

MOORE COUNTY BOARD OF COMMISSIONERS

TUESDAY, JANUARY 18, 2022

REGULAR MEETING, 5:30 P.M.

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

I. PUBLIC COMMENT PERIOD (Procedures are attached to agenda.)

II. ADDITIONAL AGENDA

CHAIRMAN – Does any Commissioner have a conflict of interest concerning agenda items the Board will address in this meeting?

III. APPROVAL OF CONSENT AGENDA

All items listed below are considered routine and will be enacted by one motion. No separate discussion will be held except on request of a member of the Board of Commissioners.

A. Minutes: January 4, 2022, Regular Meeting

B. Tax Releases/Refunds – December 2021

C. Budget Amendments

D. Digital Learning Invoices for Moore County Schools

E. Resolution Authorizing Upset Bid Process for LRK# 95000595, Blue Ave., Vass

F. Authorization to Submit Grant Application to NCDEQ for Glass Infrastructure Project

IV. RECOGNITIONS

V. PRESENTATIONS

VI. PUBLIC HEARINGS

A. Public Hearing – Resolution Approving Extension of Loan from First Bank to Cypress Pointe Fire & Rescue (Stephen Later, Robbins, May & Rich, LLP)

B. Public Hearing/Planning – Unified Development Ordinance Text Amendments – Highway Corridor Overlay District – Urban Transition Land Uses (Debra Ensminger, Planning/Transportation Director)

C. Public Hearing/Planning – Unified Development Ordinance Text Amendments –
Quarterly Update (Debra Ensminger, Planning/Transportation Director)

VII. OLD BUSINESS

VIII. NEW BUSINESS

A. Moore County Schools – Request for Allotment of Bond Premium for Modernization of
School Gyms (John Birath, Executive Officer for Operations)

B. Health – Request for Amendment to Fee Schedule (Matt Garner, Interim Health
Director)

C. Public Works – Request for Approval of Contract for Interceptor Sewer Replacement
Engineering Services (Randy Gould, Public Works Director)

D. Airport – Request for Approval of Project Budget Ordinance for Hangar Expansion
Project (Scotty Malta, Airport Manager)

E. Airport – Request for Approval of Project Budget Ordinance and Resolution for Project
#47208.3.1, Revision #1 Construct Hangar Taxiways and Internal Airfield Service Road
(Scotty Malta, Airport Manager)

IX. APPOINTMENTS

A. Town of Carthage Planning Board ETJ

B. Town of Pinebluff ETJ Planning Board / Board of Adjustment Committee

C. Town of Vass Planning Board ETJ

X. ADDITIONAL AGENDA

XI. MANAGER'S REPORT

XII. COMMISSIONERS' COMMENTS

XIII. CLOSED SESSION – if needed

ADJOURNMENT

PUBLIC COMMENT PROCEDURES

MOORE COUNTY BOARD OF COMMISSIONERS

The Moore County Board of Commissioners is committed to allowing members of the public an opportunity to offer comments and suggestions for the efficient and effective administration of government. In addition to public hearings, a special time is set aside for the purpose of receiving such comments and suggestions. All comments and suggestions addressed to the Board during the Public Comment Period shall be subject to the following procedures:

1. The Public Comment period will be held at the beginning of the Board meeting. The comment period will be limited to a maximum of thirty minutes.
2. Persons who wish to address the Board during the Public Comment Period will register on a sign-up sheet available on the table outside the entrance door to the Commissioners' Meeting Room indicating contact information and topic. Sign-up sheets will be available beginning 30 minutes before the start of the meeting. No one will be allowed to have his/her name placed on the list by telephone request to County Staff.
3. Each person signed up to speak will have three (3) minutes to make his/her remarks. Each person signed up to speak will only be entitled to the time allotted to each speaker and one additional time period which may be yielded to him/her by another individual who has also signed up to speak on a particular topic.
4. Speakers will be acknowledged by the Board Chairperson in the order in which their names appear on the sign-up sheet. Speakers will address the Board from the lectern at the front of the room and begin their remarks by stating their name and address.
5. Public comment is not intended to require the Board to answer any impromptu questions. Speakers will address all comments to the Board as a whole and not one individual commissioner. Discussions between speakers and members of the audience will not be allowed.
6. Speakers will be courteous in their language and presentation. Matters or comments which are harmful, discriminatory or embarrassing to any citizens, official or employee of Moore County shall not be allowed. Speaker must be

respectful

and courteous in their remarks and must refrain from personal attacks and the use of profanity.

7. Only one speaker will be acknowledged at a time. If the time period runs out before all persons who have signed up get

to speak, those names will be carried over to the next Public Comment Period.

8. Any applause will be held until the end of the Public Comment Period.

9. Speakers who have prepared written remarks or supporting documents are encouraged to leave a copy of such remarks

and documents with the Clerk to the Board.

10. Speakers shall not discuss any of the following: matters which concern the candidacy of any person seeking public

office, including the candidacy of the person addressing the Board; matters which are closed session matters, including

but not limited to matters within the attorney-client privilege, anticipated or pending litigation, personnel, property acquisition, matters which are made confidential by law; matters which are the subject of public hearings.

11. Information sheets outlining the process for the public's participation in Board meetings will also be available in the

rear of the Commissioner's Meeting Room.

12. Action on items brought up during the Public Comment Period will be at the discretion of the Board.

Adopted on the 5th day of March 2007 by a 5 to 0 vote of the Moore County Board of Commissioners.

Revised on the 7th day of April 2015.

Revised on the 7th day of February 2017.

MOORE COUNTY BOARD OF COMMISSIONERS

TUESDAY, JANUARY 4, 2022

REGULAR MEETING

The Moore County Board of Commissioners convened for a Regular Meeting at 10:30am, Tuesday, January 4, 2022, in the Commissioners' Meeting Room of the Historic Courthouse, One Courthouse Square, Carthage, North Carolina.

Commissioners Present:

Chairman Frank Quis, Jerry Daeke, Catherine Graham, Otis Ritter

Commissioners Absent:

Vice Chairman Louis Gregory

Chairman Quis called the meeting to order and welcomed everyone. Pastor Thomas Toguchi offered the invocation and County Attorney Misty Leland led the Pledge of Allegiance.

PUBLIC COMMENT PERIOD

There were no speakers.

ADDITIONAL AGENDA

Upon motion made by Commissioner Graham, seconded by Commissioner Ritter, the Board voted 4-0 to remove from the agenda a presentation by the Finance Director and to add a presentation by the Interim Health Director.

Chairman Quis asked whether any commissioner had a conflict of interest concerning agenda items the Board would address in the meeting and there was none.

CONSENT AGENDA

Upon motion made by Commissioner Ritter, seconded by Commissioner Daeke, the Board voted 4-0 to approve the following consent agenda items:

Minutes: December 6, 2021, Organizational and Regular Meeting
Tax Releases/Refunds – November 2021

Budget Amendments

Digital Learning Invoices for Moore County Schools

Resolution Accepting Final High Offer to Purchase LRK # 00991601

Amendment to Contract with Ilderton Dodge-Chrysler-Jeep-Ram

Sheriff's Office Application for Governor's Crime Commission 2022 Block Grant

Easement Agreement with Duke Energy Progress, LLC – Court Facility Project

The tax releases/refunds, budget amendments, and resolution accepting the offer to purchase are hereby incorporated as a part of these minutes by attachment as Appendices A, B, and C, respectively.

PRESENTATIONS

COVID-19 Update

Interim Health Director Matt Garner provided an update on COVID-19. Commissioner Graham noted the extra pressure on departments of social services due to children's loss of caretakers to COVID. Chairman Quis inquired regarding the ability to obtain a COVID test in a timely manner and Mr. Garner urged everyone to plan ahead due to the current limited supply of tests. Commissioner Graham discussed the importance of self-reporting at-home test results.

Economic Development Update

Mr. John May, Chairman of the Partners in Progress Board of Directors, commented regarding updates since they had last been before the Board, including the location of the USGA to Pinehurst and the hiring of Natalie Hawkins as Executive Director for Partners in Progress. He introduced Ms. Hawkins to provide an economic development update. Her presentation is hereby incorporated as a part of these minutes by attachment as Appendix D. Chairman Quis commented and expressed his appreciation to Ms. Hawkins.

PUBLIC HEARINGS

Call to Public Hearing – Resolution Approving Extension of Loan from First Bank to Cypress Pointe Fire & Rescue

Attorney Stephen Later with Robbins, May & Rich, LLP, was present and submitted a request for the Board to call a public hearing regarding the extension of a loan from First Bank to Cypress Pointe Fire & Rescue. Upon motion made by Commissioner Daeke, seconded by Commissioner Ritter, the Board voted 4-0 to call a public hearing on January 18, 2022, at 5:30pm.

Call to Public Hearing/Planning – Unified Development Ordinance Text Amendments – Highway Corridor Overlay District – Urban Transition Land Uses

Planning/Transportation Director Debra Ensminger requested the Board call a public hearing regarding text amendments to the Unified Development Ordinance requested by Pete Mace of TIJJS, LLC. Upon motion

made by Commissioner Daeke, seconded by Commissioner Graham, the Board voted 4-0 to call for a public hearing on January 18, 2022, at 5:30pm to consider the request for Unified Development Ordinance text amendments.

Call to Public Hearing/Planning – Unified Development Ordinance Text Amendments – Quarterly Update

Planning/Transportation Director Debra Ensminger requested the Board call a public hearing regarding text amendments to the Unified Development Ordinance recommended by staff. Upon motion made by Commissioner Graham, seconded by Commissioner Daeke, the Board voted 4-0 to call for a public hearing on January 18, 2022, at 5:30pm to consider the request for the Unified Development Ordinance text amendments.

NEW BUSINESS

Health Department – Request for Approval of FY22 Revision 1 Addendum Agreement Activity 716 CDC COVID-19 Vaccination Program Funding for \$184,865

Interim Health Director Matt Garner requested the Board's approval of an addendum agreement for new funding. Upon motion made by Commissioner Graham, seconded by Commissioner Daeke, the Board voted 4-0 to accept the FY22 new funding of \$184,865 Revision #1 Addendum Agreement Activity 716 CDC COVID-19 Vaccination Program, provided by the NC DHHS Division of Public Health Communicable Disease Branch; further, the Board Chair to sign the three originals of the Revision #1 Addendum Agreement Activity 716 CDC COVID-19 Vaccination Program provided by the NC DHHS Division of Public Health Communicable Disease Branch in the amount of \$184,865, and send two of the signed originals to the Health Department for processing.

Health Department – Request for Approval for Three Additional Registered Environmental Health Specialists

Interim Health Director Matt Garner requested the Board's approval of the addition of three Registered Environmental Health Specialist positions, noting that they may fill only one or two right now depending on the amount of lapsed salary available. Upon motion made by Commissioner Graham, seconded by Commissioner Ritter, the Board voted 4-0 to approve the Moore County Board of Health's request for the addition of three Registered Environmental Health Specialist positions, two in on-site sewage and one in food and lodging, in the Health Department's FY22 budget, effective as soon as possible. County Manager Wayne Vest noted Mr. Garner would also bring a fee schedule amendment to an upcoming meeting to help alleviate some of the issues.

Solid Waste – Request for Approval of Contract for Grinding Services at the Landfill

Solid Waste Director David Lambert requested approval of a contract for grinding services at the Landfill. Upon motion made by Commissioner Daeke, seconded by Commissioner Graham, the Board voted 4-0 to approve a contract with Simmons & Simmons, LLC for grinding services not to exceed \$190,000 for Fiscal Year 2021-2022 and \$220,000 for Fiscal Year 2022-2023 and authorize the Chairman to sign all necessary documents.

