



Moore County Board of Commissioners

October 1, 2024 | 10:30 AM
Historic Courthouse
1 Courthouse Square
Carthage, NC 28327

MINUTES

COMMISSIONERS PRESENT

Chairman Nick Picerno, Vice Chairman Kurt Cook, Frank Quis, John Ritter, Jim Von Canon

CALL TO ORDER

Chairman Picerno called the meeting to order.

Upon motion made by Chairman Picerno, seconded by Commissioner Von Canon, the Board voted 5-0 for Vice Chairman Cook to moderate the meeting.

INVOCATION

County Manager Wayne Vest offered the invocation.

PLEDGE OF ALLEGIANCE

Commissioner Von Canon led the Pledge of Allegiance.

1. PUBLIC COMMENT PERIOD

The following offered comments: Angela Zumwalt (with time yielded by Cindy Hall), Nick LaSala (with time yielded by Carol Parker), Katie Dunlap, Dorothy Shutt, Gene Shutt, Joe Freeman, and Larry Palmer.

2. ADDITIONAL AGENDA

There were no additional agenda items.

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

3. CONSENT AGENDA

Upon motion made by Vice Chairman Cook, seconded by Commissioner Von Canon, the Board voted 5-0 to approve the following consent agenda items, and the budget amendments, fee schedule changes, watershed resolution, board order, and written consent are hereby incorporated as a part of these minutes by attachment as Appendices A, B, C, D, and E, respectively.

A. Board of Commissioners - September 17, 2024, Special Meeting Minutes

- B. Board of Commissioners - September 17, 2024, Regular Meeting Minutes and Closed Session Minutes
- C. Finance - Budget Amendments
- D. Sheriff - Fee Schedule Change
- E. Public Works - Deed of Dedication for Habitat for Humanity - Addor Rd
- F. Planning - Joint Resolution to Transfer Rights for 5/70 Land Area in the Little River (Intake No. 2) Public Water Supply Watershed to the Town of Southern Pines, North Carolina from County of Moore, North Carolina
- G. Planning - Board Order, Special Use Permit, Religious Institution Expansion, Accessory Use, Fellowship Hall (Unity Grove Baptist Church) 849 Mount Carmel Road
- H. Planning - Written Consent for Conditional Rezoning Request from B-1 and RA to RA-CZ for an Assembly Hall – 3883 Busbee Rd, Par ID 00013892
- I. Transportation - FY25 5311 Capital Grant Agreement
- J. Transportation - FY2025 Rural Operating Assistance Program Application

4. **RECOGNITIONS**

There were no recognitions.

5. **PRESENTATIONS**

There were no presentations.

6. **QUASI-JUDICIAL HEARINGS**

- A. Planning - Call to for a Quasi-Judicial Hearing for an Amendment to a Special Use Permit: Conservation Subdivision – Gretchen Pines Phase 5 – PID 20220346, part of 10000166

Planning Director Debra Ensminger presented a request for the Board to call a quasi-judicial hearing for amendment to a Special Use Permit. Commissioner Quis asked if the infrastructure, particularly stormwater management, had been adequate as designed, and Ms. Ensminger recommended he ask that question during the public hearing. **Upon motion made by Commissioner Von Canon, seconded by Chairman Picerno, the Board voted 5-0 to call for a quasi-judicial hearing to consider the amendment to a Special Use Permit and preliminary plat for “Gretchen Pines Subdivision Phase 5 Preliminary Plat” for an additional phase containing 27 lots, on one parcel containing 42.04 acres, located off NC Hwy 73, West End, NC (PID 20220346 and partial of 10000166), owned by TKCSJM Harris, LLC per Deed Book 5870, Page 1 and Deed Book 6183, Page 374.**

7. **PUBLIC HEARINGS**

- A. Planning - Call to Public Hearing for a Conventional Rezoning Request:

Neighborhood Business (B-1) to Rural Agricultural (RA) Doby Rd

Planning Director Debra Ensminger requested the Board call a public hearing regarding a Conventional Rezoning request. **Upon motion made by Commissioner Ritter, seconded by Commissioner Von Canon, the Board voted 5-0 to call for a Public Hearing on October 15, 2024, at 5:30 p.m. for a Conventional Rezoning of one parcel of approximately 2.59 acres, located at 129 Doby Rd, and further described as Parcel ID 00990314 in Moore County tax records, from Neighborhood Business (B-1) to Rural Agricultural (RA). The parcel is owned by Ruby C. Howard Revocable Trust of 2024 per Deed Book 6169, Page 254.**

B. Planning - Call to Public Hearing for a Planned Development Conditional Rezoning Request: Rural Agricultural (RA) to Planned Development Conditional Zoning (PD-CZ)

Planning Director Debra Ensminger requested the Board call a public hearing regarding a Conditional Rezoning request. **Upon motion made by Commissioner Von Canon, seconded by Chairman Picerno, the Board voted 5-0 to call for a Public Hearing on October 15, 2024, at 5:30 p.m. for a Planned Development Conditional Rezoning of three (3) parcels of approximately 395.67 acres located on Leach Rd., owned by Jordan Two, LLC, per Deed Book 5072, Pages 207- 282 and further described as ParID 00010343, ParID 00010342 and ParID 00010337 in Moore County tax records, from Rural Agricultural (RA) to Planned Development Conditional Zoning (PD-CZ) for an automotive entertainment facility.** County Manager Wayne Vest noted that the Board planned to recess shortly to reconvene at the site, and that a special meeting to receive information at Virginia International Raceway was also planned for the coming Thursday.

