

MOORE COUNTY BOARD OF COMMISSIONERS

TUESDAY, FEBRUARY 21, 2023, 5:30 P.M.

REGULAR MEETING

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: February 7, 2023, Regular Meeting

B.Minutes: February 9, 2023, Special Meeting

C.Tax Releases/Refunds – January 2023D.Budget AmendmentsE.Project Budget Ordinance & Resolution Revision #3 for Airport Project #47208.3.1F.Project Budget Ordinance & Resolution Revision #1 for Airport Project #36237.67.12.1

IV.RECOGNITIONS

V.PRESENTATIONS

VI.PUBLIC HEARINGS

A.Public Hearing/Partners in Progress – Proposed Economic Development Joint Agreementfor Purchase of Land for an Industrial Park (Natalie Hawkins, Executive Director)

B.Public Hearing/Planning – Conventional Rezoning Request: Residential and Agricultural –5 (RA-5) to Residential and Agricultural – 2 (RA-2), Juniper Lake Rd. (Debra Ensminger, Planning Director)

C. Public Hearing/Planning – Conventional Rezoning Request: Residential and Agricultural – 40 (RA-40) to Rural Agricultural (RA), Vass Carthage Rd. (Debra Ensminger, Planning Director) VII. QUASI-JUDICIAL HEARINGS

A. Quasi-Judicial Hearing/Planning – Special Use Permit Request: Recreation, Indoor – Grant St. and MacDougall Dr., Seven Lakes (Debra Ensminger, Planning Director) VIII. OLD BUSINESS

IX. NEW BUSINESS A. Property Management – Request for Approval to Amend Contract with Transource, Inc. (Gene Boles, Property Management Director) B. Property Management – Request for Approval of Budget Amendment and Amendment to

Contract with Pratt Recycling, Inc. (Gene Boles, Property Management Director) C. Public Works – Request for Approval of Change Order #2 with E.L.J., Inc. for Water Pollution Control Plant Valve Vault Project (Randy Gould, Public Works Director)

D. Legal – Request for Approval of Resolution Requesting the NC General Assembly to Make Counties, Cities, and Public Schools Exempt from Payment of Sales and Use Taxes (Misty Leland, County Attorney) E. Legal – Request for Approval of Resolution and Supplemental Agreement for Additional

Opioid Settlement Funds (Misty Leland, County Attorney) F. Administration – Request for Procurement Waiver for use of Opioid Settlement Funds (Misty Leland, County Attorney)

G. Administration – Request for Approval of Option A Strategy Selections for Request for Proposals for Opioid Settlement Funds (Wayne Vest, County Manager) H. Administration – Request to Review, Modify, and Approve Task Force Goals (Wayne Vest, County Manager)

X. APPOINTMENTS A. Juvenile Crime Prevention Council

B. Library Board of Trustees C. Moore County Transportation Committee D. Parks and Recreation Advisory Board

E. Tax Board of Equalization and Review

XI. ADDITIONAL AGENDA

XII. MANAGER'S REPORT XIII. COMMISSIONERS' COMMENTS

XIV. CLOSED SESSION – if necessary

ADJOURNMENT COMMISSIONERS' UPCOMING MEETINGS/EVENTS:

Pre-agenda Meeting, Wednesday, March 1, 9:30am (Von Canon / Picerno)

Board of Health, Monday, March 6, 6:00pm (Cook)

Regular Meeting, Thursday, March 9, 10:30am

Fire Commission, Thursday, March 9, 6:00pm (Von Canon)

Budget Task Force, Tuesday, March 14, 9:00am (Picerno / Quis)

Sandhills Center Board, Tuesday, March 14, 7:00pm (Picerno)

Pre-Agenda Meeting, Wednesday, March 15, 9:30am (Ritter / Picerno)

Special Meeting (Homelessness Work Session), Thursday, March 16, 9:00am

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, FEBRUARY 7, 2023, 10:30 A.M.

REGULAR MEETING

The Moore County Board of Commissioners convened for a Regular Meeting at 10:30am, Tuesday, February 7, 2023, in the Commissioners' Meeting Room of the Historic Courthouse, One Courthouse Square, Carthage, North Carolina.

Commissioners Present:

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

Chairman Picerno called the meeting to order. Pastor Lee McKinney of New Covenant Fellowship Church offered the invocation and Property Management Director Gene Boles led the Pledge of Allegiance.

PUBLIC COMMENT PERIOD

There were no comments.

Chairman Picerno 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 Quis, seconded by Commissioner Von Canon, the Board voted 5-0 to approve the following consent agenda items:

Minutes: January 18 and 19, 2023, Special Meeting

Minutes: January 24, 2023, Regular Meeting

Budget Amendments Advertisement of Tax Liens on Real Property Resolution Accepting Offer for Surplus Property: Portion of Well Lot 2A Project Budget Ordinance and Resolution for Project 36237.67.12.2: Terminal Building Concept Design and

Plan

The budget amendments, resolution accepting the offer for the surplus property, and project budget ordinance and resolution for the Airport are hereby incorporated as a part of these minutes by attachment as Appendices A, B, and C, respectively.

III.A.

02/21/2023

QUASI-JUDICIAL HEARINGS

Call to Quasi-Judicial Hearing/Planning – Special Use Permit Request: Recreation, Indoor – Grant St. and MacDougall Dr., Seven Lakes Planning Director Debra Ensminger requested the Board call for a quasi-judicial hearing regarding a Special

Use Permit request. Upon motion made by Commissioner Ritter, seconded by Commissioner Von Canon, the Board voted 5-0 to call for a Quasi-Judicial Hearing on February 21, 2023, at 5:30pm for Special Use Permit for Recreation, Indoor to operate a dance studio on 0.68 acres, located on Grant Street and MacDougall Drive, owned by KGM Investments, per Deed Book 1597 Page 223, Plat Cabinet 19 Slide 429 and further described as ParID 00028621 and ParID 00028622 in Moore County Tax Records.

PUBLIC HEARINGS Call to Public Hearing/Planning – Conventional Rezoning Request: Residential and Agricultural – 5 (RA-5) to Residential and Agricultural – 2 (RA-2), Juniper Lake Rd.

Planning Director Debra Ensminger requested the Board call for a public hearing regarding a conventional rezoning request at Juniper Lake Road. Upon motion made by Commissioner Von Canon, seconded by Commissioner Cook, the Board voted 5-0 to call for a Public Hearing on February 21, 2023, at 5:30 p.m. for a Conventional Rezoning from Residential and Agricultural-5 (RA-5) to Residential and Agricultural-2 (RA-2) of an approximately 3.86-acre portion of one parcel of approximately 8.76 acres located on Juniper Lake Rd, owned by Kenton and Judith Loyd, per Deed Book 5887 Page 140 and further described as ParID 00027965 in Moore County Tax Records. Call to Public Hearing/Planning – Conventional Rezoning Request: Residential and Agricultural – 40 (RA-40) to Rural Agricultural (RA), Vass Carthage Rd.

Planning Director Debra Ensminger requested the Board call for a public hearing regarding a conventional rezoning request at Vass Carthage Road. Chairman Picerno asked Ms. Ensminger to explain the effect of rezoning from RA-40 to RA and Ms. Ensminger reviewed that RA-40 was medium density and RA required an acre lot size. Commissioner Cook inquired about the number of houses that would be placed and Ms.

Ensminger explained that the use for this property was actually a security training facility, but that item would later come to the Board as a special use permit request. County Attorney Misty Leland reminded the Board that when rezoning, they should consider every possible use that would be allowable in that zoning district. Upon motion made by Commissioner Cook, seconded by Commissioner Von Canon, the Board voted 5-0 to call for a Public Hearing on February 21, 2023, at 5:30 p.m. for a Conventional Rezoning from Residential and Agricultural-40 (RA-40) to Rural Agricultural (RA) of approximately 75.54 acres of two parcels located on Vass-Carthage Rd, owned by Tough Stump Technologies LLC, per Deed Book 5868 Page 385, Plat Cabinet 19 Slide 439 (Tracts 1 & 2) and further described as ParID 20120062 and ParID 20170361 in Moore County Tax Records.

Call to Public Hearing/Partners in Progress – Proposed Economic Development Joint Agreement for Purchase of Land for an Industrial Park Partners in Progress Executive Director Natalie Hawkins requested the Board call for a public hearing regarding a proposed economic development joint agreement between Moore County and Partners in Progress for the

purchase of land in the Iron Horse Industrial Park. Ms. Hawkins reviewed information about the project. Chairman Picerno congratulated Ms. Hawkins on her efforts. Ms. Hawkins thanked County Manager Wayne Vest and County Attorney Misty Leland for all their help in working through the terms of the agreement. Upon

motion made by Commissioner Ritter, seconded by Commissioner Cook, the Board voted 5-0 to call for a public hearing at 5:30 p.m. on Tuesday, February 21, 2023, to invite public comment on the proposed Economic Development Joint Agreement, which includes a Deed of Trust and Promissory Note between Moore County and Moore County Partners in Progress. **NEW BUSINESS**

Property Management – Request for Approval of Contract Amendment # 1 with Piedmont Trucks Center Property Management Director Gene Boles requested the Board approve an amendment to a contract with Piedmont Trucks Center. Upon motion made by Commissioner Von Canon, seconded by Commissioner Cook, the Board voted 5-0 to approve Contract Amendment No. 1 with Piedmont Trucks Center reducing the contract amount from \$133,449.30 to \$44,483.10, reducing the quantity of vehicles from three to one, and authorize the Chairman to sign. **Legal – Request for Adoption of Resolution in Support of House Bill 13**

County Attorney Misty Leland, on behalf of Chairman Picerno, presented for the Board's consideration a resolution supporting House Bill 2023-13. Chairman Picerno further reviewed this bill regarding the tier system and discussed the inequities of that system. Commissioner Ritter made a motion, seconded by Commissioner Quis, to approve the Resolution requesting the NC General Assembly to support and ratify House Bill 2023-13 requiring the Joint Legislative Economic Development and Global Engagement Oversight Committee to study and evaluate the three-tier system for county economic status designations. Chairman Picerno noted that the resolution should be sent to the legislators as well as the North Carolina Association of County Commissioners. The motion to approve the resolution carried 5-0. The resolution is hereby incorporated as a part of these minutes by attachment as Appendix D.