Finance – Request for Approval of Response Letter to Local Government Commission on Audit Finding

Internal Auditor Tami Golden requested the Board to approve and sign the response letter to the County's audit findings. The finding was in the Department of Social Services regarding Medicaid eligibility and Ms. Golden

noted the required information was provided and all the individuals were found to be eligible. DSS Director Tammy Schrenker and Income Maintenance Administrator Jeanne Maness were present and confirmed upon inquiry by Commissioner Graham that all corrective actions had been implemented. Upon motion made by Commissioner Graham, seconded by Commissioner Daeke, the Board voted 4-0 to approve and sign the response letter to the Independent Auditor's Findings, Recommendations, and Fiscal Matters based on the new State requirement in the NC Administrative Code, 20 NCAC 03 .0508 Response to the Independent Auditor's

Findings, Recommendations, and Fiscal Matters. A copy of the letter is hereby incorporated as a part of these minutes by attachment as Appendix E.

Public Works – Request for Approval of Resolution for Plans and Specifications for Vass Phase 2 Sewer Project

Public Works Director Randy Gould asked the Board to approve a resolution for the plans and specifications for the Vass Sewer Phase 2 Project. Upon motion made by Commissioner Daeke, seconded by Commissioner Ritter, the Board voted 4-0 to adopt a resolution authorizing the Chairman and the Clerk to the Board to sign and attest the necessary documents to accept and approve the plans and specifications for the Vass Sewer Phase 2 Project. The resolution is hereby incorporated as a part of these minutes by attachment as Appendix F.

APPOINTMENTS

Local Emergency Planning Committee

Upon motion made by Commissioner Ritter, seconded by Commissioner Daeke, the Board voted 4-0 to reappoint Corey Roberts as the hospital representative on the Local Emergency Planning Committee for a three-year term expiring December 31, 2024.

ADJOURNMENT

There being no further business, upon motion made by Commissioner Graham, seconded by Commissioner Ritter, the Board voted 4-0 to adjourn the January 4, 2022, Regular Meeting of the Moore County Board of Commissioners at 12:02pm.

Francis R. Quis, Jr., Chairman

Laura M. Williams, Clerk to the Board

Agenda Item:

Meeting Date: 1/18/2022

MEMORANDUM TO BOARD OF COMMISSIONERS:

FROM: David Lambert, Solid Waste Director

DATE: January 11, 2022

SUBJECT: Authorization to Submit a grant to NC DEQ aimed for glass equipment and Infrastructure

PRESENTER: David Lambert

REQUEST:

Approve request to submit a grant application on behalf of Moore County Solid Waste for glass infrastructure project. The total project is \$54,472.00 and would include a \$10,894.40 County Match.

BACKGROUND:

Moore County currently collects glass for free from the public and at no significant cost for disposal. Strategic Materials transports glass from the landfill and disposes of it at no cost. Moore County successfully advocated for a contract change that would allow all Moore County to sell all clean, uncontaminated glass for a small profit. The expansion of the bunker allows Moore County to separate the glass and take advantage of this contract provision. Additional space also opens up the possibility that Moore County can collect glass regionally and increase the tonnage—and profit—from selling clean glass to Strategic Materials. Additional items in the grant include new roll-off containers for glass collection which have doubled in cost due to rising steel prices. Moore County was able to reduce its request for glass containers in the grant because Moore County recently secured a glass container box for free—which is itself a \$10,000 value. The box has mural of North Carolina on the box and is hand painted by a local artist.

The grant is provided by the North Carolina Department of Environmental Quality, Division of Environmental Assistance and Customer Service. Upon review of the grant, DEACs might have suggestions on how to improve the grant application and increase the likelihood of funding.

IMPLEMENTATION PLAN:

Upon receipt of the grant award, the Solid Waste Department will submit additional documentation to the Board of Commissioners requesting that the grant be accepted and any necessary funding allocated.

FINANCIAL IMPACT STATEMENT:

Maximum county match of \$10,594.40. This is the cost of one glass container box—which is being requested in next fiscal year budget. This investment could lead to expanded revenue opportunities.

RECOMMENDATION SUMMARY:

Make a motion to approve the grant application and authorize the Solid Waste Director or County

Manager to submit the application to NC DEQ for review and consideration.

SUPPORTING ATTACHMENTS:

Grant Application

Moore County Glass Expansion Project

Applicant Contact

Information:

Date of Proposal

Submission:

Moore County Solid Waste

David Lambert, Solid Waste Director

1 Courthouse Square

PO Box 905

Carthage, NC 28327

910-986-5005

Dlambert1@moorecountync.gov

1/11/2022

Certifications:

We certify that Moore County Solid Waste Department is adhering to the Solid Waste Deposal Tax proceeds in accordance to N.C.G.S. 105-187.63 and that such funds are solely used for solid waste management programs and services. We further certify that Moore County has a public building recycling program that prioritizes cans, bottles, and paper at key government buildings. Additionally, Moore County certifies that mercury products are recycled through our household hazardous waste program.

Operations Description

MRF Information: Moore County currently takes all non-glass recycling material to Pratt Industries in Fayetteville. They do not accept glass at their facility and it is considered contamination. Moore County's glass all goes to Strategic Materials in Wilson N.C.

Summary of Current Operations: Moore County collects separated glass at each of its seven collection sites in "glass only" roll off containers. Every municipality, except Southern Pines, has excluded glass from their curbside pick-up programs. Southern Pines does accept it in comingled recycling but we still encourage it to be separated and brought to our facilities because sorting broken glass can be problematic (and costly). Moore County's fleet brings all containers to the Moore County landfill at 456 Turning Leaf Way in Aberdeen. Glass is dumped into the "glass bunker." Bev Con, a subsidiary of Strategic Materials, comes to pick up the glass for transport. Moore County loads all the glass into the truck. BevCon also picks up contracted loads of glass from bars and restaurants and drops off at our bunker until it can be loaded more efficiently and transported to a facility.

Data: In 2021 (Calendar Year) Moore County collected 443.3 Tons of Glass from the collection sites. This included over 110 hauls to the Moore County landfill with an average load of 4 Tons/load. In 2020 Moore County collected 545.06 Tons of glass after 118 trips to the landfill with an average of 4.6 Tons/Load

Quality of Glass: Glass collected from the staffed drop-off facilities are very clean and free from any other

debris. Glass collected and dropped off by BevCon comes from bars and they include some plastic or other material as well.

Project Description

Description of Equipment to be Purchased and put to use

Please see attachment A for an itemized list of bunker materials.

See section below for other miscellaneous items.

Description of how new equipment will improve glass management and recovery?

Bunker-The glass bunker project will enable Moore County to double the potential capacity of Moore County's glass program and enable Moore County to accept glass from other municipalities/counties and commercial entities. This project also enables Moore County to separate the glass based on levels of contamination to increase its market value and reduce the costs of recycling.

Moore County currently has a covered area to collect glass. It currently shares an area with white goods on the other side of the shelter. This project would allow glass disposal to take the entire area, but the ABC glass and drop-off center glass will be separated to ensure quality control.

Moore County will have to contract for some matters for this project—but Moore County can provide most of the labor for this project to keep costs as low as possible.

Foam Tires for Wheel Loader- We are dedicating wheel loader to this part of the collection program. Moore County is responsible for loading up the glass into the BevCon trucks and this is the only means that we are able to get the truck loaded. We believe it to be more economical and sustainable to retrofit an existing older piece of equipment for this project than to purchase a new piece of equipment for this purpose. The traditional wheels will need to be replaced with foam tires because traditional "air" tires is not as suitable for the type of material it is used for.

Gravel- This will make the area more accessible for trucks to enter the glass bunker area and the newly expanded area.

Roll Off Collection Bins and Stairs- We replaced a portion of our roll off glass boxes a few years ago, but additional boxes are necessary for 2 other collection sites (Carthage and Cameron).

Signages for Bunker and Roll Off Collection Bins- Our current vinyl signs on roll off containers are effective at reducing contamination at our drop off sites and we would want new containers to have consistent signage/instructions. The Bunker area would need to be appropriately identified and haulers will need to be able to distinguish which bay to pick up or

Anticipated tonnage and quality of glass collected with new equipment.

This will dramatically increase the quality of glass taken to Strategic Materials. Approximately 500 tons of glass that is collected at Moore County drop-off centers each calendar year will be free from contaminants and will not require additional processing. The bunker opens up the possibility for us to accept additional glass from other counties and allow us to capture new glass markets. The exact numbers are unknown but a reasonable estimation could result in an increase of 10%.

Destination of sorted-glass—What is the end market?

Our glass is taken to Strategic Materials in Wilson NC. It is made into more glass bottles and other materials.

List of public and private recycling programs that will benefit from the project?

Moore County, Pinehurst, Southern Pines, Aberdeen, Whispering Pines, Foxfire, Robbins, Carthage, Vass, Cameron, West End, Seven Lakes, Eagle Springs, Jackson Springs, and Woodlake. Pratt Industries receives our recycling material and they could benefit by receiving less glass in their comingled loads and thereby reducing contamination. Republic Industries sorts out our MSW and recycling and this would reduce the amount of broken glass on the tipping floor.

Description of how the organization will/does publicize glass recycling to the public?

We have a strong social media infrastructure in place with our #RecycleMoore Campaign. (this was heavily funded by DEACS last year). We engage the public through video projects, social media games, virtual town halls, and news paper advertising. We are constantly putting out good information about recycling and other material.

Project Timeline:

- July 2022- Order Roll Off containers and steps
- August 2022- Contract some services and start construction.
- September 2022- Continue "construction"
- October 2022- Order Signage and additional Gravel.
- November 2022- Fully operational.

Project Budget

Project Elements Estimated Cost

Bunker Expansion Project (see
attachment A)

\$26,772.00

Gravel \$1,500

Foam Tire- Wheel Loader \$3,200.00

Glass Container with added Steps
(2)

\$22,000.00

Signage (containers and bunker) \$1,000.00

Project Budget Total Project Cost State Grant
Award

Applicant Cash Match

Total \$54,472.00 \$ 43,577.60 \$10,894.40

Appendix A:

Appendix B:

Agenda Item:

Meeting Date:

MEMORANDUM TO THE MOORE COUNTY BOARD OF COMMISSIONERS

FROM: Robbins May & Rich LLP

DATE: December 2, 2021

SUBJECT: Hearing and Approval for Financing for New Fire Station

PRESENTER: Stephen Later, Robbins May & Rich LLP

REQUEST: To hold a public hearing and adopt a resolution approving the extension of a loan from First Bank, Southern Pines, North Carolina, to Cypress Pointe Fire and Rescue of \$1,790,700.00 to finance a new fire station at 296 Youngs Road in Vass, North Carolina.

BACKGROUND: The requested hearing and approval relates to a technical federal tax requirement, known as the TEFRA requirement from the Tax Equity and Fiscal Responsibility Act of 1982, that applies to certain tax-exempt loans and bonds. These loans and bonds are required to receive an approval from the elected body (which, in North Carolina, is the county commissioners) of the jurisdiction in which a project to be financed with a tax-exempt loan is located and also offer a public hearing so citizens can voice their concerns, if any. In the approval resolution, if the county commissions approve the loan to Cypress Pointe Fire and Rescue, it will be clear that the County has no payment responsibility for the loan. It is, in effect, a technicality that has no substance or meaning beyond satisfying the Internal Revenue Code requirement, but it is necessary to allow Cypress Pointe Fire and Rescue to take advantage of lower cost tax-exempt financing (since the interest will be tax exempt to the lender).

FINANCIAL IMPACT: None.

IMPLEMENTATION PLAN:

RECOMMENDATION SUMMARY:

ATTACHMENTS:

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF MOORE, NORTH CAROLINA, APPROVING THE LOAN TO CYPRESS POINTE FIRE AND RESCUE (THE "BORROWER") OF \$1,790,700.00 AGGREGATE PRINCIPAL AMOUNT FOR THE PURPOSE OF FINANCING CONSTRUCTION OF A FIREHOUSE IN ITS FIRE DISTRICT IN THE COUNTY OF MOORE, NORTH CAROLINA

WHEREAS the Borrower has served its fire district in the County of Moore (the "District") pursuant to a contract between the Borrower and the County of Moore, North Carolina.