8. **OLD BUSINESS**

There was no old business.

9. **NEW BUSINESS**

A. Public Safety - Policy for Fire Department Capital Purchases

Public Safety Director Bryan Phillips presented a request for approval of the capital apparatus purchase plan agreed upon by the Fire Commission at its September 12, 2024, meeting. Chairman Picerno noted concern regarding operational growth and requested that it be relayed to the Fire Commission that operational growth should not exceed the rate of inflation. **Upon motion made Commissioner Von Canon, seconded by Commissioner Ritter, the Board voted 5-0 to approve the capital apparatus purchase plan that was agreed upon at the September 12, 2024, Fire Commission meeting and authorize the Fire Commission to implement for future capital apparatus purchases.** The policy is hereby incorporated as a part of these minutes by attachment as Appendix F.

B. Public Works - Vass Sewer Phase 2 Project - Contract 3 - Change Order #5 with ELJ Inc.

Public Works Director Brian Patnode requested the Board's approval for Change Order #5 for Contract 3 for the Vass Sewer Project Phase 2. Chairman Picerno

inquired regarding the grant portion and Mr. Patnode confirmed that the loan money had been used and they were now using the grant portion. **Upon motion made by Commissioner Von Canon, seconded by Chairman Picerno, the Board voted 5-0 to approve Change Order #5 in the amount of \$159,250.75 on Contract 3 with ELJ, Inc. for the Vass Sewer Project Phase 2 and authorize the Chairman to sign.**

10. APPOINTMENTS

There were no appointments.

11. ADDITIONAL AGENDA

There were no additional agenda items.

12. MANAGER'S REPORT

County Manager Wayne Vest had nothing further to report.

13. COMMISSIONERS' COMMENTS

Commissioner Von Canon praised the people of Moore County for their assistance with relief efforts for Western North Carolina after Tropical Storm Helene.

Commissioner Ritter concurred with those comments and shared information about a personal acquaintance, a lineman, who was injured, noting the dangers to those responding to help.

Commissioner Quis concurred and recalled that Moore County had stepped up previously and could do it again.

Chairman Picerno echoed his fellow commissioners' comments. He directed the Clerk to add to the next agenda a letter to the North Carolina Association of County Commissioners regarding establishment of a program whereby counties east of I-77 would adopt counties west of I-77 to assist in their long storm recovery process.

Vice Chairman Cook shared comments regarding needs and the amount of time required to return to normalcy.

Citizen Carol Parker requested permission to speak, and Vice Chairman Cook gave her the floor. Mrs. Parker urged support for the more unreachable counties affected by the storm as they were desperate.

Chairman Picerno announced to the public that following the closed session, the Board would recess its meeting to the proposed site of the Uwharrie Motorsports Park located on Leach Road between Tarry Church Road and NC Hwy 24/27, and the Board's estimated arrival time would be 2:00pm.

14. CLOSED SESSION

Upon motion made by Chairman Picerno, seconded by Commissioner Von Canon, the Board voted 5-0 to enter into closed session pursuant to N.C.G.S. 143-318.11(a)(3), (4), and (6).

At approximately 12:52pm, upon motion made by Chairman Picerno, seconded by Vice Chairman Cook, the Board voted 5-0 to come out of closed session and seal the minutes. The Board reported no action.

15. SITE VISIT

Upon motion made by Chairman Picerno, seconded by Commissioner Von Canon, the Board voted 5-0 to recess the meeting and to reconvene at the proposed site of the Uwharrie Motorsports Park located on Leach Road between Tarry Church Road and NC Hwy 24/27, at approximately 2:00pm.

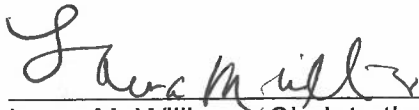
The Board convened at the site and several citizens, Mr. Bob Koontz of Koontz Jones Design, and a representative of The Pilot newspaper were present and participated in the site visit. The Board received information regarding the site and proposed plans for the motorsports park.

ADJOURNMENT

There being no further business, upon motion made by Vice Chairman Cook, seconded by Commissioner Ritter, the Board voted 5-0 to adjourn the October 1, 2024, Regular Meeting of the Moore County Board of Commissioners at 2:55pm.



Nick Picerno, Chairman



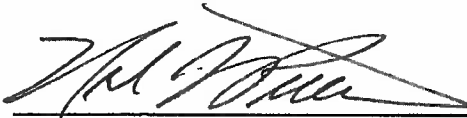
Laura M. Williams, Clerk to the Board



Fiscal Year 2024/2025

Budget Line Item Number			Budgeted Amount	Increase/ (Decrease)	Revised Budget
Property Management - Insurance Reimbursement					
Revenue	10018000 36053	Insurance Proceeds	-	19,013	19,013
Expense	10047087 54250	Accident Repairs	84,420	19,013	103,433

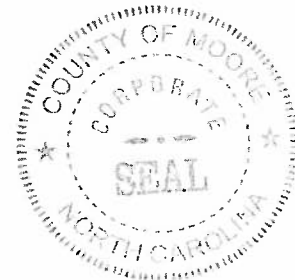
Approved this 1 day of October, 2024



Nick Picerno
Moore County Board of Commissioners



Laura Williams
Clerk to the Board

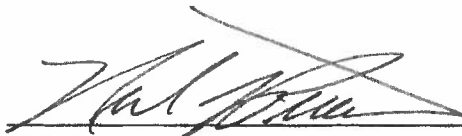


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Fiscal Year 2024/2025

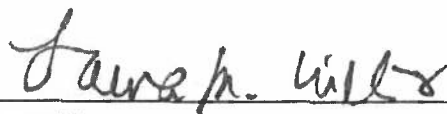
	Budget Line Item Number		Budgeted Amount	Increase/ (Decrease)	Revised Budget
Property Management - Insurance Reimbursement					
Revenue	10018000 36053	Insurance Proceeds	-	10,493	10,493
Expense	10047075 53920	Maintenance and Repairs	240,000	10,493	250,493