Legal – Request for Adoption of Resolution in Support of Senate Bill 49 County Attorney Misty Leland, on behalf of Chairman Picerno, presented for the Board's consideration a resolution supporting Senate Bill 2023-49. Chairman Picerno further reviewed this bill regarding the enumeration of the rights of parents, noting it was unfortunate to need to tell parents they had the right to oversee the upbringing of their children. Commissioner Quis stated his agreement. Commissioner Von Canon made a motion, seconded by Commissioner Cook, to approve the Resolution requesting the North Carolina General Assembly to support and ratify Senate Bill 2023-49, an act to enumerate the rights of parents regarding the upbringing, education, health care, and mental health of their minor children. Chairman Picerno read the rights of parents as provided in the bill. The motion to approve the resolution carried 5-0. The resolution is hereby incorporated as a part of these minutes by attachment as Appendix E.

APPOINTMENTS Board of Health

Upon motion made by Commissioner Cook, seconded by Commissioner Von Canon, the Board voted 5-0 to appoint Dr. Julie Baugher as the physician member of the Moore County Board of Health for a three-year term expiring January 31, 2026.

Economic Task Force

Upon motion made by Chairman Picerno, seconded by Commissioner Ritter, the Board voted 5-0 to appoint Commissioner Von Canon to the Economic Task Force in place of Commissioner Picerno. COMMISSIONERS' COMMENTS

Commissioner Ritter thanked everyone for their attendance and said he was thankful to be a resident of Moore County. Commissioner Von Canon reiterated those comments and said the County staff was great, patient, and helpful, and he enjoyed hearing from citizens also. Commissioner Quis shared that he and his wife had recently attended a brunch for Moore Free Care Clinic and he shared information on the services provided by the clinic and the estimated value of those services. Commissioner Cook offered positive comments regarding Aberdeen as the location for the industrial park and thanked Partners in Progress Executive Director Natalie Hawkins, noting that the project would benefit everyone. Chairman Picerno stated his agreement with Commissioner Quis' positive remarks regarding the Moore Free Care Clinic and offered compliments for its executive director, Tony Price. Chairman Picerno discussed misconceptions provided via a recent article in The Pilot newspaper regarding the commissioners' recent at-large appointment to the Board of Health. He asked Clerk to the Board Laura Williams to clarify the process by which appointment applications were provided to the Board and she did so. Chairman Picerno criticized the article's author for his poor reporting and personal attack of the Board's appointee.

ADJOURNMENT There being no further business, upon motion made by Commissioner Von Canon, seconded by Commissioner Ritter, the Board voted 5-0 to adjourn the February 7, 2023, Regular Meeting of the Moore County Board of

Commissioners at 11:12am.

Nick Picerno, Chairman _____ Laura M. Williams, Clerk

MOORE COUNTY BOARD OF COMMISSIONERS SPECIAL MEETING THURSDAY, FEBRUARY 9, 2023

The Moore County Board of Commissioners convened for a Special Meeting beginning at 9:00am, Thursday, February 9, 2023, at the Moore County Senior Enrichment Center, 8040 US HWY 15, West End, North Carolina. The purpose of the meeting, duly advertised, was for a work session to consider goals for recently established task forces.

Commissioners Present:

Chairman Nick Picerno, Vice Chairman Frank Quis, Jim Von Canon, John Ritter (arrived 9:08am), Kurt Cook

Chairman Picerno called the meeting to order. County Manager Wayne Vest offered the invocation and Commissioner Cook led the Pledge of Allegiance. Chairman Picerno welcomed everyone and provided opening remarks regarding goal setting for the Board's task forces, asking each member to consider and share what he wanted to accomplish in each area:

Budget Task Force

Chairman Picerno shared that his goal for the Budget Task Force would be to cut taxes if possible, and to minimize expenses while maximizing production. Commissioner Cook noted the importance of having everyone together submitting proposals, trimming where they could and allocating accordingly. He noted the budget would ebb and flow and so 10% for emergencies should always be calculated in. Commissioner Quis discussed that he had been on the budget team for several years and the County was blessed to have a good, competent staff. He discussed that they had budgeted conservatively and would continue to do so. Commissioner Von Canon stated his agreement with Chairman Picerno and said if something was needed, get it and get the best deal for it and if it was not needed, give the money back to the citizens, as they needed it now more than ever. Commissioner Ritter said he could not agree more in terms of being good stewards.

Economic Task Force

Commissioner Von Canon said he was looking to the future for bringing in jobs. He discussed that the County had done well the last hundred years being a tourist area, retirement community, etc. and he said they should be smart about what they attracted and make sure it fit into the environment and culture of Moore

III.B.
02/21/2023

County. He said he wanted to bring good jobs for the County's citizens. Commissioner Ritter stated his agreement with Commissioner Von Canon regarding the types of industry they might attract. He said Moore County was a special place and he wanted to maintain that character. He noted that the community college was key to training young citizens for the jobs that would need to be filled in the county. Commissioner Von Canon highlighted the importance of the nursing program. Commissioner Quis discussed the importance of citizen input and also the positive impact of broadband in northern Moore County. Commissioner Cook discussed the importance of the College.

Land Use Plan/Unified Development Ordinance Task Force

Commissioner Ritter commented regarding the size of the County's southern municipalities, noting they were small but completely adequate (in terms of available services/amenities). He said the County's population density was not extreme or overextended and he suggested the towns keep that in mind, and he also commented regarding maintaining the rural nature of other areas. Commissioner Von Canon said they needed to remember farmland as it may be needed. He said the Unified Development Ordinance needed to be strong and they also needed to start thinking about affordable housing as people would need it to work in Moore County. He said the municipalities should be encouraged to welcome some of the new developments and he commented regarding traffic. He said the County needed a strong Land Use Plan and to think about why people moved to Moore County. He expressed his distaste for developments that included all similar-looking houses. Commissioner Quis discussed being smart and considering the appeal of Moore County. He said the municipalities would need to think about different ways to grow and some had suggested growing up (taller buildings). He noted that the North Carolina Department of Transportation had held a meeting in Moore County earlier in the week and he said that Moore County was in a different realm of funding because of its metropolitan qualities. He said also small towns, northern Moore, etc. should be consulted on how they wanted to grow, and they may not have the planning resources that the southern end of the County had. He said the County had a great opportunity before it and already had a lot of data, and he encouraged growing wisely and maintaining character. Commissioner Cook discussed traffic concerns, particularly along Hwy 15/501 and new businesses opening in already congested areas. He said he would like to see a map of where the development could not go because of watershed, soil, etc. and then to look closely at where development could go. Chairman Picerno said it was vital to understand they were working as a team. He noted the question of how to maintain rural integrity but also marry that with property rights. He said there would be a lot of different opinions and strong opinions and it would not be an easy job and he encouraged everyone to remember what the country's founding fathers fought for to get them where they were at.

Law Enforcement/Veterans Task Force

Commissioner Cook expressed his support for the Sheriff's endeavors and all local law enforcement, which he said was paramount, as well as veterans. He noted that law enforcement did not have a lot of support groups and said he thought doing programs throughout the county, having functions, and having fundraisers to bring in experts would pay dividends. Commissioner Von Canon discussed that Moore County was fortunate to not have all the violent crime experienced in other places but noted that law enforcement saw something new every day and the County needed to ensure they had the equipment they needed. He said he

wanted people to be able to do their daily business without living in fear. He noted drugs recently confiscated in the area in an arrest yielded enough fentanyl to kill 2.75 million people. He then discussed veterans and shared that 22-24 veterans were committing suicide daily and they needed to have help. He said he was hearing a lot of good things about the County's Veterans staff, and he shared also that he was hearing from a lot of willing volunteers. Commissioner Quis discussed that the County had supported the Sheriff's Office financially, including with a recently revised pay plan, and should continue to properly fund that department. He said he appreciated the Sheriff and everyone in his department and there were not many places in Moore County he would not feel safe. He discussed that law enforcement and military had stressors not experienced by civilians and it was important to support organizations that helped them. He noted the impact of opioids also, including on crime, and said people needed to be reached before they became drug addicts. Commissioner Ritter said he was really thankful to have two distinguished veterans (Commissioners Cook and Von Canon) serving on the Board. He said this was a huge plus for the County and now more than ever he was realizing and appreciating the impact the military had on the community. He said Moore County truly was a military community and it was very important to have this task force so they could identify concerns and needs. He thanked the Sheriff also and said Moore County had very professional law enforcement officers and he certainly wanted to support them and give them what they needed in training and funding. Chairman Picerno asked his fellow commissioners if anyone supported defunding the police and all said no.