WHEREAS the Borrower wishes to construct a new fire station at 296 Youngs Road in Vass, North Carolina, which will reduce response times and better serve the District (the "New Fire Station").

WHEREAS the Borrower wishes to borrow funds for the construction of the new firehouse pursuant to Section 103 and 150(e) of the Internal Revenue Code of 1986, as amended, (the "Code").

WHEREAS Section 147(f) of the Code requires that the loan for the construction of the new firehouse be approved by the Moore County Commission as the legislative body of the governmental unit with jurisdiction over the area in which the new firehouse is located.

WHEREAS this Board of County Commissioners (the "Board") of the County of Moore (the "County") today has held a public hearing with respect the proposed loan (the "Loan") to be extended by First Bank in an amount not to exceed \$1,790,700.00 to finance the construction of the New Fire Station;

WHEREAS the Borrower has requested that the Board approve the extension of the Loan to the Borrower to finance the construction of the New Fire Station in order to satisfy the requirements of Section 147(f) of the Code;

WHEREAS the Board, following notice duly given in the form attached hereto (the "Notice"), held a public hearing today regarding the extension of the Loan to the Borrower to finance the construction of the New Fire Station in accordance with the Code;

WHEREAS the Loan will not constitute a debt of the County, will not require a tax levy or a pledge of the faith and credit of the County, and will not affect the County's debt ratios or legal debt limit;

WHEREAS the County has made no financial analysis of the Loan, the Borrower or the New Fire Station;

WHEREAS County taxpayers will have no responsibility for payment of the Loan.

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

Section 1. Pursuant to and solely in satisfaction of the requirements of Section 147(f) of the Code, the County hereby approves the extension of the Loan to the Borrower to finance the construction of the New Fire Station.

Section 2. THE COUNTY HAS NO RESPONSIBILITY FOR THE PAYMENT OF THE PRINCIPAL OF OR INTEREST OF THE LOAN OR FOR ANY COSTS INCURRED BY THE BORROWER WITH RESPECT TO THE LOAN OR THE NEW FIRE STATION. THE COUNTY PLEDGES NEITHER ITS TAXING POWER NOR REVENUES FOR THE LOAN.

Section 3. This resolution is effective immediately on its passage.

UDO Text Amendments – Urban Transition HCOD Land Uses - Staff Report

Agenda Item: ____ Meeting Date: January 18, 2022

MEMORANDUM TO THE BOARD OF COMMISSIONERS FROM: Debra Ensminger

Planning and Inspections Director DATE: December 3, 2021 SUBJECT: Unified Development Ordinance Text Amendment – Highway

Corridor Overlay District (Urban Transition Land Uses) PRESENTER: Debra Ensminger

REQUEST

Pete Mace of TIJJS, LLC is requesting the below text amendments to the Moore County Unified Development Ordinance: Bold Text – additions to the ordinance

Strikethrough Text - deletions from the ordinance

1. AMEND Chapter 7 (General Development Standards), Section 7.8 (Highway Corridor Overlay District), as follows:

F. Prohibited Uses.

1. Urban Transition. Accessory Manufactured Home, Manufactured Home, Personal Workshop/Storage Building, Manufactured or Modular Home, Storage Building Sales, all uses listed under “Adult Uses” including Adult Gaming Establishments, Bars/Tavern, Brewery/Winery, Dance Club, Night Club, Billiard, Distillery, Massage & Bodywork Therapy Practice (Unlicensed), Pawn Shop, Sexually Oriented Business, Tattoo Parlor and Body Piercing, and “Waste Related Services” including Debris Management Facility, Hazardous Waste/Toxic Chemicals Disposal or Processing, Landfill, Mining/Quarry Operation, Salvage Yard, Cemetery or Mausoleum/Commercial, Family Cemetery, High Impact Outdoor Recreation, Indoor Shooting Range, Outdoor Shooting Range, Zoo/Petting Zoo, Wireless Communication Facility, Mini-Warehouse (Self-Service), Warehousing and/or Distribution Center, and Debris Management Facility.

G. Conditional Zoning Uses.

1. Urban Transition. Group Care Facility, all uses listed under “Vehicle Services” including Boat & RV Storage, Car Wash or Auto Detailing, Commercial Truck Wash, Parking Lot as Principal Use of Lot, Contractors Storage Yard and Office, Taxi

UDO Text Amendments – Urban Transition HCOD Land Uses - Staff Report

Service, Vehicle, Auto Parts, Tires, Farm Equipment, Boat, RV- Sales Rental or Service, Vehicle Service Station (Gas Station), and Vehicle Wrecker Service, High Impact Outdoor Recreation and Commercial buildings in excess of 10,000 square feet.

REASON. This is a citizen-initiated text amendment to amend the allowed uses in the Urban Transition Highway Corridor Overlay District.

CONSISTENCY WITH THE ADOPTED 2013 LAND USE PLAN

The Board of Commissioners Consistency Statement which speaks to Land Use Plan goals is included for the Board's review and consideration. IMPLEMENTATION PLAN

Hold the public hearing.

FINANCIAL IMPACT STATEMENT No financial impact to the County's FY 2021-2022 budget. PLANNING BOARD RECOMMENDATION

The Planning Board met on December 2, 2021, and unanimously recommended approval of the text amendment request (7-0). RECOMMENDATION SUMMARY:

Staff recommends the Moore County Board of Commissioners make two separate motions:

Motion #1: Make a motion to approve the attached Moore County Board of Commissioners Land Use Plan Consistency Statement (Approval or Denial) and authorize the Chairman to execute the document as required by North Carolina General Statute 160D-605.

Motion #2: Make a motion to approve or deny the proposed text amendments to the Moore County Unified Development Ordinance. ATTACHMENTS

- Text Amendment Application
- Moore County Board of Commissioners Consistency Statement – Approval
- Moore County Board of Commissioners Consistency Statement – Denial

Moore County Board of Commissioners
Land Use Plan Consistency Statement
Text Amendment - Unified Development Ordinance

The Moore County Board of Commissioners finds that:

1. The text amendment request is consistent with the following goals in the 2013 Moore County Land Use Plan:

GOAL 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around municipalities).

- Recommendation 1.5: Encourage and support development and land use principles by ensuring Moore County's cultural, economic, and natural resources are considered appropriately.
- Recommendation 1.7: Support and promote local businesses.

GOAL 4: Provide Information and Seek Citizen Participation:

- Action 4.1.1: Continue to support and implement easy to understand guidelines to incorporate throughout governmental departments.

2. The text amendment is consistent with the Goals listed above due to allowing a specific land use through a thorough review process that will assess its consistency with the surrounding area and providing the public with a transparent and thorough permitting process.

3. The text amendment is reasonable and in the public interest because it will allow an additional land use in a commercially viable area while allowing the community the opportunity to express their views on individual proposals during the conditional rezoning process.

Therefore, the Moore County Board of Commissioners APPROVES the text amendments to the Unified Development Ordinance, as proposed.

Frank Quis, Chair Date
Moore County Board of Commissioners

Moore County Board of Commissioners
Land Use Plan Consistency Statement
Text Amendment - Unified Development Ordinance

The Moore County Board of Commissioners finds that:

1. The text amendment request is not consistent with the following goal in the 2013 Moore County Land Use Plan:

GOAL 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around municipalities).

- Recommendation 1.8: Discourage undesirable or unattractive land uses, especially within high visibility areas.

2. The proposed text amendment is not reasonable and not in the public interest because the proposed amendment will have an unreasonable impact on the surrounding community.

Therefore, the Moore County Board of Commissioners DENIES the text amendments to the Unified Development Ordinance, as proposed.

Frank Quis, Chair Date
Moore County Board of Commissioners

UDO Quarterly Text Amendments – Staff Report

Agenda Item: ____ Meeting Date: January 18, 2022

MEMORANDUM TO THE BOARD OF COMMISSIONERS FROM: Debra Ensminger

Planning and Inspections Director DATE: December 3, 2021 SUBJECT: Unified Development Ordinance Text Amendments – Quarterly

Update PRESENTER: Debra Ensminger

REQUEST

Moore County Planning Staff is requesting the below text amendments to the Moore County Unified Development Ordinance: Bold Text – additions to the ordinance

Strikethrough Text - deletions from the ordinance

1. AMEND Chapter 6 (Table of Uses), Section 6.1 (Use Table), as follows:

COMMERCIAL USES

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Specific
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VEHICLE SERVICES
Boat & RV Storage P P

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INDUSTRIAL USES

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WAREHOUSING

Mini-Warehouse (Self-Service) P Z Z P

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P

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COMMERCIAL USES

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UDO Quarterly Text Amendments – Staff Report

ADULT USES

Massage & Bodywork Therapy Practice,
Unlicensed P P P P 8.58 B

REASON. Allows Planning Staff, Planning Board, and the Board of Commissioners to give the Boat & RV Storage and Mini-Warehouse uses a more thorough review for their consistency with the surrounding area. Makes the Massage & Bodywork Therapy Practice use in the table consistent with the requested amendment to the Specific Use Standards below.

2. AMEND Chapter 8 (Specific Use Standards), Section 8.11 (Home Occupation, Level 1), as follows:

8.11. Home Occupation, Level 1

A. Standards. 1 home occupation shall be permitted per lot. Level 1 Home Occupations shall be limited to a maximum of 25% of 1 floor of the principal building, the entirety of an accessory building, or a combination thereof. The accessory building shall be less than or equal to the square footage of the principal building and shall be located in the rear yard. The operator of the home occupation must reside on the same lot. Only 1 person not a resident of the dwelling may be employed. Home occupations involving instruction, teaching, or training shall be limited to 5 students or participants at one time. Signage shall be limited to 1 sign of 4 square feet in area. 1 parking space per home occupation in addition to residence requirements. Any use that exceeds 1 or more of the specific standards is automatically a Level 2 Home Occupation. The following uses are those that have been determined to be suitable as a Level 1 Home Occupation:

1. Beauty / Barber Shop / Nail Salon
2. Office (no licensed medical offices)
3. Produce Stand
4. Small Appliance Repair Shop (no outdoor storage)
5. Trade Contractor Office and Workshop (no outdoor storage)

REASON. Prohibit licensed medical offices as described in the UDO from being developed in residential homes and established neighborhoods. This use's procedures, traffic generation and building code requirements are not conducive to a residential environment. 3. AMEND Chapter 8 (Specific Use Standards), Section 8.31 (Office), as follows:

8.31. Office

A. Definition. An establishment providing direct services to consumers, conducted during normal business hours, in a fully-enclosed building, including financial offices (banks,

UDO Quarterly Text Amendments – Staff Report

brokers, insurance agents, accountants, appraisers), general business offices (adoption agency, catering, cell phone store, cleaning service office, fortune tellers), instructional services (music, art and craft classes, and tutoring), licensed medical offices (dentists, doctors, counselors, chiropractor, hospice and palliative care facility, massage therapist, psychiatrists, laboratories, blood banks), professional offices – office use only (architects, cartographers, engineers, lawyers, real estate agents, editors, publishers, journalists, graphic design, construction contractors, landscape design, surveyors, salespersons, travel agents), professional studios (artists, authors, sculptors, musicians, photographers, radio and television studios), and similar office uses. This use does not include manufacturing, repair, or storage of materials or products.

B. Standards. Massage therapists shall meet the requirements per the Moore County Code of Ordinance Section 9-46.

C. B. Financial Offices – 1 space for each 200 square feet of gross floor space, plus 1 space for each 2 employees. Medical Offices – 5 spaces for each doctor plus 1 space for each employee. Other types of offices – 1 space for each 300 square feet of gross floor area, minus storage areas.