Approved this 1 day of October, 2024



Nick Picerno

Moore County Board of Commissioners



Laura Williams

Clerk to the Board



Fiscal Year 2024/2025

Budget Line Item Number	Budgeted Amount	Increase/ (Decrease)	Revised Budget
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CVB - Appropriated Fund Balance for Grant Program

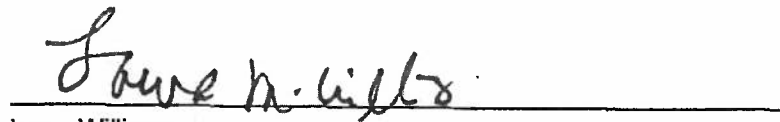
Revenue	26019000 32950	Appropriated Fund Balance	300,000	200,000	500,000
Expense	26054025 54352	Grant Program	-	200,000	200,000

Approved this 1 day of October, 2024



Nick Picerno

Moore County Board of Commissioners



Laura Williams

Clerk to the Board



Fee Schedule

APPENDIX B

Sheriff's Office

Fee Schedule - Item	FY 2024/2025 Fee Amount
In-State Civil Process Service Fee N.C. General Statute 7A-311 Currently \$30.00	Set by State
Out-of-State Civil Process Service Fee N.C. General Statute 7A-311	\$100.00
Concealed Handgun Permit N.C. General Statute 14-415.19 Currently \$90.00 and Renewals \$75.00	Set by State
Document Notarization N.C. General Statute 10A-10 Currently \$10.00	Set by State
Storage fees for weapons and ammunition stored pursuant to a Domestic Violence Orders. A fee of \$35.00 will be charged for the storage of one weapon. A fee of \$10.00 will be charged for each additional weapon. If a weapon is stored, a fee of \$10.00 will be charge for the storage of any ammunition. If a weapon is not stored, a fee of \$30 will be charged for the storage of any ammunition.	\$35.00
Additional firearm storage fee for holding more than 90 days after the expiration/dismissal of the domestic violence protective order.	\$50.00
Storage of ammunition under 100 pounds	\$10.00
Storage of ammunition over 100 pounds	\$50.00
Storage of ammunition over 200 pounds and up	\$100.00
The resident county of a person who is transported to a mental health facility by the Sheriff's Office will be billed for the mental transport at a rate of \$30 per hour per deputy and/or \$25 per hour per detention officer and the IRS mileage rate for the round trip distance to the facility. NC General Statute 122C-251(h)	\$30.00
Fingerprints - A fee of (\$15.00) will be charged for fingerprints.	\$15.00
Noise Ordinance Permit	\$25.00
Reports for Insurance Companies	\$2.00
Change of Name or Address for a Concealed Carry Permit, NCGS 14-415.19	Set by Statute
Replacement of Access Cards (does not apply to normal wear and tear)	\$5.00 per card
Off Duty Special Assignments for Deputies	\$50.00/hour
Off Duty Special Assignments on Holidays for Deputies	\$70.00/hour
Reimbursement Rate per Inmate per Day to house an Inmate from another County in the Moore County Detention Center	\$55.00/Day
Off Duty Special Assignments for Deputies	\$55.00/hour
Off Duty Special Assignments on Holidays for Deputies	\$75.00/hour