Legislative Task Force

Commissioner Ritter shared that he was pleased with the tier system resolution approved by the Board at its recent regular meeting. He said while Moore was considered a rich county, there were areas that were more similar to neighboring counties, and they needed to remember to not leave out those more rural and poorer areas. He said those areas did not need as much but did want the County to be aware of their needs and he encouraged citizens of northern Moore to reach out and let the County know when there was a need. He said they tried to be self-sufficient, sometimes to their detriment. Commissioner Cook discussed ensuring the disbursement of funds was also received in the north and west areas of the County. He said he was elected by everyone and was there to represent everyone within the borders of Moore County. Commissioner Quis discussed that the legislature had done a good job in attracting businesses (north of Moore County), and they would impact the County. He agreed that the tier system was not fair and should be eliminated or at least changed such that the poorer areas would be treated the same as other similar areas of the State.

Commissioner Von Canon said there were some great newly elected representatives, and he was happy Rep. Ben Moss had helped move the tier system bill forward. He also noted a companion bill by him and Sen. McInnis for protection of infrastructure and requiring utilities to be proactive rather than reactive in that regard. He expressed his support for a recent parents' bill of rights bill and said he would also encourage one that would prevent children under 18 years old from attending drag shows. He said the Board should listen to the people and ask the legislators to help with whatever the citizens brought up. He said the legislators were proactive and were meeting a lot of resistance so anytime someone could support them, they should. Chairman Picerno noted another bill being drafted by Rep. Neal Jackson that would basically create a sub-tier system within a county.

Opioid Task Force

Commissioner Quis said the Opioid Task Force was off to a good start and had met a couple weeks before. He said the process had been going on for months and the settlements would have millions of dollars flowing into North Carolina. He said the task force was well on its way and would soon be asking for funding proposals from stakeholders, and they needed to be looked at holistically. Commissioner Ritter said he was pleased to serve on the task force, and it was crucial to the community. Commissioner Von Canon said he would like the County to be proactive and work on prevention. He said they needed to get into the school system, and he recalled there previously being dynamic speakers that dissuaded children from drug usage. He said that was needed again and kids needed to be educated early on that this was a bad path to go down. Commissioner Cook commented that opioids were not going away and noted the importance of support for law enforcement. He said there was not much help on the borders, and education and law enforcement were key. Chairman Picerno said he was glad the task force had jumped out quickly and was treating everyone fairly.

Solid Waste Task Force

Commissioner Von Canon discussed how much went into handling people's trash after they threw it away and he noted issues such as methane being produced at the landfill. He discussed that the Solid Waste Task Force had recently met and visited the sites and how helpful it was and how impressed he was by the staff, especially considering all the regulations with which they had to comply. Commissioner Ritter said it was encouraging to know that so much thought went into these issues from staff and management, and it seemed to be a task that was only going to grow. Commissioner Cook complimented Property Management Director Gene Boles and staff. Commissioner Quis discussed costs, which he said would only increase and noted a new landfill would have to be built in the not so distant future. He said they were making plans for the future; it was just one of the more costly services the County provided.

Water/Sewer Task Force

Commissioner Cook discussed that those involved in the water/sewer issues had a solid grasp and he noted the importance of data in planning. He said the water and sewer plan would be a basic blueprint that communities were built from, and every dime would be well spent. Commissioner Quis said there was not enough water and the County needed to work with the towns, etc. to establish long-term contracts. He said they also needed to consider building a reservoir or take advantage of what already existed. He said he was an advocate for extending sewer where it made sense. He said he thought the traffic situation could be helped if development was encouraged in existing towns. He noted that this did get into the philosophy of property rights. Commissioner Von Canon noted the importance of preparing for the future and preparing for growth. Commissioner Ritter said it was imperative that the County find water resources. He said the Board's last work session was eye-opening to him about how complex it was to draw that water. He said he was encouraged by the opportunities the County had.

Chairman Picerno summarized that the purpose of this exercise was for the commissioners to expose their hearts to the community and indicate how they would govern. He said they would set some goals, timelines,

and action plans, and noted the task forces were not decision-makers but rather information gatherers, and the full Board of Commissioners would make decisions. Commissioner Quis suggested giving meeting observers an opportunity to speak and Chairman Picerno and the other commissioners agreed to do this following a break.

Chairman Picerno called for a ten-minute break.

Upon reconvening, Chairman Picerno opened the floor to meeting attendees for comments.

Ms. Jane Hogeman (Pinehurst Village Council member) encouraged the Board in its strategic planning to factor in the character of the County's individual towns. Ms. Natalie Hawkins (Executive Director for Partners in Progress) expressed appreciation for the Board's

investment of time and effort into the process and said Partners in Progress was available to support the Board.

Chairman Picerno asked Ms. Hawkins if she could share with the commissioners a sheet that

Commissioner Quis had from a study that had been conducted and she said yes. Commissioner Quis encouraged sharing of any data she had available. Dr. Tim Locklair (Superintendent for Moore County Schools) thanked the commissioners, on behalf of the

Board of Education, for their support and collaboration. He said the task forces connected with the public school system in many ways, and noted they would have representatives to collaborate on the education/prevention piece with the Opioid Task Force.

Mr. John Webster discussed concerns he had regarding water/sewer, growth, and accurate data. He said growth was greater and could destroy the rural area or increase already high density. Chairman Picerno noted that growth was all over Moore County and Commissioner Quis said the County would work with each municipality. Public Works Director Randy Gould noted the purpose of numbers provided was to project future water supply needs.

Mr. John Miasiazek commented regarding legislative goals, including sales tax exemption for the Schools, and reducing the time it took for obtain the refund. He shared also that he did not support marijuana legalization nor online betting, and he suggested considering mandatory recycling.

There were no further speakers.

Goal setting

Budget Task Force – County Manager Wayne Vest commented regarding the budget. Chairman Picerno said it was important to him to know if the tax base would have grown anyway, if a revaluation were not completed. Mr. Vest said in the past few years there had been about \$3M in tax base growth. Chairman Picerno asked about the collection rate thus far and Tax Administrator Gary Briggs said it was between 97% and 98%. Chairman Picerno asked if 99% would be achieved as in other years and Mr. Briggs said yes. Mr. Vest noted the helpfulness of the 2% discount period in collections. Chairman Picerno agreed this was a good incentive. Chairman Picerno said for the FY24 budget his goal was to have no additional tax burden and, if possible, to actually lower it. Commissioner Von Canon agreed and said citizens relied on them to make smart decisions. Chairman Picerno said the rate had been cut last year and asked if there was still a small surplus this year and Mr. Vest said yes. Chairman Picerno inquired with Mr. Briggs about a decline in vehicle tax collections and Mr. Briggs indicated he was not concerned about it. Chairman Picerno commented on legislative needs regarding sales tax, particularly for the schools to be exempt and asked County Attorney Misty Leland to also draft a resolution regarding the discrepancy in waiting two years for

the refund. Commissioner Quis reviewed that in the previous year the County had reevaluated its pay scales and asked how the County was currently staffed. Mr. Vest said they were staffed at about 92%-93% and had been able to improve the pool of applicants. Commissioner Quis asked about Environmental Health and Interim Health Director Matt Garner said the applicant pool was now a whole lot deeper and they were already qualified instead of waiting to be certified. Commissioner Picerno said staff may want to build in the budget possible increases from 2% up to 5%. He said they got employees caught up and could not let them now get behind. Commissioner Von Canon commented regarding changes to the state employees' health insurance plan as discussed by State Treasurer Dale Folwell in a meeting earlier in the week. Chairman Picerno reviewed comments also made by Mr. Folwell regarding the retirement system and noted the County was now having to pay in double digits instead of single digits, and he suggested a letter from Mr. Vest or staff may be in order to address that issue. There was further discussion regarding the retirement costs, including the increases that had to be covered by Moore County Schools for their employees. Chairman Picerno said a letter should be put on the next agenda. Chairman Picerno asked Public Works Director Randy Gould if he anticipated any rate increases and he said he did. He asked what percentage and Mr. Gould said 4% was proposed, and 3% for the wastewater plant. He said a rate study was done every year with a consultant. Mr. Vest commented additionally on the costs for solid waste, etc. In summary, Chairman Picerno reiterated the Budget Task Force's goal to maintain or reduce the tax rate and all commissioners agreed.

Economic Task Force – Mr. Vest offered comments regarding upcoming projects, economic development incentives, etc. Commissioner Quis shared that he and Commissioner Von Canon had talked a lot about economic development. Chairman Picerno asked about their goals. Commissioner Von Canon said he would like to bring in opportunities that would culturally blend in and he noted the horse business as an option. Commissioner Quis commented regarding Commissioner Von Canon's perceptiveness, noting he had pointed out how important the retirement community was to Moore County's economy. Goals discussed for the Economic Task Force were getting a gameplan together for where development should occur, a timeline, and determining what Partners in Progress was working on and where.