REASON. Clarify the ordinance to move the massage therapy use under one section (Section 8.58) in the UDO. 4.

AMEND Chapter 8 (Specific Use Standards), Section 8.58 (Massage & Bodywork Therapy Practice, Unlicensed), as follows:

8.58. Massage & Bodywork Therapy Practice, Unlicensed

A. Definition. Any business wherein massage is practiced, including establishments commonly known as health clubs, physical culture studios, massage studios, or massage parlors. A business licensed through the Board of Massage & Bodywork Therapy is a separate definition.

B. Standards. Refer to Section 8.53 (B) with the exception of Massage therapists shall meet the requirements per the Moore County Code of Ordinance Section 9-46. 1 parking space per 150 square feet minus storage area.

REASON. Clarify the ordinance to move the massage therapy use under one section in the UDO and require that all be licensed as required in the Moore County Code. 5. AMEND Chapter 15 (Watershed Overlay Districts), as follows:

15.9 Allocation Transfer Between Jurisdictions

Moore County, having jurisdiction within a designated water supply watershed may transfer, in whole or in part, its right to the 5/70 land area to one of the other local government jurisdictions located within Moore County within the same water supply

UDO Quarterly Text Amendments – Staff Report

watershed upon submittal of an approved joint resolution between the Moore County Board of Commissioners and the governing body of the municipality and approval by the NC Department of Environmental Quality.

REASON. Create an ordinance citation for the transfer of watershed allocation as required by NCDEQ for their approval of these transfers.

6. AMEND Chapter 17 (Enforcement & Penalties), Section 17.2 (Enforcement Procedures), Subsection A (Investigation), as follows:

Investigation. Upon receipt of a written or verbal complaint, the Administrator must investigate the complaint and determine whether a violation exists within 10 45 days. The Administrator shall proactively enforce any violation existing after a permit approved by a Board has been revoked.

REASON. Allows review times to be consistent (45 days) across all review processes. 7. AMEND Chapter 18 (Subdivisions), Section 18.7 (Major Subdivisions – Minimum Design Standards as Shown on Preliminary Plat), Subsection T (Cluster Mailboxes), as follows:

T. Cluster Mailboxes. Appropriate mail receptacles must be provided for the receipt of mail as approved by the Postal Service and other applicable departments. Cluster mailboxes shall be located outside of the right-of-way and in a HOA maintained area. Approval of installation by the USPS and Building Inspector is required prior to final plat approval.

1. Major subdivisions that choose to construct a private mail house structure or building instead of cluster mailboxes for their residents may do so upon the approval of a commercial building permit. Private mail houses shall be located outside of the right-of-way and in a HOA maintained area. Parking shall be provided at the rate of 1 space per employee in addition to 1 space per every 20 mailboxes.

REASON. Creates standards for future major subdivisions to provide adequate parking and an additional method to deliver postal services to a planned community.

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8. AMEND Chapter 18 (Subdivisions), Section 18.16 (Subdivision Plat Requirements), as follows:

18.16 Subdivision Plat Requirements

REASON. Provides clarification by matching title of certificate to the example certificate language provided further in the section. CONSISTENCY WITH THE ADOPTED 2013 LAND USE PLAN

The Board of Commissioners Consistency Statement which speaks to Land Use Plan goals is included for the Board's review and consideration. IMPLEMENTATION PLAN Hold the public hearing.

FINANCIAL IMPACT STATEMENT No financial impact to the County's FY 2021-2022 budget.

PLANNING BOARD RECOMMENDATION

The Planning Board met on December 2, 2021, and unanimously recommended approval of the text amendment request (7-0). RECOMMENDATION SUMMARY:

Staff recommends the Moore County Board of Commissioners make two separate motions:

Motion #1: Make a motion to approve the attached Moore County Board of Commissioners Land Use Plan Consistency Statement (Approval) and authorize the Chairman to execute the document as required by North Carolina General Statute 160D-605.

Motion #2: Make a motion to approve or deny the proposed text amendments to the Moore County Unified Development Ordinance. ATTACHMENTS

- RLUAC (Regional Land Use Advisory Commission) Review Letter
- Moore County Board of Commissioners Consistency Statement – Approval
- Moore County Board of Commissioners Consistency Statement - Denial

Type of Certificate or Statement

Exempt

Plat

Family

Plat

Minor

Plat

Major

Prelim.

Plat

Major

Final

Plat

Certificate of Soil Suitability Licensed Soil

Scientist Certificate

RLUAC

Regional Land Use Advisory Commission

MOORE COUNTY COURTESY REVIEW

Project: Chapter 15 (Watershed Overlay Districts) Text Amendment – Density Transfer

October 6, 2021

Following a review of the above referenced Text Amendment language by the RLUAC staff and Board of Directors, and recognizing that our findings are non-binding on Moore County, the RLUAC Board of Directors finds that:

While there is no inherent issue related to the proposed amendment that would provide for a procedure to transfer watershed density allocation between Moore County and another local government, the allocation of additional watershed density into an area that is rated as either Critical or Important to Protect in the Fort Bragg Compatible Use Rating System could impact military land use compatibility. RLUAC suggests that the procedure or qualification for transferring density allocation be further amended to prohibit the transfer of watershed density into areas that are identified as either Critical or Important to Protect. If the County does not desire to codify a blanket prohibition of this nature, then RLUAC would like the opportunity to work with County Staff to review other potential options to ensure that the potential impact of density transfers is considered prior to their approval.

Thank you for allowing RLUAC to review this case.

John K. McNeill, Chairman

Vagn K. Hansen II, AICP, Executive Director

Moore County Board of Commissioners
Land Use Plan Consistency Statement
Text Amendment - Unified Development Ordinance

The Moore County Board of Commissioners finds that:

1. The text amendment request is consistent with the following goals in the 2013 Moore County Land Use Plan:

GOAL 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around municipalities).

- Recommendation 1.5: Encourage and support development and land use principles by ensuring Moore County's cultural, economic, and natural resources are considered appropriately.

GOAL 4: Provide Information and Seek Citizen Participation:

- Action 4.1.1: Continue to support and implement easy to understand guidelines to incorporate throughout governmental departments.

2. The text amendment is consistent with the Goals listed above due to providing the public with a transparent and thorough permitting process.

3. The text amendment is reasonable and in the public interest because the ordinance has been updated to meet current statutory requirements and be more user-friendly for use by the general public and development community.

Therefore, the Moore County Board of Commissioners APPROVES the text amendments to the Unified Development Ordinance, as proposed.

Frank Quis, Chair Date
Moore County Board of Commissioners

Moore County Board of Commissioners
Land Use Plan Consistency Statement
Text Amendment - Unified Development Ordinance

The Moore County Board of Commissioners finds that:

1. The text amendment request is not consistent with the 2013 Moore County Land Use Plan.
2. The proposed text amendment is not reasonable and not in the public interest because the proposed amendment will have an unreasonable impact on the surrounding community.

Therefore, the Moore County Board of Commissioners DENIES the text amendments to the Unified Development Ordinance, as proposed.

Frank Quis, Chair Date
Moore County Board of Commissioners

Agenda Item:

Meeting Date: January 18, 2022

MEMORANDUM TO BOARD OF COMMISSIONERS:

FROM: Moore County Schools

DATE: January 18, 2022

SUBJECT: Moore County Schools Modernization of School Gymnasiums

PRESENTER: John Birath, Executive Officer for Operations

REQUEST:

\$8,540,987 from the School Bond Premium Fund.

BACKGROUND:

During the October 4, 2021 work session of the Moore County Board of Education, Mr. Birath provided an update on the progress of capital projects that were approved previously by the Board. His report included a description of the impact of rising costs on capital projects. Notably, the total cost of the School Board's modernizing six old elementary school gymnasiums would increase from \$12,690,000 to \$17,545,000.

The plan for modernizing the six old gyms was dependent on the following revised projected revenues and costs:

County bond premiums \$8,540,987

Revised local capital funds to be supplanted by Federal ESSER funds \$3,000,000

Revised total available revenue \$11,540,987

Revised total cost to modernize six gymnasiums \$17,545,000

Projected need for additional funds to complete all six projects \$6,004,013

At the direction of the School Board at its November 8, 2021 regular business meeting, Mr. Birath presented the following revised "best case approach" to completing as many of the gym modernization projects as possible within the shortest possible timeframe. Given the more readily available County bond premiums, the plan calls for the initiation of up to three projects within the next six to eight months. By that time, the balance of County bond premium funds could be combined with local capital funds that are projected to accrue as they are supplanted by Federal funds as permitted under the Elementary and Secondary School Emergency Relief (ESSER) fund. As illustrated below, those funds are likely to be sufficient to support the cost of modernizing of at least one additional project, leaving the final one or two projects dependent on an alternative source of local funding.

The revised projected revenue for the plan is \$11,540,987. It includes \$8,540,987 in bond premium funds and \$3,000,000 in estimated local capital funds intended to be supplanted by Federal ESSER funds.

Gym Modernization Project

Revised Cost

Estimate

Running Balance

\$11,540,987

Cameron ES \$2,685,000 \$8,855,987

Highfalls ES \$2,670,000 \$6,185,987

Westmoore ES \$2,660,000 \$3,525,987

Sandhills Farm Life ES \$3,120,000 \$405,987

Vass-Lakeview ES \$2,670,000 (\$2,264,013)

Carthage ES \$3,740,000 (\$6,004,013)

As shown in the chart above, supplemental financing will be required to complete the Vass-Lakeview and Carthage elementary projects. Those projects will remain high priorities as the School Board continues to work with the County Commissioners to address its remaining capital needs. Factors that were considered when determining the proposed order of the gym modernization projects include:

- Clustering of projects such that the cumulative cost allows for as many to be completed as soon as possible using the most readily available fund source;
- Prioritizing projects that have experienced less campus-wide capital improvement during the past 20 years; and
- Prioritizing projects that present more limited scope and complexity.

The School Board approved this plan by a unanimous vote (6-0 with Mr. Holmes absent) during its meeting on November 8, 2021. Should it gain the County Commissioners' approval, MCS staff will begin the process to solicit qualifications from sources that can provide design and engineering services associated with the final refinement of bid documents for each project.

IMPLEMENTATION PLAN:

N/A

FINANCIAL IMPACT STATEMENT:

The funds are from the premiums on the issuance of bonds for the construction of schools.

RECOMMENDATION SUMMARY:

Absent any questions or concerns from members of the Board of Commissioners, it is recommended that the Board approve the allotment of \$8,540,987 from the School Bond Premium Fund for the modernization of the Cameron, Highfalls and Westmoore school gymnasiums.

SUPPORTING ATTACHMENTS:

Presentation of the request for funding.

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Agenda Item:

Meeting Date: January 18, 2022

MEMORANDUM TO THE MOORE COUNTY BOARD OF COMMISSIONERS:

FROM: Moore County Health Department

DATE: January 13, 2022

SUBJECT: FY 22 Environmental Health Fee Schedule Amendment

REQUEST: That the Moore County Board of Commissioners approve the Moore County Health Department's request to amend the FY 22 Environmental Health Fee Schedule to include that a 25% total application fee discount option be applicable to Licensed Soil Scientist (LSS) SL2018-114 permit submission packages which meet criteria pursuant to NCGS 130A-335 (a2).

BACKGROUND: If a property owner or developer chooses to expedite the permitting process and utilize a Licensed Soil Scientist (LSS) to submit a SL2018-114 submission package, it is the position of the Moore County Health Department that the owner/developer be entitled to a 25% fee discount if they satisfy all submission requirements. According to the Moore County Environmental Health Director and staff, these type of submission packages typically reduce the Department's workload by approximately 25%. Thus, the recommendation for a 25% fee discount.