Fee Schedule

Sheriff - Detention Center

Fee Schedule - Item	FY 2024/2025 Fee Amount	
Inmates Doctor Visit - non emergency	\$20.00 per visit	
Dental Visits	\$20.00 per visit	
EHA (Electronic House Arrest) Monitoring Fee \$10.00 per day monitoring fee for non-indigent pre-trial detainees (G.S. 7A-313.1)	\$10.00 per day	
Statewide Misdemeanant Confinement Program (SMCP) reimbursement by NC Sheriff's Association (G.S. 148.10.4C) Transportation and supervision charges to deliver inmate to assigned facility	\$25.00 per hour plus the IRS Current Standard Approved Mileage Rate	
Reimbursement Rate per Inmate per Day to house an Inmate from another County/State in the Moore County Detention Center	\$60.00/Day	
Department of Juvenile Justice (DJJ) reimbursement by DPS for transportation and supervision of juvenile offenders to assigned facility	\$25 per hour plus the IRS Current Standard Approved Mileage Rate	
Housing Fee for Work Release Inmates	\$40.00 per day	
Department of Juvenile Justice (DJJ) daily housing fees for juveniles offenders (NCAC 143B-820) by DPS	\$122 for juveniles in county \$244 for juveniles out of county	
Statewide Misdemeanant Confinement Program (SMCP) reimbursement by NC Sheriff's Association (G.S. 148.10.4C) daily housing fees for inmate confinement	\$40.00 per day	
Inmate damage to Fire Suppression System (Sprinkler Head and Labor)	\$200.00	
Safety Window in Cell Door 35"x24"	\$379.00	
Safety Window in Cell Door 12"x12"	\$356.00	
Standard Window	\$300.00	
Inmate damage to issued Detention Center items to include: mattress	\$125.00	
Inmate damage to issued Detention Center items to include: shower curtain	\$75.00	\$83.00
Inmate damage to issued Detention Center items to include: blanket	\$10.00	
Inmate damage to issued Detention Center items to include: jumpsuit	\$20.00	
Inmate damage to issued Detention Center property: food tray	\$20.00	
Inmate damage to issued Detention Center items to include: storage bin/tote	\$10.00	
Inmate damage to issued Detention Center items to include: sheets/flat sheet	\$5.00	
Inmate damage to issued Detention Center items to include: shoes	\$5.00	
Inmate damage to issued Detention Center items to include: handbook	\$5.00	
Inmate damage to issued Detention Center items to include: towels	\$3.00	
Inmate damage to issued Detention Center items to include: washcloth	\$1.00	
Inmate damage to issued Detention Center items to include: spork	\$1.00	
Inmate damage to issued Detention Center items to include: broom	\$8.00	
Inmate damage to issued Detention Center items to include: mop	\$18.00	
Inmate damage to issued Detention Center items to include: mop bucket	\$55.00	
Inmate damage to issued Detention Center items to include: Sprayer & Bottle	\$1.00	
Inmate damage to issued Detention Center items to include: Boxer/Panty/Bra	\$5.00	
Inmate damage to issued Detention Center items to include: T-Shirt	\$5.00	
Inmate damage to physical structure or fixed items	Cost + 10% + Labor	
Cost to repaint the inmate dormitory	\$1,000.00	
Cost to repaint single inmate cell	\$100.00	
Cost to repair/paint inmate bunk	\$40.00	
Security Framed Mirror	\$70.00	
Cost to replace damage inmate desk	\$200.00	
Cost to replace inmate toilet/sink	\$500.00	
Cost to contain and cleanup intentional flooding by an inmate	\$60.00	
Handcuffs and Leg Shackles	\$35.00	
Cost for Isolation/Suicide Cell Smock	\$128.00	
Cost for Isolation/Suicide Blanket	\$94.00	\$140.00
Magnetic Privacy Blinds & Screens	\$53.00	
Damage Tablet Fees	\$375.00	
Damage Tablet Case Fees	\$50.00	Remove
Damage to Administrative Room Fee	\$1,995.00	\$2,760.00
Inmate Masks	\$2.00	
Safety Helmets	\$137.00	
Damage to Kiosk	\$500.00	new
Damage to Inmate Sled	\$500.00	new

**A JOINT RESOLUTION TO TRANSFER RIGHTS FOR 5/70 LAND AREA IN
THE LITTLE RIVER (INTAKE NO. 2) PUBLIC WATER SUPPLY WATERSHED
TO THE TOWN OF SOUTHERN PINES, NORTH CAROLINA FROM COUNTY
OF MOORE, NORTH CAROLINA**

THAT WHEREAS, the County of Moore and the Town of Southern Pines have jurisdiction in the Little River (Intake No. 2) Public Water Supply Watershed, which is classified as a WS-III public water supply watershed by the North Carolina Environmental Management Commission (the Commission); and

WHEREAS, the Town of Southern Pines has adopted a public water supply watershed protection ordinance implementing the low-density option and 5/70 provision for WS-III public water supply watersheds for its jurisdiction in the Little River (Intake No. 2) Public Water Supply Watershed; and

WHEREAS, the 5/70 provision allows local governments to take a maximum of 5 percent of their jurisdiction in the public water supply watershed and allow new development at up to 70 percent built-upon area, outside of the critical watershed areas; and

WHEREAS, the Little River (Intake No. 2) Public Water Supply Watershed was created as of June 21, 1993, with the Town of Southern Pines having been allocated 4,380 acres of land within its jurisdiction and the County of Moore having 77,723 acres of land within its jurisdiction of said public water supply watershed; and

WHEREAS, on October 18, 2012, the North Carolina Department of Environment and Natural Resources Division of Water Quality approved the transfer of 9,609.27 acres in the Little River (Intake No. 2) Public Water Supply Watershed from the County of Moore, North Carolina to the Town of Southern Pines, North Carolina; and

WHEREAS, on August 20, 2013, the North Carolina Department of Environment and Natural Resources Division of Water Quality approved the transfer of 3,900 acres in the Little River (Intake No. 2) Public Water Supply Watershed from the County of Moore, North Carolina to the Town of Southern Pines, North Carolina.

WHEREAS, pursuant to the Surface Water and Wetlands Standards (15A N.C.A.C. 2B .0624(7)(c)(v)) developed by the North Carolina Environmental Management Commission, the County of Moore may transfer, in whole or in part, its rights to the public water supply watershed acreage to the Town of Southern Pines upon submittal of an approved joint resolution and approval by the Commission; and

WHEREAS, the Town of Southern Pines and Moore County recognize the value of and desire for access to residential options that involve varying levels of health care and tenant supportive services that typically require larger amounts of built-upon area in the Little River (Intake No. 2) Public Water Supply Watershed; and

WHEREAS, the Town of Southern Pines and the County of Moore agree that the purpose of this transfer of public water supply watershed acreage is for the future development and expansion of existing Continuing Care Retirement Communities (CCRC) located within the Town's zoning jurisdiction on property located within the Little River (Intake No. 2) Public Water Supply Watershed.

NOW, THEREFORE, BE IT RESOLVED by both the Board of Commissioners of the County of Moore, North Carolina and the Town Council of the Town of Southern Pines that both parties hereby jointly recommend for review to the Commission the transfer of public water supply watershed allocation from the County of Moore to the Town of Southern Pines, North Carolina, in the amount of 121 acres located in the Little River (Intake No. 2) Public Water Supply Watershed.