Land Use Plan/Unified Development Ordinance Task Force – Mr. Vest noted one good goal would be to reconcile the differences in the County's Land Use Plan and Unified Development Ordinance (UDO). Planning Director Debra Ensminger discussed text amendments to the UDO regarding major subdivisions. She had maps available for the Board to review and Commissioner Quis asked her to please circulate smaller versions of them to each commissioner as they had very important decisions to make. He said there were areas they might want to encourage more subdivisions and said he hoped they would be deliberative and patient. Commissioner Von Canon discussed the East Moore Water District lines and their importance to the homes they served. He concurred that the UDO probably needed to be tweaked in a few places and he expressed his preference for homes to be built on individual lots versus cul-de-sacs. Commissioner Quis suggested the Board also look at conservation subdivisions. Ms. Ensminger discussed that before the Land Use Plan could be updated, staff had to know how the Board wanted to grow. Mr. Vest said another consideration was whether the Board still wanted to put subdivisions through the quasi-judicial process or have them seek approval at another level. Chairman Picerno noted that it was unfair to change the rules on everyone in the third quarter. He discussed the qualifications of the Subdivision Review Board members and

indicated the process did not need to be micromanaged, such as it was with the quasi-judicial process. Commissioner Ritter said one important component while making revisions was public input. Chairman Picerno said they should not rush the process but should correct inconsistencies as quickly as they could since it was currently like they were operating under two sets of rules. Commissioner Quis noted that the steering committee (of about 25 people) that put forth the 2013 Land Use Plan had done a really good job. Chairman Picerno stated a goal to fix inconsistencies as soon as possible. He said he, too, would lean toward the steering committee process for the Land Use Plan, but have a smaller group. Commissioner Quis agreed that 25-30 people made it difficult. He also emphasized that the commissioners were not land use planners and there were professionals who could guide them. He said there were smart people who had done this before for other cities and counties. He said in terms of short-term fixes, he was open to suggestions. Chairman Picerno reminded everyone that the task force was not to make decisions, but to bring information to the Board.

Chairman Picerno called for a lunch break at 12:05pm. The Board reconvened following lunch at 12:40pm. Law Enforcement/Veterans Task Force – Mr. Vest shared additional information that had been received regarding veterans' resources since the Board's previous work session and noted conversation had also been held with the Sheriff regarding his needs. Commissioner Von Canon shared names of individuals who were available to assist the task force and said he was going to try to get a meeting together in the next week or so. He said locally there needed to be more providers and more rooms than there were available at the hospital (24). He noted that law enforcement and its capabilities had grown, and old cases were being solved. Commissioner Cook shared information about a new employee at FirstHealth Moore Regional who would be helpful. Commissioner Von Canon discussed a case with a juvenile that had been living in the emergency room for six months because there was no other place. Commissioner Cook commented regarding the problems caused by a discrepancy in the age that the federal and state governments considered an individual to be a child. Chairman Picerno said maybe they could get a resolution or letter together because if they did not know there was a problem, they could not fix it. It was determined a goal for the task force would be to determine what local resources were needed. Sheriff Ronnie Fields briefly discussed his department's requirements with regard to the transport of those needing mental healthcare.

Legislative Task Force – Mr. Vest commented regarding resolutions recently adopted by the Board. Chairman Picerno asked what kind of follow-up could be done to ensure a response to the Board's requests. He said they needed a two-way street. Commissioner Von Canon suggested that when there was a really good legislative request, it should be copied to all 100 NC counties as there was strength in numbers. Chairman Picerno asked Clerk Laura Williams if this was possible and she indicated it would be no problem to share with the 100 county clerks to distribute to their respective boards, and the commissioners had directed this action previously for specific resolutions.

Opioid Task Force – Mr. Vest discussed that staff may want to bring an agenda item forward for the Board to waive the procurement requirements with regard to the opioid settlement funds RFP. County Attorney Misty Leland expanded on that information, offering that the bidding requirements really did not apply in this situation. Mr. Vest discussed that five focus areas for funding had been identified by a recent survey of

stakeholders and Commissioner Quis reviewed that those five areas were treatment, early intervention, recovery support, collaborative strategic planning, and recovery housing support. He said funding amounts had not been decided and the RFP would be finalized soon. Mr. Vest noted that as part of their goal setting, the commissioners should consider how much funding to allocate, whether it be a finite amount annually, a larger amount on the front end, level each year, etc. Commissioner Quis commented regarding the amount of funding that had been received so far. Mr. Vest noted also a decision needed to be made on if the focus would be on the survey results, or other areas as well. Commissioner Von Canon said it would be interesting to know organizations' current budgets and to be assured funds were going for treatment and not overhead expenses. Commissioner Quis discussed that accountability would be part of the process on an annual basis. Chairman Picerno asked that before the RFP was sent out that the full Board have an opportunity to review it and comment. Commissioner Quis said their goal would be to move expeditiously.

Solid Waste Task Force – Chairman Picerno commented regarding the impact of producing less waste. Mr. Vest and Property Management Director Gene Boles reviewed information from the Solid Waste Task Force's site visits the previous week. Mr. Vest shared that bids had been received on the Turning Leaf Way project and noted that there had been a lot of discussion regarding recycling. Chairman Picerno said he was surprised to hear recycling was costing the County. After brief discussion regarding glass recycling, it was stated a goal should be to educate the municipalities to police their glass collections a little better.

Commissioner Von Canon complimented the Solid Waste staff and said the jobs they did helped with the beautification of Moore County. Chairman Picerno noted staff should get on the Board's agenda as quickly as they could with suggested recycling modifications. Chairman Picerno said the main goal would be to reinforce the County's plan and ensure good communication. Mr. Vest discussed a potential new collection site and the importance of ensuring those using the sites were Moore County citizens. He offered additional details regarding construction and demolition and also leaf and limb debris. Commissioner Von Canon discussed the conditions staff weathered to work at the sites – cold, hot, rain, etc., and noted many were retirees. He encouraged making sure signs were very obvious that the sites were not for commercial waste, etc. Chairman Picerno concurred regarding the importance of the signage. Chairman Picerno restated goals to contact the municipalities regarding glass, and to get the recycling budget amendments to the Board.

Water/Sewer Task Force – Public Works Director Randy Gould provided background information and updates regarding contracts. Discussion followed regarding potential partnership with Robbins and upcoming site visits with Town of Robbins officials. Mr. Vest discussed American Rescue Plan funding and installation of sewer pipe when Highway 211 was being widened. Chairman Picerno commented regarding possibly inviting a NCDOT representative to the next task force meeting and mentioned he could get in touch with Reuben Blakely. Mr. Gould further discussed upsizing lines, options for funding, etc.

Closing Comments

Commissioner Cook thanked everyone for coming and said the information was sometimes dry, but was 100% necessary. Commissioner Quis discussed that there were lots of moving parts and each one affected today and the future. He said they should do the right thing today to be ready for tomorrow. Commissioner Von Canon thanked everyone for coming and thanked staff. Commissioner Ritter discussed that the work

sessions and task forces had already been proven effective and he expressed thanks for the leadership in that regard. Commissioner Ritter shared a recent press release by the Moore County Schools regarding many awards earned by their students at the recent statewide Junior Beta Club Convention, and he particularly noted the accolades earned by Westmoore Elementary. Chairman Picerno thanked staff and his fellow commissioners. He asked the Board to consider another work session to be held on March 16, 2023, regarding homelessness and said he would invite Cliff Brown with Team Workz to fill the Board in on what was going on. A citizen present offered a comment regarding the difficulty of male children over 12 years old having to be separated from their mothers in a shelter environment. The Board agreed to this meeting to be held at 9:00am on March 16 as proposed by Chairman Picerno.

There being no further business, upon motion made by Commissioner Von Canon, seconded by Commissioner Ritter, the Board voted 5-0 to adjourn the February 9, 2023, Special Meeting of the Moore County Board of Commissioners at 1:59pm.

_____ Chairman

_____ Clerk

MEMORANDUM TO BOARD OF COMMISSIONERS:

FROM:

DATE:

SUBJECT:

PRESENTER:

REQUEST:

Caroline L. Xiong, Finance Director &

Chris Morgan, Assistant Finance Director

02/13/2023

Budget Amendments

Caroline Xiong / Chris Morgan

Agenda Item:

Meeting Date: 02/21/2023

Approve the attached budget amendments and accept any grant funds awarded to the County associated with the budget amendment.

BACKGROUND: The NC General Statutes provide for the County to make amendments to the budget during the fiscal year. The budget should be amended to reflect the changing financial opportunities and adjustments that occur after the budget is adopted. Attached are detailed explanations of each amendment. The amendments are:

Department / Amount Sources of Revenue Justification Journal

Fund 1. Sheriff \$17,150 Off Duty Assignment Vendors requesting services from the 80065

increase Sheriffs Office 2. Sheriff \$15,233 SCAAP Grant Used for Detention training officers, 80066

increase medical services, construction, and technology 3. Aging \$327 Triangle J Area Agency Provide materials to maintain Senior 80073

increase Center and to fund programs

IMPLEMENTATION PLAN: NIA

FINANCIAL IMPACT STATEMENT: The overall effect is to increase/decrease the revenue and expenditures in the General Fund for \$17,477 , Multi-Year Grants Fund for \$15,233 and to authorize the County Manager to proceed with the amendments and any actions required as a result.

RECOMMENDATION SUMMARY: Recommend a motion to approve the following budget amendments as stated and accept any grant funds awarded to the County associated with the budget amendment.

SUPPORTING ATTACHMENTS: The following budget amendments and supporting information are attached:
III.D.

Revenue

Expense

Fiscal Year 2022/2023

Budget Line Item

Number

Sheriff -Off Duty Assignment

10024005 30520 Off Duty Assignment

10019505 51205 Off Duty Assignment

Budgeted

Amount Increase/ Revised

41,740

41,740

(Decrease) Budget

17,150

17,150

58,890

58,890

Approved this _____ day of _____, 2023

Nick Picerno

Moore County Board of Commissioners

Laura Williams

Clerk to the Board

80065

Budget Amendment Staff Report

Department:

Sheriffs Office

Increase or Decrease of Amount of Funding:

Increase to Off Duty Assignment Collections in the Sheriffs Office

Source(s) of Funding:

10024005 30520 Off Duty Assignment Revenue INCREASE \$17,150

10019505 51205 Off Duty Assignment Payroll Expense INCREASE \$17,150

Justification (please be specific):

Funds have been collected to increase the budget to equal the actual collections in the Sheriffs Office for Off Duty Assignments. These funds are paid by vendors requesting the services from the Sheriffs Office for off-duty assignments and contracted by the Sheriffs Office.