FINANCIAL IMPACT: No local funds are required.

IMPLEMENTATION PLAN: Upon approval by the Moore County Board of Commissioners, the Health Director and Environmental Health Director in conjunction with County Finance will take the necessary steps to amend the FY 22 Environmental Health Fee Schedule and in turn, make the 25% discount option be effective immediately.

RECOMMENDATION SUMMARY: That the Moore County Board of Commissioners approve the Moore County Health Department's request to amend the FY 22 Environmental Health Fee Schedule to include that a 25% total application fee discount option be applicable to Licensed Soil Scientist (LSS) SL2018-114 permit submission packages which meet criteria pursuant to NCGS 130A-335 (a2).

ATTACHMENTS: FY 22 Environmental Health Fee Schedule, Requirements for SL2018-114 Submission, G.S. 130A-335

Moore County Health Department
Environmental Health Section
Position Statement

Document # : 1 Effective Date:

Revision # : Revision Date:

Requirements for SL2018-114 Submission

Scope:

To ensure application packages meet the necessary standards to allow for the 25% discount associated with NC Session Law 2018-114.

Expectations:

If a property owner or developer would like to expedite the permitting process and utilize a Licensed Soil Scientist to submit a SL2018-114 submission package, the following requirements must be met to qualify for the 25% discount associated with these submissions:

1. The submission package must include the following statements, signature of LSS, and LSS seal:

"The LSS Evaluation attached to this application is to be used to produce design and construction feature for permitting in accordance with SL2018-114 Section 11.(c)"

"The LSS Evaluation is being submitted pursuant to and meets the requirements of SL2018-114 Section 11.(c)"

2. Must include a site plan accurately describing the following:

- A) The location of all structures and appurtenances.
- B) All boring and pit locations correlated to the soil profile descriptions
- C) Location of all proposed septic system components referenced to

points/marks in the field (i.e. field layouts).

D) Dimension to any applicable setbacks to be encountered

3. The soil profile descriptions must be included in the application package. If the LSS chooses to submit the soil profile descriptions in a format other than the NC DHHS soil description sheet, it will be allowed assuming the same information is provided in a logical and understandable format.

4. The submission package must also express the design and construction information necessary to write the permit for both the initial and repair system, including, but not limited to:

A) Daily Design Flow and Bedroom Count

B) LTAR

C) Maximum Trench Depth

D) Septic Tank Capacity, and Pump Tank Capacity if applicable

E) Distribution Method

F) Dimensions and product type requested to be used for the drainfield of each septic system (initial and repair).

§ 130A-335. Wastewater collection, treatment and disposal; rules.

(a) A person owning or controlling a residence, place of business or a place of public assembly shall provide an approved wastewater system. Except as may be allowed under another provision of law, all wastewater from water-using fixtures and appliances connected to a water supply source shall discharge to the approved wastewater system. A wastewater system may include components for collection, treatment and disposal of wastewater.

(a1) Any proposed site for a residence, place of business, or a place of public assembly located in an area that is not served by an approved wastewater system for which a new wastewater system is proposed or repair is necessary for compliance may be evaluated for soil conditions and site features by a person licensed pursuant to Chapter 89F of the General Statutes as a licensed soil scientist. For purposes of this subsection, "site features" include topography and landscape position; soil characteristics (morphology); soil wetness; soil depth; restrictive horizons; available space; and other applicable factors that involve accepted public health principles. A person licensed pursuant to Chapter 89E of the General Statutes as a licensed geologist may evaluate the proposed site or repair area, as applicable, for geologic and hydrogeologic conditions.

(a2) Evaluations conducted by a licensed soil scientist or a licensed geologist pursuant to subsection (a1) of this section to produce design and construction features for a new proposed wastewater system or a proposed repair project for an existing wastewater system, including the addressing of any special hydrologic conditions that may be required under the applicable rules for an authorization to construct or for permitting, shall be approved by the applicable permitting authorities under G.S. 130A-336 and G.S. 130A-336.1, provided both of the following conditions are met:

(1) The evaluation of soil conditions, site features, or geologic and hydrogeologic conditions satisfies all requirements of this Article. The evaluation shall not cover areas outside the scope of the applicable license.

(2) The licensed soil scientist or licensed geologist conducting the evaluation maintains an errors and omissions liability insurance policy issued by an insurer licensed under Chapter 58 of the General Statutes in an amount commensurate with the risk.

Upon receipt of a signed written evaluation from the soil scientist or licensed geologist, the Department, the Department's authorized agents, and the local health department shall be discharged and released from any liabilities, duties, and responsibilities imposed by statute or in common law from any claim arising out of or attributed to the soil conditions, site features, geologic conditions, or hydrogeologic conditions for which the signed written evaluation was submitted.

(b) All wastewater systems shall either (i) be regulated by the Department under rules adopted by the Commission or (ii) conform with the engineered option permit criteria set forth in G.S. 130A-336.1 and under rules adopted by the Commission except for the following wastewater systems that shall be regulated by the Department under rules adopted by the Environmental Management Commission:

(1) Wastewater collection, treatment, and disposal systems designed to discharge effluent to the land surface or surface waters.

(2) Wastewater systems designed for groundwater remediation, groundwater injection, or landfill leachate collection and disposal.

(3) Wastewater systems designed for the complete recycle or reuse of industrial process wastewater.

(4) Gray water systems as defined in G.S. 143-350.

(c) A wastewater system subject to approval under rules of the Commission shall be reviewed and approved under rules of a local board of health in the following circumstances:

(1) The local board of health, on its own motion, has requested the Department to review its proposed rules concerning wastewater systems; and

(2) The local board of health has adopted by reference the wastewater system rules adopted by the Commission, with any more stringent modifications or additions deemed necessary by the local board of health to protect the public health. Local boards of health shall use historical experience to establish modifications or additions to rules established by the Commission; and

(3) The Department has found that the rules, including modifications or additions to the Commission's rules, of the local board of health concerning wastewater collection, treatment and disposal systems are at least as stringent as rules adopted by the Commission and are sufficient and necessary to safeguard the public health.

(c1) The rules adopted by the Commission for wastewater systems approved under the engineered option permit criteria pursuant to G.S. 130A-336.1 shall be, at a minimum, as stringent as the rules for wastewater systems established by the Commission.

(c2) Notwithstanding any other provision of law, a municipality shall not prohibit or regulate by ordinance or enforce an existing ordinance regulating the use of off-site wastewater systems or other systems approved by the Department under rules adopted by the Commission when the proposed system meets the specific conditions of the approval.

(d) The Department may, upon its own motion, upon the request of a local board of health or upon the request of a citizen of an affected county, review its findings under subsection (c) of this section.

The Department shall review its findings under subsection (c) of this section upon modification by the Commission of the rules applicable to wastewater systems. The Department may deny, suspend, or revoke the approval of local board of health wastewater system rules upon a finding that the local wastewater rules are not as stringent as rules adopted by the Commission, are not sufficient and necessary to safeguard the public health, or are not being enforced.

Suspension and revocation of approval shall be in accordance with G.S. 130A-23.

(d1) The Department or owner of a wastewater system may file a written complaint with the North Carolina Board of Examiners for Engineers and Surveyors in accordance with rules and procedures adopted by the Board pursuant to Chapter 89C of the General Statutes citing failure of a professional engineer to adhere to the rules adopted by the Commission pursuant to this Article. The Department or owner of a wastewater system may file a written complaint with the North Carolina Board of Licensed Soil Scientists in accordance with rules and procedures adopted by the Board pursuant to Chapter 89F of the General Statutes citing failure of a licensed soil scientist to adhere to the rules adopted by the Commission pursuant to this Article. The Department or owner of a wastewater system may file a written complaint with the North Carolina Board for Licensing of Geologists in accordance with rules and procedures adopted by the Board pursuant to Chapter 89E of the General Statutes citing failure of a licensed geologist to adhere to the rules adopted by the Commission pursuant to this Article. The Department or owner of a wastewater system may file a written complaint with the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board in accordance with rules and procedures adopted by the Board pursuant to Article 5 of Chapter 90A

of the General Statutes citing failure of a contractor to adhere to the rules adopted by the Commission pursuant to this Article.

(e) The rules of the Commission and the rules of the local board of health shall address at least the following: Wastewater characteristics; Design unit; Design capacity; Design volume; Criteria for the design, installation, operation, maintenance and performance of wastewater collection, treatment and disposal systems; Soil morphology and drainage; Topography and landscape position; Depth to seasonally high water table, rock and water impeding formations;

Proximity to water supply wells, shellfish waters, estuaries, marshes, wetlands, areas subject to frequent flooding, streams, lakes, swamps and other bodies of surface or groundwaters; Density of wastewater collection, treatment and disposal systems in a geographical area; Requirements for issuance, suspension and revocation of permits; and Other factors which affect the effective operation and performance of wastewater collection, treatment and disposal systems. The rules regarding required design capacity and required design volume for wastewater systems shall provide that exceptions may be granted upon a showing that a system is adequate to meet actual daily water consumption.

(f) The rules of the Commission and the rules of the local board of health shall classify systems of wastewater collection, treatment and disposal according to size, type of treatment and any other appropriate factors. The rules shall provide construction requirements, including pretreatment and system control requirements, standards for operation, maintenance, monitoring, reporting, and ownership requirements for each classification of systems of wastewater collection, treatment and disposal in order to prevent, as far as reasonably possible, any contamination of the land, groundwater and surface waters. The Department and local health departments may impose conditions on the issuance of permits and may revoke the permits for failure of the system to satisfy the conditions, the rules, or this Article. Permits other than improvement permits shall be valid for a period prescribed by rule. Improvement permits shall be valid upon a showing satisfactory to the Department or the local health department that the site and soil conditions are unaltered, that the facility, design wastewater flow, and wastewater characteristics are not increased, and that a wastewater system can be installed that meets the permitting requirements in effect on the date the improvement permit was issued. Improvement permits for which a plat is provided shall be valid without expiration. Improvement permits for which a site plan is provided shall be valid for five years. The period of time for which the permit is valid and a statement that the permit is subject to revocation if the site plan or plat, whichever is applicable, or the intended use changes shall be displayed prominently on both the application form for the permit and the permit.

(f1) A preconstruction conference with the owner or developer, or an agent of the owner or developer, and a representative of the local health department shall be required for any authorization for wastewater system construction issued with an improvement permit under G.S. 130A-336 when the authorization is greater than five years old. Following the conference, the local health department shall advise the owner or developer of any rule changes for wastewater system construction incorporating current technology that can reasonably be expected to improve the performance of the system. The local health department shall issue a revised authorization for wastewater system construction incorporating the rule changes upon the written request of the owner or developer.

(f2) For each septic tank system that is designed to treat 3,000 gallons per day or less of sewage, rules adopted pursuant to subsection (f) of this section shall require the use of an effluent filter to reduce the total suspended solids entering the drainfield and the use of an access device for each compartment of the septic tank to provide access to the compartment in order to facilitate maintenance of the septic tank. The Commission shall not adopt specifications for the effluent filter and access device that exceed the requirements of G.S. 130A-335.1. Neither this section nor G.S. 130A-335.1 shall be construed to prohibit the use of an effluent filter or access device

that exceeds the requirements of G.S. 130A-335.1. The Department shall approve effluent filters that meet the requirements of this section, G.S. 130A-335.1, and rules adopted by the Commission.

(g) Prior to denial of an improvement permit, the local health department shall advise the applicant of possible site modifications or alternative systems, and shall provide a brief description of those systems. When an improvement permit is denied, the local health department shall issue the site evaluation in writing stating the reasons for the unsuitable classification. The

evaluation shall also inform the applicant of the right to an informal review by the Department, the right to appeal under G.S. 130A-24, and to have the appeal held in the county in which the site for which the improvement permit was requested is located.

