broker without the prior written consent of the County.

11. This agreement together with the Offer to Purchase and Contract, if executed by the Buyer and accepted by the County, represents the entire and integrated agreement between the County and Broker, and supersedes all prior negotiations, representations or agreements, either written or oral. This agreement may be amended only by written contract.

12. If any provision of this agreement is unenforceable, invalid, or illegal, the remaining provisions will continue in full force and effect.

13. In the event that any incorporated documents conflict with the terms and conditions of this agreement, the terms and conditions set forth in this document shall control.

IN WITNESS WHEREOF the County and Broker have executed this Agreement, the day and year first above written.

County of Watauga

Wright Properties of NC, LLC

By: _____
Nathan A. Miller, Chairman
Watauga County Board
of Commissioners

By: _____
Roger Wright
Member/Manager

ATTEST:

Elliott Wood

By: _____
Anita Fogle, Clerk to the Board

Edward B. Chapman

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

Margaret Pierce
Watauga County Finance Officer

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AGENDA ITEM 11:**MISCELLANEOUS ADMINISTRATIVE MATTERS*****B. Proposed Bethel Convenience Center Lease Agreement*****MANAGER'S COMMENTS:**

The current lease for the Bethel Convenience Center expired in August 2013. Staff has been working with the owners, Barbara Harmon and Roger Harmon, to negotiate a new lease for the site. As the previous agreement was for \$200 for twenty (20) years, the Harmon's requested an increase of \$400. Staff was able to negotiate an incremental increase of \$300 for the first five (5) years; \$325 for the second five (5) years; \$350 for the third five (5) years; and \$375 for the fourth and final five (5) years.

The County Attorney has reviewed and approved the lease. Staff would recommend the Board approve the lease as presented with additional funds to come from the retained earnings of the solid waste fund if the increase cannot be accommodated within the existing budget or the recognition of additional revenues to cover the increased cost.

Board action is required.

STATE OF NORTH CAROLINA
 COUNTY OF WATAUGA

LEASE AGREEMENT

THIS LEASE AGREEMENT, made and entered into this 17th day of September, 2013, by and between Barbara Harmon and husband, Roger Harmon, of Watauga County, parties of the first part, hereinafter referred to as "Lessor"; and WATAUGA COUNTY, a body politic, organized and existing under and by virtue of the laws of the State of North Carolina, party of the second part, hereinafter referred to as "Lessee";

WITNESSETH:

That for and in consideration of the rents hereinafter reserved, the covenants, stipulations and agreements herein contained, the said "Lessor" does hereby demise and lease unto the said "Lessee", and the said "Lessee" does hereby hire and rent from the said "Lessor", the following described property, lying and being in Beaver Dam Township, Watauga County, North Carolina:

Beginning at a stake set located North 44 deg. 39 min. West 502.36 feet from an iron found at a 35 inch cherry; thence from the beginning North 59 deg. 40 min. West 119.18 feet to a stake set; thence South 78 deg. 11 min. West 66.50 feet to the center of the highway, North 17 deg. 24 min. East 204.07 feet; thence leaving the highway South 35 deg. 02 min. East 100.71 feet to a stake set; thence South 57 deg. 17 min. East 124.03 feet to a stake set; thence South 31 deg. 01 min. West 107.13 feet to the BEGINNING, containing 0.56 acre.

For a term of twenty (20) years, beginning on the 17th day of September, 2013, and ending on the 16th day of September, 2033.

The said "Lessee" covenants with said "Lessor", by their heirs, successors and assigns, as follows:

1. That said "Lessee" shall pay a cash rental of Three hundred and no/100 Dollars (\$300.00) per month, beginning on the 17th day of September, 2013, and on the 1st day of each month thereafter during the term of this lease as follows:

\$300 per month, 09/17/2013 - 09/16/2018 (\$3,600 annually)
 \$325 per month, 09/17/2018 - 09/16/2023 (\$3,900 annually)
 \$350 per month, 09/17/2023 - 09/16/2028 (\$4,200 annually)
 \$375 per month, 09/17/2028 - 09/16/2033 (\$4,500 annually)

2. That said "Lessee" leases the subject property to be used only for a solid waste container site, and a center for collection of recyclable material, and for no other purposes, and subject property shall be available to the public only as is reasonably necessary for that purpose. Lessee is authorized to improve, to allow the public to use, and to operate and maintain subject property as a solid waste container site, together with a collection center for recyclable material, but in so doing, Lessee shall arrange that subject property is at all times operated in a safe, sanitary, functionally efficient, and attractive manner, and in compliance with all aesthetic and environmental law. If Lessor shall believe the Lessee's use of subject property, or any conditions prevailing on subject property, especially in reference to unpleasant or offensive smells, sights, or sounds, is interfering with Lessor's use of its lands in the Beaver Dam community, and Lessor shall make a written complaint to Lessee, then Lessee shall promptly confer with Lessor in an effort to determine whether the complaint is justified, and if it is justified, to remedy the matter of complaint by modifying its use of subject property; provided, if Lessor and Lessee can't agree as to whether or not the complaint is justified, the issue to that effect may be referred by either party to a Resident Superior Court Judge of the 24th Judicial District, who shall have full and final authority to determine the issue. Specifically, but without limitation, Lessee shall: (i) Screen subject property from surrounding view by attractive fences, plantings and the like; (ii) develop subject property for efficient public use; (iii) provide adequate equipment; (iv)