Fiscal Year 2022/2023

Budget Line Item

Number

Sheriff -SCAAP

Revenue 24032005 36108 SCAAP Grant

Expense 24019505 53883 SCAAP Grant

Budgeted

Amount Increase/ Revised

(Decrease) Budget

176,151

194,036

15,233

15,233

191,384

209,269

Approved this _____ day of _____, 2023

Nick Picerno

Moore County Board of Commissioners

Laura Williams

Clerk to the Board

80066

Budget Amendment Staff Report

Department:

Sheriff Detention

Increase or Decrease of Amount of Funding:

Increase 24032005 36108 by \$15,233 Increase 24019505 53883 by \$15,233

Source(s) of Funding:

FY20 SCAAP \$ 10,254.00 FY21 SCAAP \$4,979.00

Justification (please be specific):

The Bureau of Justice Assistance (BJA) administers the State Criminal Alien Assistance Program (SCAAP) in conjunction with the U.S. Immigration and Customs Enforcement (ICE), Department of Homeland Security (DHS).

SCAAP provides federal payments to states and localities that incurred correctional officer salary costs for incarcerating undocumented criminal aliens with at least one felony or two misdemeanor convictions for violations of state or local law and incarcerated for at least 4 consecutive days during the reporting period.

SCAAP funding can be used for the following Detention / Correction related purposes; Training Officers to help manage populations, Medical Services, Construction, and Technology.

Revenue

Expense

Fiscal Year 2022/2023

Budget Line Item

Number

Budgeted

Amount Increase/

(Decrease)

Aging -Senior Center General Purpose Triangle J Area Agency

10033024 32609 Senior Center GP Fund

10030030 53887 Senior Center GP Fund

10,574

10,574

327

327

Approved this _____ day of _____ , 2023

Nick Picerno

Moore County Board of Commissioners

Laura Williams

Clerk to the Board

80073

Revised

Budget

10,901

10,901

Department: Aging

Budget Amendment Staff Report

Increase or Decrease of Amount of Funding:

Senior Center General Purpose Increase \$327

10033024 32609 Rev 10030030 53887 Exp

Source(s) of Funding:

Senior Center General Purpose State funds dispersed through Triangle J Area Agency on Aging

Justification (please be specific):

Senior Center General Purpose The Senior Center General purpose grant was slightly increased from the state level this year. General Purpose funds are used to provide materials to maintain the Senior Center and to fund programs at the center that enrich the lives of seniors.

AGENDA ITEM _____

MEETING DATE 2/21/2023

MEMORANDUM TO MOORE COUNTY BOARD OF COMMISSIONERS

FROM: Ron Maness, Airport Director

DATE: 2/2/2023

SUBJECT: Construct Hangar Taxiways & Internal Airfield Service Road Revision # 3

REQUEST:

1. Approve Project Budget Ordinance & Resolution for Project # 47208.3.1 – Construct Hangar Taxiways & Internal Airfield Service Road Revision #3

BACKGROUND:

The Airport received a state grant for the Construct Hangar Taxiways & Internal Airfield Service Road project # 47208.3.1; and has a proposed budget of \$3,121,672.00 (\$3,121,672.00 State and \$0 Local). This project is funded with State (State Aid to Airports) funds. For this project, the Airport advanced funds of \$116,223. This revision will allow County Finance Staff to transfer the grant funds back to the Airport Authority's Operating Fund account.

IMPLEMENTATION PLAN:

County Finance Staff will set up the appropriate budget accounts for the project; and transfer \$116,223 from Project #47208.3.1 (account # 46161556 59920 3.1 – 3.1 SVC Road TRSF to Airport) to the Airport Authority's Operating Fund (account # 64019056 32987 – Transfer from Airport Capital).

FINANCIAL IMPACT:

There is no local match required for this grant.

RECOMMENDATION SUMMARY:

Approve Project Budget Ordinance and Resolution for Project #47208.3.1 Revision # 3

SUPPORTING ATTACHMENTS:

Project Budget Ordinance for Construct Hangar Taxiways & Internal Airfield Service Road Revision #3

Project Resolution for Construct Hangar Taxiways & Internal Airfield Service Road Revision # 3

III.E.

PROJECT BUDGET ORDINANCE

CONSTRUCT HANGAR TAXIWAYS & INTERNAL AIRFIELD SERVICE ROAD REVISION #3

– GRANT 47208.3.1

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 Construct Hangar Taxiways & Internal Airfield Service Road Project # 47208.3.1. This project will utilize State funds of \$3,121,672.00. The total amount of the project will be \$3,121,672 (\$3,121,672 State; \$0 local).

Section 2: The officers of this unit are hereby directed to transfer \$116,223 from Project # 47208.3.1 to the Airport Authority's Operating Fund 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 Construct Hangar Taxiways & Internal Airfield Service Road Project:

Funding Source	Current	Increase	Revised
Amount			
State Aid to Airports	\$3,121,672.00	\$-	\$3,121,672.00

\$3,121,672.00 \$- \$3,121,672.00

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

Funding Source	Current	Increase/Decrease	Revised
Amount			
Project#47208.3.1	\$3,121,672.00	(\$116,223.00)	\$3,005,449.00
Transfer to Airport Authority			

\$- \$116,223.00 \$116,223.00

\$3,121,672.00 \$- \$3,121,672.00

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 Officer.

First adopted November 16, 2021, with Revision #1 adopted on January 18, 2022, with Revision #2 adopted on December 5, 2022, and with Revision #3 adopted on this 21st day of February 2023.

Nick Picerno, Chairman

Moore County Board of Commissioners

Laura M. Williams

Clerk to the Board

RESOLUTION AUTHORIZING THE
TRANSFER OF FUNDS FROM PROJECT #47208.3.1 TO THE AIRPORT AUTHORITY'S
OPERATING FUND FOR THE CONSTRUCT HANGAR TAXIWAYS & INTERNAL AIRFIELD
SERVICE ROAD PROJECT – 47208.3.1 REVISION #3

WHEREAS, the Moore County Airport Authority is eligible for State funds under the State Aid to Airports in the amount of \$3,121,672.00 for the Construct Hangar Taxiways & Internal Airfield Service Road project; and

WHEREAS, the North Carolina Department of Transportation-Division of Aviation has notified the Moore County Airport Authority that State funds were awarded for the Construct Hangar Taxiways & Internal Airfield Service Road project in the amount of \$3,121,672 State funds; and

WHEREAS, such allocation of funds were approved by the Moore County Airport Authority at their November 9, 2022 meeting; and total cost of the project will be \$3,121,672 (\$3,121,672 state; \$0 local); and

WHEREAS, funds in the amount of \$116,223, from the Airport Authority's Operating Fund, were used for advanced payment for the Construct Hangar Taxiways & Internal Airfield Service Road in Fiscal Year 2022; and now grant reimbursements have been received; and

WHEREAS, funds from Project #47208.3.1 need to be transferred to the Airport Authority's Operating Fund.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED THAT the officers of the Finance Department are to proceed with the transfer of funds in the amount of \$116,223 from Project #47208.3.1 to the Airport Authority's Operating Fund account "Transfer to Airport Authority".

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 November 16, 2021, with Revision #1 adopted on January 18, 2022, with Revision #2 adopted on December 5, 2022, and with Revision #3 adopted on this 21st day of February 2023.

Nick Picerno, Chairman

Moore County Board of Commissioners

Laura M. Williams, Clerk to the Board

AGENDA ITEM _____

MEETING DATE 2/21/2023

MEMORANDUM TO MOORE COUNTY BOARD OF COMMISSIONERS

FROM: Ron Maness, Airport Director

DATE: 1/26/2023

SUBJECT: Taxilane Extension and Hangar Site Prep Revision #1

REQUEST:

1. Approve Project Budget Ordinance & Resolution for Project #36237.67.12.1, Taxilane Extension and Hangar Site Prep Revision #1

BACKGROUND:

The Airport received a grant for the Taxilane Extension and Hangar Site Prep Project #36237.67.12.1; and has a proposed budget of \$75,335 (\$75,335 Federal and \$0 Local). This project is funded with Federal (Federal 2020 and 2021 NPE Grant and ARPA Match funds). For this project, the Airport advanced funds of \$40,259. This revision will allow County Finance Staff to transfer the grant funds back to the Airport Authority's Operating Fund account.

IMPLEMENTATION PLAN:

County Finance Staff will set up the appropriate budget accounts for the project; and transfer \$40,258.50 from Project #36237.67.12.1 1(account # 46161556 59920 12.1 – 12.1 Taxilane TRSF to Airport) to the Airport Authority's Operating Fund (account # 64019056 32987- Transfer from Airport Capital).

FINANCIAL IMPACT:

There is no financial impact from this action.

RECOMMENDATION SUMMARY:

Approve Project Budget Ordinance and Resolution for Project #36237.67.12.1, Taxilane Extension and Hangar Site Prep Revision #1

SUPPORTING ATTACHMENTS:

Project Budget Ordinance for Taxilane Extension and Hangar Site Prep Revision #1

Project Resolution for Taxilane Extension and Hangar Site Prep Revision #1

III.F.