(h) Except as provided in this subsection, a chemical or portable toilet may be placed at any location where the chemical or portable toilet can be operated and maintained under sanitary conditions. A chemical or portable toilet shall not be used as a replacement or substitute for a water closet or urinal where a water closet or urinal connected to a permanent wastewater treatment system is required by the North Carolina State Building Code, except that a chemical or portable toilet may be used to supplement a water closet or urinal during periods of peak use. A chemical or portable toilet shall not be used as an alternative to the repair of a water closet, urinal, or wastewater treatment system. It shall be unlawful to discharge sewage or other waste from a chemical or portable toilet used for human waste except into a wastewater system that has been approved by the Department under rules adopted by the Commission or by the Environmental Management Commission or at a site that is permitted by the Department under G.S. 130A-291.1.

(i) The Department shall notify the Department of Revenue of all wastewater dispersal product approvals and revocations within 60 days of approval or revocation. (1957, c. 1357, s. 1; 1973, c. 471, s. 1; c. 476, s. 128; c. 860; 1977, c. 857, s. 1; 1979, c. 788, s. 2; 1981, c. 949, s. 3; c. 1127, s. 47; 1983, c. 891, s. 2; 1987, c. 267, ss. 1, 2; 1989, c. 727, s. 147; c. 764, ss. 6, 7; 1989 (Reg. Sess., 1990), c. 1075, s. 2; 1991 (Reg. Sess., 1992), c. 944, s. 4; 1993, c. 173, s. 5; 1995, c. 285, s. 1; 1995 (Reg. Sess., 1996), c. 585, s. 2; 1996, 2nd Ex. Sess., c. 18, s. 27.31(c); 1998-126, s. 1; 1998-217, s. 46(a); 2008-143, s. 13; 2011-394, s. 12(c); 2014-115, s. 10.1; 2014-120, s. 40(b); 2015-286, s. 4.14(b); 2017-139, s. 3; 2017-209, s. 18(a); 2018-114, s. 11(c); 2019-126, s. 1; 2019-131, s. 1; 2019-177, s. 7.1.)

Agenda Item:

Meeting Date: 1/18/22

MEMORANDUM TO BOARD OF COMMISSIONERS:

FROM: Randy Gould, Public Works Director

DATE: January 6, 2022

SUBJECT: Interceptor Sewer Replacement Engineering Services

PRESENTER: Randy Gould, PE

REQUEST:

Award a contract to LKC Engineering, PLLC in the amount of \$387,000.00 for engineering services for the Phase 2 Interceptor Sewer project and authorize the Chairman to sign.

BACKGROUND:

The interceptor sewer pipeline was installed in 1977 as part of the original construction of the Water Pollution Control Plant. It is the main branch of the sewer system and conveys sewage from the smaller collections systems to the WPCP. The 24" interceptor in Pinehurst #7 golf course was replaced with a 30" interceptor 2 years ago. To pipeline route will largely follow the route of the existing 24" interceptor and extend from the newly constructed interceptor at Pinehurst #7 to the existing 36" interceptor near Morganton Road.

A Request for Qualifications was conducted with 2 responses. LKC Engineering was chosen for engineering services which includes design surveying, design and permitting, bidding and award, construction management, onsite inspection, and easement surveying and mapping and associated engineering tasks.

IMPLEMENTATION PLAN:

If approved, execute contract and proceed with project.

FINANCIAL IMPACT STATEMENT:

The engineering services for this project is a budgeted item.

RECOMMENDATION SUMMARY:

Make a motion to award a contract to LKC Engineering, PLLC in the amount of \$387,000.00 for engineering services for the replacement of the Phase 2 Interceptor Sewer Replacement Project and authorize the Chairman to sign.

SUPPORTING ATTACHMENTS:

Contract for Services via DocuSign

Map

NORTH CAROLINA PROFESSIONAL SERVICES CONTRACT
MOORE COUNTY

THIS CONTRACT is made, and entered into this the 5th day of January, 2021, by and between the COUNTY OF MOORE (hereinafter referred to as "COUNTY", party of the first part and LKC Engineering, PLLC., (hereinafter referred to as "ENGINEER"), party of the second part.

1. SERVICES TO BE PROVIDED AND AGREED CHARGES

ENGINEER hereby agrees to provide services under this Contract (hereinafter referred to collectively as "SERVICES") pursuant to the provisions and specifications identified in "Attachment 1." COUNTY hereby agrees to pay for services contained in Attachment 1 and pursuant to paragraph "3" of this contract. Attachment 1 is hereby incorporated by reference as if fully set out herein.

2. TERM OF CONTRACT

The term of this CONTRACT for services is from January 5, 2022 through June 30, 2023. This Contract is subject to the availability of funds to purchase the specified services and may be terminated at any time during the term upon thirty (30) days' notice if such funds become unavailable.

3. PAYMENT TO ENGINEER

ENGINEER shall receive from COUNTY a sum not to exceed \$387,000.00 as full compensation for the provision of service. COUNTY agrees to pay at the rates specified for services, satisfactorily performed, in accordance with this Contract. Unless otherwise specified, ENGINEER shall submit an itemized invoice to COUNTY by the end of the month during which services are performed. COUNTY will process payment promptly upon receipt and approval of the invoice.

4. ENGINEER AND CLIENT ROLES AND RESPONSIBILITIES

COUNTY and ENGINEER agree that ENGINEER is an independent contractor and shall not represent itself as an agent or employee of COUNTY for any purpose in the performance of ENGINEER'S duties under this contract. Accordingly, ENGINEER shall be responsible for payment of all federal, state and local taxes as well as business license fees arising out of ENGINEER'S activities in accordance with this contract. For purposes of this contract taxes shall include, but not be limited to, Federal income tax and State income tax, Social Security and Unemployment Insurance taxes.

ENGINEER, as an independent contractor, shall perform said services in a professional manner and in accordance with the standards of applicable professional organizations and licensing agencies.

5. INSURANCE AND INDEMNITY

To the fullest extent permitted by laws and regulations, the ENGINEER shall indemnify and hold

harmless the COUNTY and its officials, agents, and employees from and against all claims, damages, losses, and expenses, arising directly from the negligent performance of this Contract or the negligent acts, errors, or omissions of the ENGINEER or its officials, employees, or contractors under this Contract or under the contracts entered into by the ENGINEER in connection with this Contract. This indemnification shall survive the termination of this agreement.

In addition, ENGINEER shall comply with the North Carolina Workers' Compensation Act and shall provide for the payment of workers' compensation to its employees in the manner and to the extent required by such Act. In the event ENGINEER is excluded from the requirements of such Act and does not voluntarily carry workers' compensation coverage, ENGINEER shall carry or cause its employees to carry adequate

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medical/accident insurance to cover any injuries sustained by its employees or agents during the performance of service.

ENGINEER shall maintain, at its expense, the following minimum insurance coverage:

\$1,000,000 --- Professional liability insurance

\$1,000,000 --- Bodily Injury Liability

\$ 100,000 --- Property Damage Liability

\$1,000,000 --- Combined Single Limit Bodily Injury and Property Damage

ENGINEER agrees to furnish COUNTY proof of compliance with the insurance coverage requirements of this contract upon request. ENGINEER upon request by COUNTY shall furnish a certificate of insurance from an insurance company, licensed to do business in the State of North Carolina and acceptable to COUNTY verifying the existence of any insurance coverage required by COUNTY. The certificate will provide for sixty (60) days' advance notice in the event of termination or cancellation of coverage.

6. HEALTH AND SAFETY

While providing services under this contract, ENGINEER shall be responsible for initiating, maintaining and supervising all safety precautions and programs required by OSHA and all other regulatory agencies while providing services under this contract only for its activities and those of its employees and subcontractors. ENGINEER'S services under this contract are performed for the sole benefit of the COUNTY and no other entity shall have any claim against ENGINEER because of this contract or the performance or nonperformance of Services hereunder.

7. GOVERNING LAW

This contract shall be governed by and in accordance with the laws of the State of North Carolina. All actions relating in any way to this contract shall be brought in the General Court of Justice in the County of Moore and the State of North Carolina.

In the event that one party makes a claim against the other, at law or otherwise, and then fails to prove such claim, then the prevailing party shall be entitled to all costs, including attorneys' fees incurred in defending against the claim.

8. TERMINATION OF AGREEMENT

Either party upon sixty (60) days' written notice to the other party may terminate this contract, without cause. This termination notice period shall begin upon receipt of the notice of termination. Such a termination does not bar either party from pursuing a claim for damages for breach of the contract.

This contract may be terminated, for cause, by the non-breaching party notifying the breaching party of a substantial failure to perform in accordance with the provisions of this contract and if the failure is not corrected within ten (10) days of the receipt of the notification. Upon such termination, the parties shall be

entitled to such additional rights and remedies as may be allowed by relevant law.

Termination of this agreement, either with or without cause, shall not form the basis of any claim for loss of anticipated profits by either party.

9. SUCCESSORS AND ASSIGNS

ENGINEER shall not assign its interest in this contract without the written consent of COUNTY.
ENGINEER has no authority to enter into contracts on behalf of COUNTY.

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10. COMPLIANCE WITH LAWS.

ENGINEER represents that it is in compliance with all Federal, State, and local laws, regulations or orders, as amended or supplemented. The implementation of this contract will be carried out in strict compliance with all Federal, State, or local laws regarding discrimination in employment.

11. NOTICES

All notices which may be required by this contract or any rule of law shall be effective when received by certified mail sent to the following addresses:

COUNTY OF MOORE: ENGINEER:

Moore County Public Works LKC Engineering, PLLC.

P.O. BOX 905 140 Aqua Shed Court

Carthage, NC 28327 Aberdeen, NC 28315

Attn: Randy Gould, Director Attn: Adam Kiker, President

12. AUDIT RIGHTS

For all services being provided under this contract, COUNTY shall have the right to inspect, examine, and make copies of any and all books, accounts, invoices, records and other writings relating to the performance of said services. Audits shall take place at times and locations mutually agreed upon by both parties, although ENGINEER must make the materials to be audited available within one (1) week of the request for them.

13. COUNTY NOT RESPONSIBLE FOR EXPENSES

COUNTY shall not be liable to ENGINEER for any expenses paid or incurred by ENGINEER unless otherwise agreed in writing.

14. EQUIPMENT

ENGINEER shall supply, at its sole expense, all equipment, tools, materials, and/or supplies required to provide contracted services unless otherwise agreed in writing.

15. ENTIRE AGREEMENT

This Agreement and the attached document labeled "Attachment 1" shall constitute the entire understanding between COUNTY and ENGINEER and may be amended only by written mutual agreement of the parties.

16. E-VERFIY (IF APPLICABLE)

Pursuant to North Carolina General Statute § 143-133.3, E-verify Compliance, the County may not enter into

a contract unless the contractor, and the contractor's subcontractors under the contract, comply with the requirements of Article 2 of Chapter 64 of the General Statutes. The Contractor represents and warrants that it is in compliance with the requirements of Article 2 of Chapter 64 of the General Statutes. Further, the Contractor warrants that any subcontractors used by the Contractor will be in compliance with the requirements of Article 2 of Chapter 64 of the General Statutes.

17. IRAN DIVESTMENT ACT

The Contractor certifies that: (i) the Contractor is not listed on the Final Divestment List created by the State Treasurer pursuant to N.C.G.S. § 147-86.58 (the "Final Divestment List"). The Final Divestment List can be found DocuSign Envelope ID: 3236A2AB-26DF-4615-A232-E16E54071BD4

on the State Treasurer's website at the address <https://www.nctreasurer.com/office-state-treasurer/divestment-and-do-not-contract-rules>. Any contract in violation of this Act is void.