regularly inspect and maintain subject property according to the material from subject property. Lessee may also use said site as a collection center for recyclable material as provided by this Contract; however, except for the collection of recyclable material, it is agreed that no processing or other activity shall take place on the subject property involving recyclable material. In no event shall the Lessee allow subject property to become a public loitering place, a public nuisance, or a place for the depositing of anything other than solid waste of the type reasonably appropriate for a solid waste container site and recyclable material. Lessee shall actively enforce all ordinances, statutes, regulations, or other laws having to do with solid waste disposal or otherwise applicable to subject property insofar as possible. Lessee shall not allow any unlawful event, process, or condition to occur, develop, or continue on the subject property.

3. That said "Lessee" further agrees that said site will not be open to the public on Sundays, and will not operate past 8:00 o'clock p.m. on other days of the week.

4. That said "Lessee" will pay for all services and utilities to the premises, and said "Lessee" will further not assign or sublet their interest under the lease without the prior written consent of the Lessor, which consent shall not be unreasonably withheld.

5. That said "Lessee" shall at all times maintain subject property in a good condition, and except as reasonably required to construct the solid waste container site, Lessee shall cause no harm or waste to subject property. When the lease is terminated, Lessee shall, at Lessor's option, remove all parts, and/or aspects of the solid waste container site and the collection center for recyclable material, and, further, Lessee shall restore subject property to its natural condition.

6. That said "Lessee" shall have the exclusive use and occupancy of subject property during the tenure of this lease so long as Lessee shall comply with each term or condition of the lease. If Lessee shall not comply with or shall violate any term or condition of the lease, Lessor shall have the right to give written notice of the non-compliance or violation to County, whereupon Lessee shall have ninety (90) days to cure the non-compliance or violation, but, if Lessee shall not cure the non-compliance or violation within ninety (90) days, Lessor shall have the right to terminate the lease as of a date specified by Lessor, whereupon Lessee shall comply with all its obligations regarding termination of the lease, vacate subject property and surrender subject property to Lessor's exclusive use and occupancy free of obligation to Lessee. In no event shall the Lessee be liable to the Lessor for incidental or consequential damages.

7. That, during the tenure of this lease, said "Lessee" shall have the exclusive use and occupancy of said premises so long as the said "Lessee" shall comply with the terms of this lease, or until the same shall be terminated by mutual agreement between the parties.

8. That said "Lessor" covenants with said "Lessee" that said "Lessor" is seized of said premises in fee, and has the right to lease same.

9. Lessee agrees, to the extent permitted by applicable law, to defend, indemnify and hold harmless Lessor, their heirs, successors and assigns from any and all claims which may arise because of, or which are in any way related to or connected with: (i) this lease; (ii) the subject property; (iii) events or conditions at or concerning the subject property; or (iv) Lessee's use of subject property.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and affixed their seals, or caused this instrument to be signed by its duly authorized officers this the day and year first above written.

LESSOR:

Barbara Harmon (seal)

Barbara Harmon

Roger L Harmon (seal)

Roger Harmon

LESSEE:

WATAUGA COUNTY

BY: _____

Chairman to the Watauga County Board of Commissioners

ATTEST: _____

Anita J. Fogle, Clerk to the Board of Commissioners

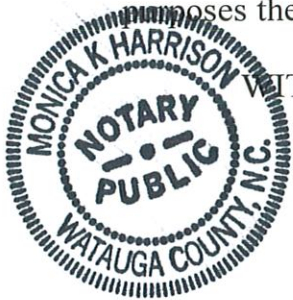
This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Margaret Pierce
Finance Director

STATE OF NORTH CAROLINA

COUNTY OF WATAUGA

I, Monica K. Harrison, Notary Public, do hereby certify that Barbara Harmon and Roger Harmon personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.



WITNESS my hand and notarial seal, this 5 day of September, 2013.

Monica K. Harrison
Notary Public

My Commission Expires: 12/02/2015

STATE OF NORTH CAROLINA

COUNTY OF WATAUGA

I, _____, Notary Public, do hereby certify that Anita Fogle personally appeared before me this day and acknowledged that she is the Clerk to the Board of County Commissioners for Watauga County, a body politic, organized and existing under and by virtue of the laws of the State of North Carolina, and that by authority duly given, and as an act of the said Watauga County, the foregoing instrument was signed in its name by its Chairman to the Board of County Commissioners, sealed with its corporate seal, and attested by herself as its Clerk.