PROJECT BUDGET ORDINANCE

TAXILANE EXTENSION & HANGAR SITE PREP REVISION # 1 – GRANT # 36237.67.12.1

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 Taxilane Extension & Hangar Site Prep Revision # 1 - 36237.67.12.1. This project utilized Federal 2020 (\$54,540) and Federal 2021 (\$20,795) NPE and ARPA Match funds. The total amount of the project will be \$75,335 (\$75,335 Federal; \$0 local).

Section 2: The officers of this unit are hereby directed to transfer \$40,259 from Project #36237.67.12.1 to the Airport Authority's Operating Fund 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 Taxilane Extension & Hangar Site Prep Revision #1 Project:

Funding Source	Current	Increase	Revised
Amount			
Federal 2020			
NPE Grant			

\$54,540.00 \$- \$54,540.00

Federal 2021			
NPE Grant			

\$20,795.00 \$- \$20,795.00

\$75,335.00 \$- \$75,335.00

Section 4: The following amount is an estimate of appropriation for the Taxilane Extension & Hangar Site Prep Revision #1 Project:

Funding Source	Current	Increase/Decrease	Revised
Amount			
Project#36237.67.12.1	\$75,335.00	(\$40,259.00)	\$35,076.00
Transfer to Airport Authority			

\$- \$40,259.00 \$40,259.00

\$75,335.00 \$- \$75,335.00

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 Officer.

First adopted on December 5, 2022 with Revision #1 adopted on this 21st day of February 2023.

Nick Picerno, Chairman
Moore County Board of Commissioners

Laura M. Williams
Clerk to the Board

RESOLUTION AUTHORIZING THE
TRANSFER OF FUNDS FROM PROJECT #36237.67.12.1 TO THE AIRPORT AUTHORITY'S
OPERATING FUND FOR THE TAXILANE EXTENSION & HANGAR SITE PREP PROJECT –
36237.67.12.1 REVISION #1

WHEREAS, the Moore County Airport Authority is eligible for Federal funds under the Non-Primary Entitlement Block Grant and ARPA Match Funds in the amount of \$75,335 for the Taxilane Extension & Hangar Site Prep project; and

WHEREAS, the North Carolina Department of Transportation-Division of Aviation has notified the Moore County Airport Authority that Federal funds are awarded for the Taxilane Extension & Hangar Site Prep project in the amount of \$75,335 Federal funds; and

WHEREAS, such allocation of funds were approved by your Board of Commissioners on December 5, 2022, which was approved by the Moore County Airport Authority at their November 9, 2022 meeting; and total cost of the project will be \$75,335 (\$75,335 Federal; \$0 local); and

WHEREAS, funds in the amount of \$40,259, from the Airport Authority's Operating Fund, were used for advanced payments for the Taxilane Extension and Hangar Site Prep in Fiscal Year 2022; and now grant reimbursements have been received; and

WHEREAS, funds from Project #36237.67.12.1 need to be transferred to the Airport Authority's Operating Fund.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED THAT the officers of the Finance Department are to proceed with the transfer of funds in the amount of \$40,259 from Project #36237.67.12.1 to the Airport Authority's Operating Fund account "Transfer to Airport Authority".

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 December 5, 2022, with Revision #1 adopted on this 21st day of February 2023.

Nick Picerno, Chairman
Moore County Board of Commissioners

Laura M. Williams, Clerk to the Board

Agenda Item: Meeting Date: February 21, 2023

MEMORANDUM TO THE MOORE COUNTY BOARD OF COMMISSIONERS:

FROM: Natalie Hawkins Executive Director, Moore Co. Partners in Progress

DATE: February 14, 2023

SUBJECT: Public Hearing – Iron Horse Industrial Park Economic Development Joint Agreement

PRESENTER: Natalie Hawkins Executive Director, Moore Co. Partners in Progress

REQUEST:

This agenda item is for the Moore County Board of Commissioners to hold a Public Hearing to invite public comment on a proposed Economic Development Joint Agreement between Moore County and Moore County Partners in Progress (PIP) for the purchase of approximately 73 acres of land in the Iron Horse Industrial Park located near NC Hwy 211 and Carolina Road in Aberdeen, NC (PAR ID 0005121, Deed Book 406, Page 902).

BACKGROUND:

PIP is requesting Moore County make a \$200,000 investment, as a loan to PIP at 4% (simple, non-compounding) interest over 15 years, to pay for a portion of the \$584,000 cost to acquire land in Iron Horse Industrial Park. The proposed Economic Development Joint Agreement describes the terms of the loan, indicates the responsibilities of PIP to develop the property, and includes a Deed of Trust and Promissory Note.

PIP is requesting the Town of Aberdeen also contribute \$200,000 for the acquisition of the property and enter into an Economic Development Joint Agreement with PIP that is similar to the agreement proposed with Moore County.

Over the last year, PIP has worked diligently to secure a significant amount of funding to get the Iron Horse Industrial Park ready for potential clients. In addition to trying to get the site under public control, PIP has obtained funding to construct an industrial access road and clear/grade a portion of the 73-acre site. Land acquisition and site development costs are estimated at \$1,770,300. PIP has obtained three grants totaling \$609,300 for the project; PIP plans to spend \$713,000 of the \$1.2 million FY2023 state appropriation on land acquisition and site development; and PIP is asking Moore County and the Town of Aberdeen to each contribute \$200,000 for land acquisition.. The remaining \$48,000 for the project will be funded from timber sales when the property is cleared.

VI.A.

For over 20 years, PIP has marketed the 73-acre parcel, but has been unsuccessful at recruiting a client to the property to date. This is despite this site being Moore County's best industrial site with immediate access to critical infrastructure including natural gas, rail, water, and wastewater. Moore County and Town of Aberdeen investments to acquire the property will allow PIP to develop the site to make it more attractive to potential clients by shortening their development timelines. The project will benefit Moore County and its citizens by attracting additional businesses, providing additional property, business, and sales tax revenues, expanding employment opportunities, and stimulating the overall economy within the County.

FINANCIAL IMPACT:

Under the terms of the Economic Development Joint Agreement, Moore County's financial investment would be \$200,000. Moore County will accrue 4% (simple, non-compounding) interest annually, with repayment of principal and accrued interest due in 15 years or as property is sold to an industrial client(s).

IMPLEMENTATION PLAN:

Execute the documents if approved.

RECOMMENDATION SUMMARY:

- Open Public Hearing
- Close Public Hearing

My recommendation is for the Moore County Board of Commissioners to make a motion to approve the proposed Economic Development Joint Agreement between Moore County and Moore County Partners in Progress and authorize the chair to sign and to approve an amendment to the Moore County Fiscal Year 2023 General Fund Budget to appropriate \$200,000 to Moore County Partners in Progress.

ATTACHMENTS:

Economic Development Joint Agreement FY 2023 General Fund Budget Amendment

1

NP Document 60619786v1

JOINT DEVELOPMENT AGREEMENT

BY AND BETWEEN

MOORE COUNTY, NORTH CAROLINA

AND

MOORE COUNTY PARTNERS IN PROGRESS

ENTERED INTO THIS 21st DAY OF FEBRUARY 2023

THIS JOINT DEVELOPMENT AGREEMENT (the "Agreement") is entered into this 21st day of February, 2023 by and between MOORE COUNTY, NORTH CAROLINA, a political subdivision of the State of North Carolina (the "County"), and MOORE COUNTY PARTNERS IN PROGRESS, a North Carolina nonprofit corporation ("PIP"), with the County and PIP being referred to from time to time herein singularly as a "Party" or cumulatively as the "Parties".

WITNESSETH:

WHEREAS, the County has a vital interest in the public purposes of promoting economic growth in the County which will create jobs for its residents and increase the property tax base, which in turn will generate tax proceeds for the County to provide essential services;

WHEREAS, PIP is a nonprofit corporation that was established for the sole purpose of reducing the burden of the County government by assisting in the promotion of economic development within the County;

WHEREAS, the County and PIP have previously worked together cooperatively on a number of ways to promote economic growth within the County;

WHEREAS, it is fully understood and universally accepted among economic development professionals that in order to be successful in recruiting companies to locate business and industrial facilities within a county, there must be quality, available product to attract those companies, which includes certified industrial parks or sites, and either existing used buildings or new shell buildings of varying sizes;

WHEREAS, it is of paramount importance to have industrial parks to attract business and industry facilities;

WHEREAS, there is currently an inadequate inventory of industrial parks in the County to be as successful as possible in recruiting business and industry facilities to the County, and therefore there is a need to develop one or more industrial parks in the County to improve the economic development prospects of the County;

WHEREAS, pursuant to G. S. § 158-7.1(b)(1) the County has the authority to “acquire, and develop land for an industrial park, to be used for manufacturing, assembly, fabrication, processing, warehousing, research and development, office use, or similar industrial or commercial purposes”, as a part of its public purpose efforts to promote economic development within the County;

WHEREAS, pursuant to G. S. §153A-449(a) the County “may contract with and appropriate money to any person, association or corporation in order to carry out any public purpose that the county is authorized by law to engage in;”

WHEREAS, PIP is willing to cooperate with the County in a collaborative effort to develop a industrial park, as more fully described herein;

WHEREAS, it is advantageous for the County to work cooperatively with PIP in the development and marketing of this industrial park, and those advantages include but are not limited to limiting liability exposure for the County and the public funds managed by the County, being able to have PIP to raise funds, in addition to the County’s appropriation to acquire land for and develop the industrial park, and being able to develop and market the industrial park more effectively;

WHEREAS, PIP is willing to undertake this cooperative effort with the County; and

WHEREAS, the County and PIP desire to enter into this Agreement to set forth the terms pursuant to which this cooperative effort will be undertaken.