BE IT FURTHER RESOLVED THAT, following the transfer of the watershed allocation, the Town of Southern Pines will have 18,010.27 acres of watershed within its jurisdiction, including 531.72 acres of remaining allocation available for 5/70 development, and the County of Moore will have a total of 54,752.32 acres within its jurisdiction, including 2,737.62 acres of allocation available for 5/70 development in the Little River (Intake No. 2) Public Water Supply Watershed.

Town of Southern Pines

Adopted this the 10th day of September 2024.

Elizabeth Robertson
Elizabeth Robertson
Town Clerk, Town of Southern Pines

Taylor G. Clement
Taylor G. Clement
Mayor, Town of Southern Pines



County of Moore

Adopted this the 17th day of ^{October} September 2024.

Laura Williams
Laura Williams
Clerk to the Moore County Board of Commissioners

Nick Picerno
Nick Picerno, Chairman
Moore County Board of Commissioners



APPENDIX E

STATE OF NORTH CAROLINA
COUNTY OF MOORE

BEFORE THE MOORE COUNTY
BOARD OF COMMISSIONERS
FILE NO.: _____.

Applicant: Unity Grove Baptist Church

ORDER OF FINDINGS OF FACT AND
CONCLUSIONS IN SUPPORT OF
GRANTING A SPECIAL USE PERMIT

Address: 849 Mount Carmel Road
Carthage, NC 28327
ParIDs: 00013201, 98000097, 00990992

THIS CAUSE, being heard by the Moore County Board of Commissioners on September 05, 2024, at 10:30 a.m. in the Historic Courthouse, 2nd Floor Meeting Room, Carthage, NC for a quasi-judicial hearing on Unity Grove Baptist Church's application for a Special Use Permit: expansion of a religious institution, to add an accessory use, for a fellowship hall, on total of 2.99 acres, located at 849 Mount Carmel Road, owned by Unity Grove Baptist Church, identified further as ParID 00013201, 1.37 acres in Deed Book 206 Page 45, ParID 00990992, 0.26 acres in Deed Book 730 Page 335, and ParID 98000097, 1.36 acres in Deed Book 1389 Page 186. A recombination map was recorded on June 14, 2024, in Plat Cabinet 20, Slide 355 recombining the parcels. The Moore County Board of Commissioners has proper jurisdiction over the parties and subject matter and that the parties are properly before the Moore County Board of Commissioners. After reviewing the documents of record and hearing from all parties and witnesses, the Board of Commissioners by sufficient evidence and based on the standards and the *Unified Development/Zoning Ordinance of Moore County, NC* enters the following order.

FINDINGS OF FACT

1. That all parties were noticed for the hearing; and
2. The Applicant is Unity Grove Baptist Church; and
3. That the property owner is Unity Grove Baptist Church; and
4. That witnesses Debra Ensinger, Planning Director Moore County and Jason Cheek, Unity Grove Baptist Church Representative, were sworn and testified; and

5. The Applicant requested approval of a Special Use Permit for Religious Institution; and
6. The property is zoned Rural Agricultural and allows Religious Institutions upon the issuance of a Special Use Permit.
7. That the proposed site details are as follows:

Zoning Classification	Rural Agricultural (RA)
Acreage	2.99 (total of 3 parcels)
Watershed	N/A
Voluntary Ag District Parcels within a half mile	N/A
Historical Use	Church

8. The applicant agreed to the following conditions below at the Quasi-Judicial Hearing of even date herewith:
9. The proposed site plan meets all the requirements of the Unified Development Ordinance Section 8.92 Religious Institutions C. Standards.
 1. Schools located on the same lot as the religious institution and located in residential zoning districts shall meet the applicable specific use standards and receive approval of a special use permit (see Chapter 13). **None Proposed.**
 2. Childcare facilities shall meet the applicable specific use standards and shall submit a copy of State licenses before a Certificate of Occupancy is issued. **None Proposed**
 3. The minimum yard required for all burial plots and any other building or structure associated with a cemetery is 30 feet from any exterior property line or the required district principal building setback, whichever is greater. **All burial plots are in excess of 30 feet from property line or buildings.**
 4. A cemetery shall be associated with the religious institution and be located on the same tract of land as a religious institution, or an immediately abutting parcel to a religious institution under the same ownership. **Existing cemetery on site.**
 5. Religious institutions shall provide at least one off-street parking space for every four seats in the assembly room(s), plus one parking space per employee, or one parking space for every four persons at full occupancy, whichever is greater. **58 spaces required. Requirements met.**

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact the Moore County Board of Commissioners makes the following Conclusions with respect to the requested Special Use Permit:

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan. **The proposed use Religious Institution, accessory use for a fellowship hall, is consistent with the uses in the area, and therefore does not pose danger to life or property.**

2. The use meets all required conditions and specifications. **Specifically, the proposed use meets the Unified Development Ordinance regulations, Section 8.92. Religious Institutions.**
3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. **Expert testimony was not provided demonstrating the use would substantially injure the value of adjoining or abutting property and the use is a public necessity.**
4. The use will be in harmony with the surrounding area and compatible with the surrounding neighborhood. **The proposed use Religious Institution, accessory use for a fellowship hall, will be in harmony with the surrounding area and compatible with the surrounding neighborhood. The area consists of large tracts of land for agricultural use and single family residential.**
5. The use will be in general conformity with the approved Moore County Land Use Plan. **The proposed location 849 Mount Carmel Road is identified as Rural Agricultural on the Future Land Use Map within the 2013 County of Moore Land Use Plan. Religious Institutions are permitted with in the Rural Agricultural Zoning District by the issuance of a Special Use Permit. The proposed use meets all the required conditions and specifications the United Development Ordinance regulation, Section 8.92. Religious Institutions.**

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

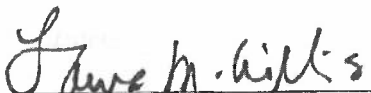
The Special Use Permit request of Unity Grove Baptist Church is hereby **GRANTED** for the reason stated above. The Special Use Permit shall expire (2) years from the date of issuance unless the proposed development is pursued as set forth in the Moore County Unified Development Ordinance. Continued compliance with the original site plan and this permit issued by the Board shall entitle applicants to the continued use of the property.