WITNESS my hand and notarial seal, this ____ day of _____,
_____.

Notary Public

My Commission Expires: _____

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AGENDA ITEM 11:

MISCELLANEOUS ADMINISTRATIVE MATTERS

C. Boards & Commissions

MANAGER'S COMMENTS:

One ETJ Alternate position remains to be filled on the Town of Boone Board of Adjustment. Recommendations have not been received from the Town at this time.

Mr. Gary Childers' term to the Caldwell Community College and Technical Institute Board expired June 30, 2013. Mr. Childers has expressed his willingness to continue serving if reappointed. This is a second reading and, therefore, action may be taken if so desired.

The Voluntary Farmland Preservation Program Advisory Board recommends the appointment of Mr. Andrew Ellis to their Board. This is a first reading and, therefore, action may be taken if so desired.

9-17-2013

091713 BCC Meeting



WATAUGA COUNTY FARMLAND PRESERVATION PROGRAM
971 WEST KING STREET
BOONE NC 28607-3468

ADVISORY BOARD

*KELLY COFFEY, CHAIR
JOHNNY MORETZ
VIRGINIA WARD
JOE MCNEIL*



August 26th, 20013

Watauga County Board of Commissioners,
Courthouse, Suite 1
842 West King Street
Boone, NC 28607

Dear Commissioners,

At our July 8th quarterly meeting , the board voted to have Andrew Ellis to sit on the Voluntary Farmland Preservation Program Advisory Board. He would be replacing Virginia Ward. We are requesting for the Board of Commissioners to appoint Andrew Ellis to our Voluntary Farmland Preservation Program Advisory Board.

Sincerely,

Kelly Coffey
Chairman, Watauga County Farmland Preservation

PHONE: 828-264-0842
FAX: 828-264-3067

AGENDA ITEM 11:

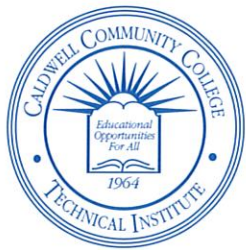
MISCELLANEOUS ADMINISTRATIVE MATTERS

D. Announcements

MANAGER'S COMMENTS:

The Trustees of Caldwell Community College and Technical Institute has invited the Board to a joint meeting on Wednesday, September 18, 2013, at 6:00 P.M. at the Watauga Instructional Facility on Hwy 105 Bypass in Room 112.

The Hunger and Health Coalition has invited Board members to "Save the Date" of October 12, 2013, at 9:00 A.M. to join their First Annual Homecoming Run for Hunger. The 5K run/walk will benefit the Hunger and Health Coalition.



Caldwell Community College and Technical Institute

Office of the President



September 3, 2013

Mr. Deron Geouque
Watauga County Manager
814 West King Street, Suite 205
Boone, NC 28607

Dear Mr. Geouque:

The Trustees of Caldwell Community College and Technical Institute would like to schedule a joint meeting of the College Board of Trustees and the Watauga County Commissioners on Wednesday, September 18, 2013 at 6:00 p.m. at the Watauga Instructional Facility on Hwy 105 By-pass Room 112.

Will you please check the date and time with the Commissioners and let my assistant, Donna Church know either by e-mail: dchurch@cccti.edu or phone: 828-726-2210, if September 18, 2013 at 6:00 p.m. will accommodate the Watauga County Commissioners' schedule. Since a meal will be provided, we will need to know how many Commissioners plan to attend the meeting.

Sincerely,

Kenneth A. Boham, Ed.D.
President

dlc

2855 Hickory Blvd., Hudson, NC 28638 • 828.726.2210
Email: kboham@cccti.edu • Fax: 828.726.2300 • www.cccti.edu

An Equal Opportunity Educator & Employer

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Save the Date

October 12, 2013 at 9:00 AM

Join us for the first annual **Homecoming Run For Hunger**, a 5K run/walk to benefit the Hunger and Health Coalition. Start Homecoming weekend by working up a sweat and have plenty of time to get to the 3:30 football game.

There will be door prizes and awards for all age categories. Teams of three to five will get a discount. Come join us for the fun and help provide food and pharmacy assistance to those in our community who cannot afford it.

Register online at www.hungerandhealthcoalition.com



When: October 12, 2013

8:00AM Registration

9:00AM Start Pistol

Where: Greenway Trail

Mayor's Park (Armory)

Boone NC

Register Online at

www.hungerandhealthcoalition.com

Early Registration (before Oct 1)

\$15.00 Individuals

\$40.00 Teams

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AGENDA ITEM 12:

PUBLIC COMMENT

AGENDA ITEM 13:

BREAK

AGENDA ITEM 14:

CLOSED SESSION

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