NOW THEREFORE, in consideration of the mutual promises and covenants set forth herein, and other good and valuable consideration, the sufficiency of which is acknowledged by the Parties, the Parties agree as follows.

1. Project. PIP will have the responsibility to design, obtain all necessary permits for, acquire land for and develop a industrial park as more fully described at Exhibit A (the "Project"). This industrial park is to be constructed on a site located in the County, which is more fully described at Exhibit B (the "Site"). It is understood and agreed to by the Parties that PIP has the sole responsibility and discretion regarding the design, development and marketing of the Project, with PIP's responsibilities being set forth in more detail in Sections 3 and 4 herein. The County shall have no responsibilities whatsoever as to the Project other than as set forth herein.

2. County Appropriation. In support of this Project the County agrees to appropriate the amount of Two Hundred Thousand Dollars (\$200,000) to PIP. This appropriation will be disbursed within ten (10) business days prior to the closing date for acquisition of the Site Project. These appropriated funds will be utilized by PIP for acquisition of the Site.

PIP shall maintain records, including any paid invoices, which reflect all of the expenditures attributable to the utilization of the County's appropriation.

The appropriation from the County will be by way of a loan to PIP. The loan will be at an interest rate of four percent (4%) per annum, which interest will not be compounded. This loan will be payable on an acreage release basis as portions of the industrial park are sold to one or more an end-users recruited by PIP to locate or more facility in the industrial park, unless forgiven in whole or in part in accordance with Section 5 herein. This loan will be evidenced by the promissory note as shown at Exhibit C (the "Moore County Note") , which will be secured by the deed of trust as shown at Exhibit D (the "Moore County Deed of Trust"). As portions or all the

Site are sold to one or more end-user(s), and a portion or all of the loan amount including interest is paid back to or forgiven by the County (forgiven according to law and pursuant to an incentive agreement being entered into for a new business), the County will execute a release deed for the acreage sold.

3. Additional Funding. The appropriation by the County described in Section 2 herein is the County's full and only commitment to the costs of the Project. It is the sole responsibility of PIP to find funding sources, grants and/or loans, or financing for the full costs of the Project. PIP has also secured a loan from the Town of Aberdeen, a municipal corporation formed under the laws of the State of North Carolina in the amount of Two Hundred Thousand and no/100 Dollars (\$200,000.00) evidenced by a promissory note repayable under the same terms of the Moore County Note and bearing interest at the rate of one and four percent (4%) per annum, which interest is shall not be compounded (the "Aberdeen Note") and secured by a Deed of Trust describing the Property (the "Aberdeen Deed of Trust") the lien of which deed of trust shall be first in priority and pari passu to the lien of the Moore County Deed of Trust with the proceeds of the Aberdeen Note being used by PIP for the same purposes as set forth in Section 2 hereof.

4. Responsibilities of PIP. PIP shall have the sole responsibilities and discretion as to all aspects of the Project, which will include but not be limited to the following:

- a. Arranging for all additional funds necessary to complete the Project, administering all grant obligations related to any such funding sources, and being solely responsible for the repayment of any loan proceeds or grant funds, as may be required by the terms of any such loans or grants.
- b. Selecting through whatever bidding or negotiation process is deemed appropriate by PIP, in its sole discretion, all design firms, contractors,

service providers, and other professionals to assist in the design, construction and marketing of the Project;

c. Making all final decisions as to the design of the Project;

d. Overseeing the development of the Project, including agreeing to any change orders which may be necessary during the construction of the Project;

e. Obtaining all necessary permits and regulatory approvals for the Project;

f. Marketing the Project, including making decisions as to industry sectors and specific companies to target for occupancy within the Project; and

g. Making the final decision as to which company should be considered to take up occupancy within the Project, and the sale terms that will be offered to such company. But provided however that, in accordance with Section 5 herein, the County, through its Board of Commissioners, reserves full discretion as to any incentive support it may or may not choose to offer to any such company, including the forgiveness of all or a portion of the debt for the appropriation, as set forth in Section 5 below.

5. County Incentives. Pursuant to G.S. § 158-7.1, the County's Board of Commissioners may or may not, in its sole discretion, and subject to comments during a public hearing, choose to offer incentive grants to induce and support the location by a company of a facility into the Project. The County's participation in this cooperative effort with PIP is not an indication of any decision by the County in this regard. As has traditionally been done, the Executive Director of PIP will coordinate with senior appointed officials and elected officials of the County as to prospects which are considering locating a facility in the Project and engage in

discussions during those contacts as to any incentive support that may be provided by the County, subject to the public hearing and decision process required by G.S. § 158-7.1. As a part of these discussions between PIP and County officials, if incentive support from the County is requested, PIP will present to the County an economic impact analysis of the company facility showing all direct, indirect and induced economic impacts. If the County's Board of Commissioners decides to provide incentives to induce and support a company's decision to locate a facility within the Project, it may in its sole discretion choose to have all or a portion of that incentive to be in the form of the forgiveness of all or a portion of the principal and accrued interest evidenced and secured by the promissory note and deed of trust. If that form of incentive is chosen by the County's Board of Commissioners, PIP will assure that the amount of the principal and accrued interest which is forgiven is reflected as a reduction of the same amount in the price of the Project, sold to the company being recruited. PIP will provide to the County Manager and Finance Officer all documentation necessary to confirm that any incentive provided by the County as a forgiveness of all or a portion of the principal and secured interest is fully reflected in the sales price for land within the Project.

6. Reports to County. PIP will provide regular reports to the County, no less often than semi-annually, as to the status of the Project in terms of its design, development, and marketing. Such reports shall include an accounting for the utilization of the County's appropriation provided pursuant to Section 2 herein. Such reports shall be made to senior appointed staff of the County, and/or the Board of Commissioners as may be required by the Board of Commissioners.

7. Audits. The County may, in its sole discretion, choose to audit PIP's records as to the utilization of the funds appropriated pursuant to Section 2 herein. Such audit shall be limited

to an examination of records related to the County's appropriation. Any such audit shall be at the County's sole expense. PIP will cooperate fully in any such audit.

8. Indemnification/Hold Harmless. PIP hereby agrees to indemnify, protect and save the County and its officers, directors and employees harmless from all liability, obligations, losses, claims, damages, actions, suits, proceedings, costs and expenses, including reasonable attorneys' fees, arising out of, connected with, or resulting directly or indirectly from the Project or the transactions contemplated by or relating to this Agreement, including without limitation, the possession, condition, construction or use thereof, insofar as such matters relate to events subject to the control of PIP and not the County. The indemnification arising under this Article shall survive the Agreement's termination.

9. Termination of Agreement. Upon the occurrence of any of the following events, this Agreement shall be terminated:

a. Failure of the County to provide the appropriation as provided for in Section 2 herein; or

b. Repayment of all principal and accrued interest under the terms of the promissory note, or the forgiveness of that debt by the County pursuant to Section 5 herein.

Upon the termination of this Agreement, neither Party shall have any further obligations from one to the other, except for such obligations, which, as stated herein, will survive the termination of this Agreement, if any.

10. Assignments. Neither party shall sell or assign any interest in or obligation under this Agreement without the prior express written consent of all the parties. Provided, however, that this Agreement may be assigned by PIP to another nonprofit corporation affiliated with PIP,

without the consent of the County, provided that PIP will guarantee the performance by the affiliated nonprofit of the obligations due under this Agreement.

11. Limited Obligation of County. NO PROVISION OF THIS AGREEMENT SHALL BE CONSTRUED OR INTERPRETED AS CREATING A PLEDGE OF THE FAITH AND CREDIT OF THE COUNTY WITHIN THE MEANING OF ANY CONSTITUTIONAL DEBT LIMITATION. NO PROVISION OF THIS AGREEMENT SHALL BE CONSTRUED OR INTERPRETED AS DELEGATING GOVERNMENTAL POWERS NOR AS A DONATION OR A LENDING OF THE CREDIT OF THE COUNTY WITHIN THE MEANING OF THE STATE CONSTITUTION. THIS AGREEMENT SHALL NOT DIRECTLY OR INDIRECTLY OR CONTINGENTLY OBLIGATE THE COUNTY TO MAKE ANY PAYMENTS BEYOND THOSE APPROPRIATED IN THE COUNTY'S SOLE DISCRETION FOR ANY FISCAL YEAR IN WHICH THIS AGREEMENT SHALL BE IN EFFECT. NO PROVISION OF THIS AGREEMENT SHALL BE CONSTRUED TO PLEDGE OR TO CREATE A LIEN ON ANY CLASS OR SOURCE OF THE COUNTY'S MONEYS, NOR SHALL ANY PROVISION OF THE AGREEMENT RESTRICT TO ANY EXTENT PROHIBITED BY LAW, ANY ACTION OR RIGHT OF ACTION ON THE PART OF ANY FUTURE COUNTY GOVERNING BODY. TO THE EXTENT OF ANY CONFLICT BETWEEN THIS ARTICLE AND ANY OTHER PROVISION OF THIS AGREEMENT, THIS ARTICLE SHALL TAKE PRIORITY.