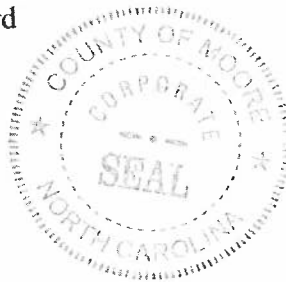
A copy of these FINDINGS AND CONCLUSIONS shall be filed with the Clerk of the County of Moore, and a copy of such order shall be served by certified mail, return receipt to the Applicants Unity Grove Baptist Church and shall be served by means of certified mail, return receipt requested upon any person specifically requesting service of the same.

So ORDERED this the 1st day of October, 2024.



Nick Picerno, Chair
Moore County Board of Commissioners

Attest: 
Laura Williams, Clerk to the Board



161



County of Moore
Planning and Inspections

Inspections/Permitting: (910) 947-2221

Planning: (910) 947-5010

Fax: (910) 947-1303

APPENDIX E

August 21, 2024

DPS23 LLC
SMITHA RAGANNAGARI
1021 Fulbright Drive
Morrisville, N.C. 27560

Re: Conditional Rezoning Request from B-1 and RA - to RA-CZ for an Assembly Hall – 3883 Busbee Rd, Par ID 00013892

Dear Ms. Ragannagari (Applicant),

On Tuesday, August 20, 2024, the Moore County Board of County Commissioners approved your request for a Conditional Rezoning from B-1 and RA to RA-CZ for an Assembly Hall located at 3883 Busbee Rd, also identified as Par ID 00013892, with the following condition:

- Pursuant to G.S. 160D-703, Applicant Ragannagari voluntarily agreed to not violate the Moore County Noise Ordinance, Chapter 10 – Offenses and Miscellaneous Provisions, Article 2, after 10:00 PM, on any night, when operating as an assembly hall.

Section 10.10. Conditions of Approval D. of the Moore County Unified Development Ordinance states all conditions of approval shall be consented to, in writing, by all owners of land or applicants subject to the conditions.

Please sign and date if you consent to the conditions as stated above.

Sincerely,

Debra Ensminger
Moore County, Director Planning

Signed by:

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Smitha Ragannagari, DPS23, LLC

9/12/2024 (Date)

Enclosure: Moore County Code of Ordinances, Ch 10 – Offenses and Miscellaneous Provisions

Chapter 10 - OFFENSES AND MISCELLANEOUS PROVISIONS

ARTICLE I. - IN GENERAL

Sec. 10-1. - Posting of signs to prohibit the carrying of concealed handguns on certain county property.

- (a) *Posting of signs required.* The county manager is hereby ordered to post appropriate signage on each recreational facility, building or portion of a building now or hereafter owned, leased as lessee, operated, occupied, managed or controlled by Moore County, as well as the appurtenant premises to such buildings, indicating that concealed handguns are prohibited therein in accordance with G.S. 14-415.11(c) and G.S. 14-415.23.

- (b) *Location of signs.* Said signs shall be visibly posted on the exterior of each entrance by which the general public can access the building, appurtenant premises, or recreational facility. The county manager shall exercise discretion in determining the necessity and appropriate location for other signs posted on the interior of the building, appurtenant premises, or recreational facility as defined under G.S. 14-415.23.

(Ord. of 10-16-95, §§ 1, 2; Amend. of 2-4-14)

Secs. 10-2—10-40. - Reserved.

ARTICLE II. - NOISE CONTROL

Sec. 10-41. - Loud, raucous, disturbing or unnecessary noise.

- (a) It shall be unlawful for any person or group of persons, regardless of numbers, to willfully make, continue or cause to be made or continue any loud, raucous, disturbing or unnecessary noise, which term shall mean any sound which, because of its volume, duration or character, annoys, disturbs, injures or endangers the comfort, health, peace, or safety of reasonable persons or ordinary sensibilities within the limits of the County of Moore. The term loud, raucous, disturbing or unnecessary noise shall be limited to loud,

raucous, disturbing or unnecessary noise heard upon the public streets, in any public park, in any school or public building or upon the grounds thereof, in any church or hospital or upon the grounds thereof, upon any parking lot open to members of the public as invitees or licensees, of any occupied residential unit which is not the source of the noise or upon the grounds thereof.