18. DIVESTMENT FROM COMPANIES BOYCOTTING ISRAEL ACT

This Contractor certifies that the Contractor is not identified as an entity by the North Carolina Secretary of State that is engaged in a boycott of the State of Israel pursuant to NCGS, Article 6G, Chapter 147. The Final Divestment List can be found on the State Treasurer's website at <https://www.nctreasurer.com/office-state-treasurer/divestment-and-do-not-contract-rules>. Any contract in violation of this Act is void.

19. NON-DISCRIMINATION IN EMPLOYMENT

The Contractor will not discriminate against any employee or applicant for employment because of age, sex, race, creed, national origin, or disability. In the event the Contractor is determined by the final order of an appropriate agency or court to be in violation of this provision or any non-discrimination provision of federal, state or local law, this Contract may be suspended or terminated, in whole or in part, by the County. In addition, the Contractor may be declared ineligible for further contracts with the County.

20. PRIORITY OF DOCUMENTS

In the event of any inconsistency between the Contract and any attachment to the Contract, the Contract will have priority.

21. SEVERABILITY

If any provision of this Contract shall be determined to be unenforceable by a court of competent jurisdiction, such determination will not affect any other provision of this Contract.

22. NON-WAIVER

The failure by one party to require performance of any provision of this Contract will not affect that party's right to require performance at any time thereafter or to enforce other remedies available to it by law or under this Contract. In addition, no waiver of any breach or default of this Contract will constitute a waiver of any subsequent breach or default or a waiver of the provision itself.

23. AMENDMENT

This Contract may only be amended by the written mutual agreement of the parties.

24. DRAFTED BY BOTH PARTIES

This Contract is deemed to have been drafted by both parties and no interpretation will be made to the contrary.

25. HEADINGS

Subject headings are for convenience only and will not affect the construction or interpretation of any provision.

The parties have expressed their agreement to these terms by causing this Contract to be executed by their duly authorized officers or agents. This Contract is effective as of the date first written above.

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COUNTY OF MOORE LKC ENGINEERING PLLC

Francis R. Quis, Jr., Chairman Adam Kiker
Board of Commissioners President

ATTEST

Laura M. Williams
Clerk to the Board

PREAUDIT CERTIFICATE

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

Finance Officer

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Moore County, NC

Interceptor Replacement, Phase 2

1

INTECEPTOR REPLACEMENT, PHASE 2

SCOPE OF THE PROJECT

This project consists of the replacement of approximately 3,600 feet of 24" gravity sewer. The project begins on the upstream end just below where the Interceptor crosses Inverrary Road and extends southward (downstream) stopping at the Metering Station behind the new Eagle Landing apartment complex. The new sewer line is expected to be 30" in diameter and will generally be located in the same or similar location as the existing sewer line.

DRAFT SCOPE OF SERVICES AND PROPOSED FEES

LKC agrees to perform the following tasks obligated under this Agreement:

I.ENGINEERING SERVICES – DESIGN SURVEYING

- 1.Perform all necessary site surveying to develop detailed drawings for permitting and construction, to meet the Corporation's expectations.
 - 2.Easement surveying and mapping is captured in a separate line item.
- Payment for the DESIGN SURVEYING described above shall be provided on a lump sum, not to exceed basis. The fee for the proposed work is SIX THOUSAND DOLLARS (\$6,000.00).

II.ENGINEERING SERVICES – DESIGN AND PERMITTING

LKC agrees to perform the following tasks obligated under this Agreement:

- 1.Meet with County staff to discuss the goals of the project.
- 2.Review existing site conditions and constraints, including meeting with Pinehurst Resort staff to gather their conditions and feedback.
- 3.Review hydraulic sizing calculations performed by the County and provide feedback as requested.
- 4.Develop preliminary design drawings and review them with County staff, Pinehurst Resort, and other stakeholders as appropriate.
- 5.Prepare final drawings and technical specifications, incorporating feedback from the preliminary design review.
- 6.Utilize construction contract documents provided by the County, augmenting as necessary to satisfy any project-specific requirements.
- 7.Acquire all applicable regulatory approval required for construction, including Pinehurst Resort.

Attachment 1DocuSign Envelope ID: 3236A2AB-26DF-4615-A232-E16E54071BD4

Moore County, NC

Interceptor Replacement, Phase 2

2

Payment for the DESIGN AND PERMITTING described above shall be provided on a lump sum, not to exceed basis. The fee for the proposed work is ONE HUNDRED EIGHTY-ONE THOUSAND DOLLARS (\$181,000.00).

III. ENGINEERING SERVICES – BIDDING AND AWARD

1. Prepare and package the construction documents and provide them to the County for the bidding process.
2. The County will receive all questions, and package them for LKC review. LKC will not respond to questions from potential bidders.
3. Review questions from potential bidders as packaged and provided by the County, prepare Addenda to make necessary modifications to the construction documents, and provide the Addenda to the County for issuance.
4. Attend the pre-bid meeting and provide discussion and feedback to potential bidders at the meeting.
5. Negotiate with the low bidder if requested by the County to reduce cost and/or scope.
6. Make a recommendation of award for the County's consideration.

Payment for the BIDDING AND AWARD described above shall be provided on a lump sum, not to exceed basis. The fee for the proposed work is SIXTEEN THOUSAND DOLLARS (\$16,000.00).

IV. ENGINEERING SERVICES – CONSTRUCTION MANAGEMENT

1. Assist the County with the execution of the construction contract.
2. Facilitate the pre-construction meeting.
3. Review construction submittals for conformance with the contract documents and facilitate review by the County for items requested.
4. Facilitate regularly-scheduled, not more frequent than monthly, construction progress meetings with the Contractor, County, and Engineer.
5. Review periodic requests for payment and provide the Engineer's recommendation for payment to the County.
6. Review change order requests and negotiate the scope, cost, and time in conformance with the contract documents and provide a recommendation to the County for approval.
7. Provide periodic updates to the County's elected officials as requested.

Payment for the CONSTRUCTION MANAGEMENT described above shall be provided on a lump sum, not to exceed basis. The fee for the proposed work is TWENTY-TWO THOUSAND DOLLARS (\$22,000.00).

V. ENGINEERING SERVICES – ONSITE INSPECTION

1. Provide onsite construction inspection to review conformance with the contract documents. LKC is not responsible for the safety measures provided by the Contractor, nor

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Moore County, NC

Interceptor Replacement, Phase 2

3

is LKC responsible for ensuring a safe working environment is provided by the Contractor. Such responsibility is solely the responsibility of the construction Contractor.

2. LKC's role for Onsite Inspection is budgeted as full-time inspection; however the County may modify that role as County resources allow.

Payment for the ONSITE INSPECTION described above shall be provided on an hourly, not to exceed basis. The fee for the proposed work is ONE HUNDRED TWELVE THOUSAND DOLLARS (\$112,000.00).

VI. ENGINEERING SERVICES – RECORD DRAWINGS AND CERTIFICATION

1. Provide as-built drawings to the County reflecting any modifications made to the project scope during construction.
2. Provide the final certification of the construction to applicable regulatory agencies once complete.
3. Provide the County the as-built files in both AutoCAD and Shapefile format, as requested.

Payment for the CERTIFICATON AND RECORD DRAWINGS described above shall be provided on a lump sum, not to exceed basis. The fee for the proposed work is TWELVE THOUSAND DOLLARS (\$12,000.00).

VII. ENGINEERING SERVICES – EASEMENT SURVEYING AND MAPPING

1. Perform any necessary site surveying for easement preparation along the route.
2. Develop easement documents and maps for execution and recording that satisfy the requirements of the Grantor and the County.

Payment for the EASEMENT SURVEYING AND MAPPING described above shall be provided on a time-and-expense, not to exceed basis. The not-to-exceed fee for the proposed work is THIRTY THOUSAND DOLLARS (\$30,000.00).

VIII. ENGINEERING SERVICES – SOFT DIG AT GAS LINE CROSSING

1. If required by the owner or operator of the existing gas line, perform onsite analysis expected to consist of a soft dig or other type of subsurface investigation to assess the precise physical location of the gas line.

Payment for the SOFT DIG AT GAS LINE CROSSING described above shall be provided on a time-and-expense, not to exceed basis. The not-to-exceed fee for the proposed work is EIGHT THOUSAND DOLLARS (\$8,000.00).

LKC's services under this AGREEMENT shall not include (1) preparation of detailed wetlands or biological surveys or assessments, (2) preparation of an environmental assessment or

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Moore County, NC

Interceptor Replacement, Phase 2

4

environmental impact statement, (3) preparation of a subsurface investigation report aside from the Soft Dig described above, (4) negotiating with property owners for real property or easement acquisition that would require a real estate license, (5) payment of permit fees. These services, if required, may be arranged for and furnished by LKC and separately paid for by the County for a fee to be subsequently agreed upon if the need for these services arises.

EXHIBIT A

HOURLY RATE STRUCTURE

LKC ENGINEERING offers a competitive rate structure to provide the highest quality of services with controlled overhead. The rates below cover all expenses including travel time.

MANAGING PARTNER \$160.00/HOUR

LICENSED SURVEYOR \$140.00/HOUR

SURVEY CREW \$140.00/HOUR

PROJECT MANAGER \$ 120.00/HOUR

LANDSCAPE ARCHITECT \$ 120.00/HOUR

PROJECT ENGINEER \$ 100.00/HOUR

SENIOR DESIGNER \$ 100.00/HOUR

DESIGNER \$ 90.00/HOUR

SENIOR CONSTRUCTION MANAGER \$ 100.00/HOUR

CONSTRUCTION MANAGER \$ 90.00/HOUR

FUNDING ADMINISTRATOR \$ 90.00/HOUR

ADMINISTRATOR \$ 80.00/HOUR

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Certificate Of Completion

Envelope Id: 3236A2AB26DF4615A232E16E54071BD4 Status: Sent

Subject: Please DocuSign: Contract final LKC Engineering, PLLC - Phase 2 Interceptor Sewer Project PW 22...

Source Envelope:

Document Pages: 9 Signatures: 0 Envelope Originator:

Certificate Pages: 5 Initials: 0 Melinda Hill

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mhill@moorecountync.gov

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mhill@moorecountync.gov

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Randy Gould

rgould@moorecountync.gov

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ID: c309a3f6-3097-4cf0-a15f-47e34520daff

Adam Kiker

adam@lkcengineering.com

Member/Manager

LKC Engineering, PLLC

Security Level: Email, Account Authentication

(None)

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Electronic Record and Signature Disclosure:

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ID: e72b4d6b-c5ed-4a38-a2f3-ee5705a9e508

Terra Vuncannon

tvuncannon@moorecountync.gov

Security Level: Email, Account Authentication

(None)

Electronic Record and Signature Disclosure:

Accepted: 1/4/2022 12:09:25 PM

ID: adba201e-bd03-4015-af89-df3235c22ea5

Laura Williams

clerktoboard@moorecountync.gov

Security Level: Email, Account Authentication

(None)

Electronic Record and Signature Disclosure:

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In Person Signer Events Signature Timestamp

In Person Signing Host:

Laura Williams

clerktoboard@moorecountync.gov

In Person Signer:

Francis R. Quis, Jr., Chairman

Security Level: In Person

Electronic Record and Signature Disclosure:

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Caroline Xiong

cxiong@moorecountync.gov

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(None)

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Electronic Record and Signature Disclosure:

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ID: 8334da48-b01d-4e85-80e0-57ff4b8596e9

Melinda Hill

mhill@moorecountync.gov

Law Office Manager

Moore County, County Attorney's Office

Security Level: Email, Account Authentication
(None)

Sent: 1/5/2022 11:05:32 AM

Electronic Record and Signature Disclosure:

Not Offered via DocuSign

Misty Leland

mistyleland@moorecountync.gov

County Attorney

County of Moore

Security Level: Email, Account Authentication
(None)

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Electronic Record and Signature Disclosure:

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Terra Vuncannon

tvuncannon@moorecountync.gov

Deputy Finance Officer

Security Level: Email, Account Authentication
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Parties agreed to: Randy Gould, Adam Kiker, Terra Vuncannon, Caroline Xiong, Terra Vuncannon

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To let us know of a change in your e-mail address where we should send notices and disclosures electronically to you, you must send an email message to us at cbutts@moirecountync.gov and in the body of such request you must state: your previous e-mail address, your new e-mail address. We do not require any other information from you to change your email address..