(b) In addition to the common meanings of words, the following definitions shall be used in interpreting this article and the following acts, among others, are declared to be loud, raucous, disturbing or unnecessary noises in violation of this article, but said enumeration shall not be deemed to be exclusive:

- (1) *Language*. Using any unreasonably loud, raucous, disturbing, offensive, or insulting language or shouting so as to annoy or disturb that quiet, comfort, or response of any person within the area of audibility.
- (2) *Blowing horns*. The sounding of any horn, whistle or signal device on any automobile, motorcycle, bus, or other vehicle or railroad train, except as a danger signal or as required by law, so as to create any unreasonable, loud, raucous, disturbing or unnecessary sound or the sounding of such devices whether mounted on a vehicle or not, intermittently or continuously, for a period in excess of 30 seconds.
- (3) *Radios, phonographs, CD player, tape player, television*. The playing of any radio, phonograph, CD player, tape player, television set or other machine or device for the producing of sound, a musical instrument, or a performing band, in such manner or with such volume so as to annoy or disturb the quiet, comfort or repose of any person in any dwelling, hotel, motel or other type of residence within the area of audibility.
- (4) *Sirens*. The use of any gong, bell or siren upon any vehicle or upon any property other than by police, sheriff, fire, ambulance or other emergency vehicles.
- (5) *Noise to attract attention*. The use of any drum, loudspeaker, sound amplifying device, or other instrument for the purpose of attracting attention, by creation of a loud, raucous or disturbing noise, to any performance, show, sale display, or advertisement of merchandise or any business or activity for any other purpose, unless a permit for such sound amplification has been obtained from the sheriff.
- (6) *Blowers, engines*. The operating of any noise-creating blowers, power fan, or any internal combustion engine or the repairing, rebuilding, or testing of any such device, machine, or vehicle, the operation of which causes noise in such a manner as to disturb the peace, quiet and comfort of the residents of any residential area between the hours of 10:00 p.m. and 6:00 a.m., except for such emergency repairs as may be necessary in order to return the vehicle to proper working order for immediate use.

104

Operation of vehicles. All noises coming from any motor vehicles or internal combustion engines not properly equipped with the manufacturers' standard mufflers or noise reducing equipment in use or not in proper operating condition, or the operating of a motor vehicle in any manner which creates loud or unnecessary grating, grinding, rattling or noise other than normal designed operation.

- (8) *Fireworks.* The explosion of any fireworks unless under a written permit obtained from the County of Moore.
- (9) *Hawking, peddling or soliciting.* The unreasonably loud, raucous, jarring or disturbing, shouting, crying or singing of peddlers, hawkers, or vendors, which creates a nuisance to persons within the area of audibility.
- (10) *Violent acts.* Engaging in any act in a violent and tumultuous manner by two or more persons.
- (11) *Construction operations.* The erection (including excavation), demolition, alteration, or repair of any building or other structure other than between the hours of 6:00 a.m. and 10:00 p.m.
- (12) *Schools, churches, etc.* The creating of any loud, raucous, jarring or disturbing noise on any street or property adjacent to any school, institution of learning, church, or any public building while the same is in use, which unreasonably interferes with the normal operations or workings of such institution.
- (13) The commission of any other act in such a manner so as to cause a loud, raucous, disturbing or unnecessary noise as set forth in this section.

(Ord. of 3-17-97, § 1; Amend. of 10-4-16)

Sec. 10-42. - Exemptions.

The following uses and activities shall be exempt from the noise regulations set forth in this article:

- (1) Any bell or chime from any building clock, school or church.
- (2) Warning devices required by OSHA or any local, county, state or federal safety regulations.
- (3) Any siren, whistle, or bell lawfully used by emergency vehicles or any other alarm systems used in an emergency situation; provided, however, that burglar alarms not terminating within 30 minutes after the responsible person has been notified, shall be unlawful.
- (4) Agriculture and horticultural operations conducted in a reasonable manner on property classified as bona fide farms for ad valorem tax purposes, including but not limited to, noise generated by machinery, equipment or farm animals.

(5)

Noise caused by any type of construction equipment while it is being used for the purpose for which it is designed and for which it was purchased, or the normal operation of any construction site, except during the hours from 10:00 p.m. to 6:00 a.m.

- (6) The operation of a vehicular racetrack except between the hours of 11:30 p.m. and 6:00 a.m.
- (7) Any county or public school-sponsored athletic event, except between the hours of 11:30 p.m. and 6:00 a.m.
- (8) Noise relating to aircraft operations at the county airport.
- (9) Noises resulting from emergency work, to be construed as work made necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from an imminent exposure to danger.
- (10) Noises resulting from the normal operations of any industrial enterprise.
- (11) Noises resulting from the normal operations of any commercial enterprise.
- (12) Noise resulting from the normal operations of any governmental facility.
- (13) Noises resulting from an auction being conducted for the purpose of land sales, estate property or any like auction.
- (14) Noises from lawn care equipment between 6:00 a.m. and 10:00 p.m.
- (15) Noises resulting from normal operations of any hotel or motel.
- (16) Noises resulting from the operation originating on the premises of any firearm club, organization or association.
- (17) Noises relating to any event which is a community celebration, or national, state, county or municipal event, or public festival.
- (18) Nothing herein shall be construed to hold a landlord liable, responsible or in violation of this article unless the landlord sponsors or in any way participates in the activity that violates any provision of this article.

(Ord. of 3-17-97, § 2)

Sec. 10-43. - Burden of persuasion.

In any proceeding pursuant to this article, if an exception may be applicable to limit an obligation to comply with the regulation herein, the person who would benefit from the application of the exception shall have the burden of persuasion that the exception applies and that the terms of the exception have been met.

(Ord. of 3-17-97, § 3)

100

Sec. 10-44. - Enforcement; injunction; penalties.

- (a) The violation of any provision of this article shall be a Class 3 misdemeanor and any person convicted of such violation shall be fined not less than \$100.00 and not more than \$500.00. Payment of a fine imposed in criminal proceeding pursuant to this subsection does not relieve a person of his liability for taxes or fees imposed under this article.
- (b) In addition, enforcement of this article may be by appropriate equitable remedy, injunction or order of abatement issuing from a court of competent jurisdiction pursuant to G.S. 153A-123(d) and (e).
- (c) In addition to and not in lieu of the criminal penalties, other sanctions in this article may also subject the offender to the civil penalties hereinafter set forth.
 - (1) The civil penalty for violation of this article is \$200.00. Such penalty shall be paid within ten calendar days from and after the issuance of the notice referred to above.
 - (2) In addition to the penalty prescribed in subsection (1) above, a \$300.00 penalty shall be imposed in all cases in which the above penalty has not been paid within the authorized ten calendar day period and it becomes necessary to institute a civil action to collect any penalty hereunder.
 - (3) Such civil penalties may be recovered by the county in a civil action in the nature of debt or may be collected in such other amounts as prescribed herein within the prescribed time following the issuance of notice for such violation.
 - (4) Such notice shall, among other things:
 - a. State upon its face the amount of the penalty (\$200.00) if such penalty is paid within ten calendar days from and after the issuances of the notice.
 - b. State that such penalty must be paid within ten calendar days from issuances of such notice of violation and if not paid within such ten-calendar-day period, court action by the filing of a civil complaint for collection of such penalty may be taken. Such civil action shall be in the nature of a debt for the stated penalty plus an additional penalty in the amount of \$300.00, together with the cost of the action to be taxed by the court.
 - c. Further provide that such offender may answer the notice by mailing the notice, and stated penalty, to the Sheriff, Moore County Sheriff Department at his mailing address, or by making payment to the Sheriff, Moore County Sheriff Department at the appropriate address, and that upon payment, such case or claim and right of action by the county will be deemed compromised and settled.

167

- (5) The sheriff is authorized to accept such payments in full and final settlement of the claim or right of action which the county may have to enforce such penalty by civil action in the nature of debt. Acceptance of such penalty shall be deemed a full and final release of any and all claims or rights of action arising out of such contended violation.
- (6) The notice of violation referred to herein may be delivered to the person violating the provisions of this article in person, or may be mailed to such person at his last known address.
- (7) Each violation shall be considered a separate offense.
- (d) This article shall be enforced by the Moore County Sheriff or his deputy.
- (e) The complaint of two or more persons, at least one of whom reside in a different home from the other complaining person or persons, when combined with the complaint of a duly authorized investigating officer or with the complain of a duly authorized investigating officer alone, shall be prima facie evidence that such sound is an unnecessary and unreasonably loud, disturbing or annoying noise.
- (f) The Moore County Sheriff or his deputy shall enforce this article by any one of the following or by any other manner provided by law:
 - (1) The Moore County Sheriff or his deputy may issue a warning citation, informing the offender that the noise violates the noise control ordinance and ordering the offender to immediately cease the unreasonable noise.
 - (2) The Moore County Sheriff or his deputy may issue a citation which subjects the offender to the civil penalty of \$200.00 as set out herein.
 - (3) The Moore County Sheriff or his deputy may initiate a civil action seeking an injunction and order of abatement to be directed toward any person creating or allowing the creation of any unlawful noise, including the owner or person otherwise having legal or actual control of the premises from which it emanates.
 - (4) The Moore County Sheriff or his deputy may issue a misdemeanor warrant immediately.
 - (5) Following the issuance of a citation and the violator's failure to pay the same within ten calendar days, the Moore County Sheriff or his deputy may issue a misdemeanor warrant.

(Ord. of 3-17-97, § 4)

Sec. 10-45. - Disposition of monetary penalties, fines and forfeitures.

All monetary penalties, fines and forfeitures paid to the sheriff or other representatives of the county shall be forwarded to the public schools in accordance with state law.

(Ord. of 3-17-97, § 5)

Sec. 10-46. - Permits.

Other provisions of this article notwithstanding, an application for a permit to conduct any noise which would otherwise violate the article, may be submitted to the Moore County Sheriff or his deputy at least 15 working days in advance of the planned use, except in case of emergency. The application shall state the location of the planned use, the length of time requested for conducting the noise, the type of noise, and shall designate the individual person or persons who shall be in control of any noise making equipment, and the individual person or person who will assume the responsibility that the use of the noise making equipment will be operated in compliance with the terms of the permit. Such permit shall be granted or denied at the discretion of the Moore County Sheriff or his deputy, after payment of a \$25.00 nonrefundable fee.

(Ord. of 3-17-97, § 6)

Fire Commission Capital Purchase Plan**Apparatus greater than \$200,000.00**

- 10% Down Payment -Based on Funding formula allowance minus the % split.
- 10-year financing (preferred), other term limits will be considered with approval of Fire Commission.
- Documentation of funding match from agencies with financial split to cover those associated cost.
- Funding will be based on the cost approved by the Fire Commission through funding formula.

Apparatus less than \$200,000.00

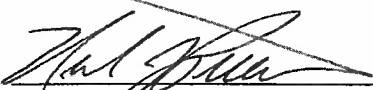
- 10% Down Payment - Based on Funding formula allowance minus the % split.
- 5-year financing (preferred)
- County may consider full purchase funding upon request from Fire Department with approval from Fire Commission.
- Documentation of funding match from agencies with financial split to cover those associated cost.
- Funding will be based on the cost approved by the Fire Commission through funding formula.

Five municipal departments will be paid out annually and will not have to submit apparatus requests:

- Aberdeen
- Carthage
- Pinehurst
- Southern Pines
- Whispering Pines

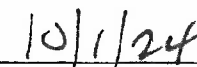
Effective October 1, 2024

Fire-Commission, Chairman



Board of Commissioners, Chairman

Date



Date