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- ii. send us an e-mail to cbutts@moirecountync.gov and in the body of such request you must state your e-mail, full name, US Postal Address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

Operating Systems: Windows® 2000, Windows® XP, Windows

Vista®; Mac OS® X

Browsers: Final release versions of Internet Explorer® 6.0

or above (Windows only); Mozilla Firefox 2.0

or above (Windows and Mac); Safari™ 3.0 or

above (Mac only)

PDF Reader: Acrobat® or similar software may be required to view and print PDF files

Screen Resolution: 800 x 600 minimum

Enabled Security Settings: Allow per session cookies

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To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please verify that you were able to read this electronic disclosure and that you also were able to print on paper or electronically save this page for your future reference and access or that you were able to e-mail this disclosure and consent to an address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format on the terms and conditions described above, please let us know by clicking the 'I agree' button below.

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MOORE COUNTY PUBLIC WORKS INTERCEPTOR SEWER REPLACEMENT 2022

0 100 200Feet

Date: 7/26/2021

AGENDA ITEM ____

MEETING DATE 1/18/2022

MEMORANDUM TO MOORE COUNTY BOARD OF COMMISSIONERS

FROM: Moore County Airport Authority

DATE: 1/18/22

SUBJECT: Hangar Expansion Project

REQUEST:

1. Approve Project Budget Ordinance for Hangar Expansion Project

BACKGROUND:

The Hangar Expansion project at the Moore County Airport has been funded via a 20-year loan with Truist bank. The total loan amount is \$4,250,000. Loan payments will be made using connected rent revenues and Airport Authority funds with an interest rate of 2.59% per annum.

IMPLEMENTATION PLAN:

County Finance Staff will set up the appropriate budget accounts for the project.

FINANCIAL IMPACT:

Financing proceeds were received to cover the costs of this project.

RECOMMENDATION SUMMARY:

- Approve Project Budget Ordinance for Hangar Expansion Project.

SUPPORTING ATTACHMENTS:

- Project Budget Ordinance for Hangar Expansion Project

County of Moore
Moore County Airport Hangar Expansion
Project Ordinance

BE IT ORDAINED by the Board of Commissioners, County of Moore, North Carolina, that pursuant to Section 13.2 of Chapter 159 of the North Carolina General Statutes, the following project ordinance is hereby adopted:

Section 1. The Project authorized is to expand the hangars at the Moore County Airport.

Section 2. The officers of this unit are hereby directed to proceed with the project within the term of all contracts, agreements and legal requirements binding on the project and the budget contained herein.

Section 3. Revenues anticipated to be available to complete the project are hereby amended as follows:

Budget	
Financing Proceeds \$	4,250,000
Total \$	4,250,000

Section 4. Amounts appropriated for the project are hereby amended as follows:

Budget	
Construction of New Hangars \$	4,244,100
Legal Fees \$	5,900
Total \$	4,250,000

Section 5. The Finance Director is hereby directed to maintain within the Project Fund sufficient specific detailed accounting records to satisfy the requirements of the funding agencies, North Carolina General Statutes and federal regulations, and any other applicable laws.

Section 6. The Finance Director is directed to report the financial status of the project, as requested by the Board of Commissioners.

Section 7. This Project Ordinance shall be entered in the minutes of the Moore County Board of Commissioners meeting after adoption of this Ordinance and copies shall be filed with the Finance Director.

Adopted this _____ day of January 2022.

Frank Quis

Moore County Board of Commissioners

Laura M. Williams

Clerk to the Board

AGENDA ITEM _____

MEETING DATE 1/18/2022

MEMORANDUM TO MOORE COUNTY BOARD OF COMMISSIONERS

FROM: Moore County Airport Authority

DATE: 1/18/22

SUBJECT: Construct Hangar Taxiways & Internal Airfield Service Road

REQUEST:

1. Approve Project Budget Ordinance & Resolution for Project #47208.3.1, Revision #1
Construct Hangar Taxiways & Internal Airfield Service Road

BACKGROUND:

The Construct Hangar Taxiways & Internal Airfield Service Road Project #47208.3.1 has a proposed additional budget of \$2,483,117 (\$2,483,117 State and \$0 Local). This amount will be added to the already approved amount of \$250,000, which will bring the total project budget to \$2,733,117. This project will be funded with the Aviation State Aid Grant #DOT-8.

IMPLEMENTATION PLAN:

County Finance Staff will set up the appropriate budget accounts for the project.

FINANCIAL IMPACT:

There is no financial impact to the County, or to the Airport. There is no local match required for these grant funds.

RECOMMENDATION SUMMARY:

- Approve Project Budget Ordinance & Resolution for Project #47208.3.1, Revision #1
Construct Hangar Taxiways & Internal Airfield Service Road

SUPPORTING ATTACHMENTS:

- Project Budget Ordinance for Construct Hangar Taxiways & Internal Airfield Service Road, Revision #1
- Project Resolution for Construct Hangar Taxiways & Internal Airfield Service Road, Revision #1

PROJECT BUDGET ORDINANCE
CONSTRUCT HANGAR TAXIWAYS & INTERNAL AIRFIELD SERVICE ROAD
PROJECT # 47208.3.1
Revision #1

BE IT ORDAINED, by the Moore County Board of Commissioners, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant ordinance is hereby adopted:

Section 1: The project authorized is for the Construction of Hangar Taxiways and Internal Airfield Service Road Project # 47208.3.1. This project will utilize additional State funds from the State Aid to Airports grant of \$2,483,117. The total amount of the project will be \$2,733,117 (\$2,733,117 state; \$0 local).

Section 2: The officers of this unit are hereby directed to proceed with the grant project within the terms of the grant documents, the rules and regulations of the North Carolina Department of Transportation-Division of Aviation and the Federal Aviation Administration, and the budget contained herein.

Section 3: The following revenues are anticipated to be available to complete the Construction of Hangar Taxiways and Internal Airfield Service Road Project:

Funding Source	Current	Increase	Revised Amounts
State Aid to Airports	\$250,000	\$2,483,117	\$2,733,117
Total	\$250,000	\$2,483,117	\$2,733,117

Section 4: The following amount is an estimate of appropriation for the Construction of Hangar Taxiways and Internal Airfield Service Road Project:

	Current	Increase	Revised Amount
Total	\$250,000	\$2,483,117	\$2,733,117

Section 5: The Finance Director is hereby directed to maintain within the Project Fund sufficient, specific and detailed accounting records to satisfy the requirements of the funding agencies, North Carolina General Statutes and federal regulations, and any other applicable laws.

Section 6: The Finance Director is directed to report the financial status of the project as requested by the Board.

Section 7: This Project Ordinance shall be entered in the minutes of the Moore County Board of Commissioners meeting after adoption of this Ordinance and copies shall be filed with the Finance Director.

First adopted on November 16, 2021, with Revision No. 1 adopted on the _____ day of January 2022.

Frank Quis, Chairman
Moore County Board of Commissioners

Laura M. Williams
Clerk to the Board

RESOLUTION AUTHORIZING THE
ACCEPTANCE OF FUNDS FOR
CONSTRUCT HANGAR TAXIWAYS & INTERNAL AIRFIELD SERVICE ROAD
PROJECT # 47208.3.1 - REVISION #1

WHEREAS, the Moore County Airport Authority is eligible for State funds under the State Aid to Airports Block Grant Program in the amended amount of \$2,733,117 in state funds requiring no local match for construction of hangar taxiways and internal airfield service road; and

WHEREAS, the Moore County Airport Authority has already been granted State funds of \$250,000 requiring no local match for construction of hangar taxiways and internal airfield service road; and

WHEREAS, the North Carolina Department of Transportation-Division of Aviation has notified the Moore County Airport Authority that state funds are awarded for construction of hangar taxiways and internal airfield service road in the additional amount of \$2,483,117 State and requiring no local match; and

WHEREAS, such allocation of funds will be approved in consideration of no local match being required, which was approved by the Moore County Airport Authority at their January 12, 2022 meeting; and total cost of the project will be \$2,733,117 (\$2,733,117 state; \$0 local);

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED THAT the Airport Authority Chairman, Representative of the Moore County Airport Authority, is hereby authorized and empowered to enter into a Grant Agreement and all associated documents and amendments for the following amounts, which will consist of the following work elements: Construction of Hangar Taxiways and Internal Airfield Service Road in the proposed amount of \$2,733,117.

FURTHER, the County's Finance Director is authorized to request payment under said Federal and/or State Grant, using the State's Partner on-line program. The Finance Director is also authorized to approve electronically the AV-502 Quarterly Project Status Reports; and

FURTHER, the Moore County Airport Authority is authorized to administer the Grant and any associated State Grant Agreements in accordance with guidelines set out in the said grant agreements and to enter into any associated contracts and agreements as it relates to the project.

First adopted on November 16, 2021, with Revision No. 1 adopted this the _____ day of January 2022.

Frank Quis, Chairman
Moore County Board of Commissioners

Laura M. Williams, Clerk to the Board

Agenda Item:

Meeting Date: 01/18/2022

MEMORANDUM TO THE MOORE COUNTY BOARD OF COMMISSIONERS:

FROM: Laura M. Williams, Clerk

DATE: 01/10/2022

SUBJECT: Appointments / Carthage Planning Board ETJ

REQUEST:

Appoint ETJ member to the Town of Carthage Planning Board.

BACKGROUND:

Request has been received by the Town of Carthage Board of Commissioners for the appointment of Georgia Chriscoe, 8390 NC 24/27, as an ETJ member of the Town's Planning Board.

IMPLEMENTATION PLAN:

Clerk will make notification of appointment.

RECOMMENDATION SUMMARY:

Make a motion to appoint Georgia Chriscoe as an ETJ member of the Town of Carthage Planning Board.

Agenda Item:

Meeting Date: 01/18/2022

MEMORANDUM TO THE MOORE COUNTY BOARD OF COMMISSIONERS:

FROM: Laura M. Williams, Clerk

DATE: 01/10/2022

SUBJECT: Appointments / Pinebluff Planning Board/Board of Adjustment ETJ

REQUEST:

Appoint ETJ member to the Town of Pinebluff Planning Board / Board of Adjustment Committee.

BACKGROUND:

Request has been received by the Town of Pinebluff Board of Commissioners for the appointment of Chuck Watson, 404 Pinebluff Cemetery Road, as a member of the Town's ETJ Planning Board / Board of Adjustment Committee.

IMPLEMENTATION PLAN:

Clerk will make notification of appointment.

RECOMMENDATION SUMMARY:

Make a motion to appoint Chuck Watson to the Town of Pinebluff ETJ Planning Board / Board of Adjustment Committee.

Agenda Item:

Meeting Date: 01/18/2022

MEMORANDUM TO THE MOORE COUNTY BOARD OF COMMISSIONERS:

FROM: Laura M. Williams, Clerk

DATE: 01/12/2022

SUBJECT: Appointments / Town of Vass Planning Board ETJ

REQUEST:

Appoint ETJ member to the Town of Vass Planning Board.

BACKGROUND:

The Town of Vass Board of Commissioners has requested the appointment of Roderick Bridgers (2765 US Hwy 1, Vass) as an ETJ member of the Town's Planning Board for a three-year term.

IMPLEMENTATION PLAN:

Clerk will provide notification of appointment.

RECOMMENDATION SUMMARY:

Make a motion to appoint Roderick Bridgers as an ETJ member of the Town of Vass Planning Board for a three-year term.