12. Governing Law. The parties intend that this Agreement shall be governed by the law of the State of North Carolina.

13. Notices.

(a) Any communication required or permitted by this Agreement must be in writing except as expressly provided otherwise in this Agreement (b) Any communication shall be sufficiently given and deemed given when delivered by hand or five days after being mailed by first-class mail, postage prepaid, and addressed as follows or by email to the addresses shown below

(1) If to PIP, to: Natalie Hawkins Executive Director

15 Chinquapin Road, 2nd Floor

PO Box 5885 Pinehurst, NC 28374 (910) 246-0311 nhawkins@moorebusiness.org

(2) If to the County, to: Wayne Vest County Manager 1 Courthouse Square

PO Box 905 Carthage, NC 28327-0905 (910) 947-6363 wvest@moorecountync.gov

(c) Any addressee may designate additional or different addresses for communications by notice given under this Section to each of the others.

14. Non-Business Days. If the date for making any payment or the last day for performance of any act or the exercising of any right shall not be a Business Day, such payment shall be made or act performed or right exercised on or before the next preceding Business Day.

15. Severability. If any provision of this Agreement shall be determined to be unenforceable, that shall not affect any other provision of this Agreement.

16. Entire Agreement; Amendments. This Agreement, including Exhibits A through D Attached, which are incorporated herein and made a part hereof, constitutes the entire contract between the parties, and this Agreement shall not be changed except in writing signed by all the parties.

17. Binding Effect. Subject to the specific provisions of this Agreement, this Agreement shall be binding upon, inure to the benefit of, and be enforceable by the parties and their respective successors and assigns.

18. Time. Time is of the essence in this Agreement, each, and all of its provisions. 19. Liability of Officers and Agents. No officer, agent or employee of the County or PIP shall be subject to any personal liability or accountability by reason of the execution of this Agreement or any other documents related to the transactions contemplated hereby. Such officers, agents, or employees shall be deemed to execute such documents in their official capacities only, and not in their individual capacities. This Section shall not relieve any such officer, agent or employee from the performance of any official duty provided by law.

20. Counterparts. This Agreement may be executed in several counterparts, including separate counterparts. Each shall be an original, but all of them together constitute the same instrument.

[Signature page follows]

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed in their corporate names by their duly authorized officers, all as of the date first above written.

[SEAL]

MOORE COUNTY PARTNERS IN PROGRESS

By _____ ATTEST: Natalie Hawkins, Executive Director Moore
County Partners in Progress _____ Melanie Thompson, Secretary

MOORE COUNTY, NORTH CAROLINA By _____ Nick Picerno,
Chair Moore County Board of Commissioners ATTEST:
_____ Laura Williams, Clerk to Board

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

_____ Name: Finance Officer, Moore County,
North Carolina

Exhibits

A – Description of Project

B – Site Description C – Promissory Note D – Deed of Trust

EXHIBIT A

DESCRIPTION OF THE PROJECT

The project will entail the acquisition of land for and development of a industrial park within the County. Portions of this industrial park will be offered for sale to attract business and industry facilities to the County. There is currently an inadequate inventory of industrial parks in the County to be as successful as possible in recruiting business and industry facilities to the County.

15

EXHIBIT B

SITE DESCRIPTION

A +/- 73-acre parcel located near the intersection of NC 211 East and Carolina Road in Aberdeen, NC with the PIN/PID 00055121 described in Deed Book 1902 at Page 56.

EXHIBIT C

PROMISSORY NOTE

PROMISSORY NOTE

\$200,000.00 Date: _____, 2023 FOR VALUE RECEIVED the undersigned ("Maker") promises to pay to Moore County, North Carolina, a political subdivision of the State of North Carolina ("Holder"), the principal sum

of Two Hundred Thousand and No/100 Dollars (\$200,000.00), with interest from the date hereof, at the rate of four percent (4%) per annum on the unpaid balance until paid or until default, both principal and interest payable in lawful money of the United States of America, at the office of Holder or at such place as the legal holder hereof may designate in writing. Capitalized terms not otherwise defined herein shall have the same meaning as in the Joint Development Agreement between Maker and Holder dated on or about _____, 2023 (the "Contract"). The

principal and interest shall be due and payable as follows: Maker plans to develop a business park on the Property to attract a new business or industry facility. When Maker conveys all or a part of the Property to end-users recruited to locate facilities within in the business park, it shall pay to Holder an amount equal to the outstanding principal balance plus all accrued and unpaid interest due pursuant to this Note times the percentage which equals to the acreage of the land being sold as compared to the total acreage of the Site. The previous term notwithstanding, all of the principal balance and all accrued interest shall be payable no later that fifteen (15) years following the above date of this promissory note.

This Note may be prepaid in full or in part at any time without penalty or premium. Partial prepayments shall be applied to installments due in reverse order of their maturity. In the event of: (a) default in payment of any installment of principal or interest hereof as the same becomes due and such default is not cured within ten (10) days from the due date; (b)

default by Maker under the terms of the Contract; (c) default under the terms of any instrument securing this Note; or (d) default under the terms of the Aberdeen Note or the Aberdeen Deed of Trust and such default is not cured within fifteen (15) days after written notice to maker, then in the holder may, without further notice, declare the remainder of the principal sum, together with all interest accrued thereon at once due and payable. Failure to exercise this option shall not

constitute a waiver of the right to exercise the same at any other time. The unpaid principal of this Note and any part thereof, accrued interest and all other sums due under this Note and the Deed of Trust shall bear interest at the rate of five percent (5%) per annum after default until paid. All parties to this Note, including Maker and any sureties, endorsers, or guarantors hereby

waive protest, presentment, notice of dishonor, and notice of acceleration of maturity and agree to continue to remain bound for the payment of principal, interest and all other sums due under this Note and the Deed of Trust notwithstanding any change or changes by way of release, surrender,

exchange, modification or substitution of any security for this Note or by way of any extension or extensions of time for the payment of principal and interest; and all such parties waive all and every kind of notice of such change or changes and agree that the same may be made without notice or consent of any of them. Upon default the holder of this Note may employ an attorney to enforce the Holder's rights and remedies and the maker, principal, surety, guarantor and endorsers of this Note hereby agree to pay to the holder reasonable attorneys' fees not exceeding a sum equal to eight percent (8%) of the outstanding balance owing on said Note, plus all other reasonable expenses incurred by Holder in exercising any of Holder's rights and remedies upon default. The rights and remedies of Holder as provided in this Note and any instrument securing this Note shall be cumulative and may be pursued singly, successively, or together against the property described in the Deed of Trust or any other funds, property or security held by Holder for payment or security, in the sole discretion of Holder. The failure to exercise any such right or remedy shall not be a waiver or release of such rights or remedies or the right to exercise any of them at another time. This Note is to be governed and construed in accordance with the laws of the State of North Carolina.

This Note is given as of _____, 2023, and is secured by the Deed of Trust which is a lien upon the property therein described the priority of such lien is set forth in the Contract. IN TESTIMONY WHEREOF, Maker has caused this instrument to be executed in its company name by its manager as of the day and year first above written. MOORE COUNTY PARTNERS IN PROGRESS, a North Carolina non-profit corporation.

By: Print Name:

Title: Date:

EXHIBIT D

DEED OF TRUST

NORTH CAROLINA DEED OF TRUST

SATISFACTION: The debt secured by the within Deed of Trust together with the indebtedness secured thereby has been satisfied in full. This the _____ day of _____, 2023

Signed: _____

Parcel Identifier No. _____ Verified by Moore County on the ____ day of _____, 2023 By: _____

This instrument was prepared by and return to: George T. Smith III, Nexsen Pruet, PLLC, 4141 Parklake Ave, #200, Raleigh, NC 27612

Brief description for the Index: A +/- 73-acre parcel located near the intersection of NC 211 East and Carolina Road in Aberdeen, NC with the PIN/PID 00055121

THIS DEED of TRUST made this _____ day of _____, 2023, by and between:

GRANTOR MOORE COUNTY PARTNERS IN PROGRESS, a North Carolina non-profit corporation PO Box 5885 Pinehurst, NC28374-5885

TRUSTEE George T. Smith III, Nexsen Pruet, LLC 4141 Parklake Avenue Suite 200 Raleigh, NC 27612

BENEFICIARY MOORE COUNTY, NORTH CAROLINA, a political subdivision of the State of North Carolina PO Box 905 Carthage, NC 28327-0905

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor, Trustee, and Beneficiary as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, That whereas Grantor is indebted to the Beneficiary in the principal sum of Two Hundred Thousand and No/100 Dollars (\$200,000.00), as evidenced by a Promissory Note of even date herewith (the "Note"), the terms of which are incorporated herein by reference. The final due date for payment of said Promissory Note, if not sooner paid, is fifteen (15) years following the date of the promissory note. NOW, THEREFORE, as security for said indebtedness, advancements and other sums expended by Beneficiary pursuant to this Deed of Trust and costs of collection (including attorneys' fees as provided in the Note)

and other valuable consideration, the receipt of which is hereby acknowledged, Grantor has bargained, sold, given, granted and conveyed and does by these presents bargain, sell, give, grant and convey to said Trustee, his heirs, or successors, and assigns, all of that certain lot, parcel of land situated in the Moore County, North Carolina, (the "Premises") and more particularly described in the attached Exhibit A.

TO HAVE AND TO HOLD said Premises with all privileges and appurtenances thereunto belonging, to said Trustee, his heirs, successors, and assigns forever, upon the trusts, terms and conditions, and for the uses hereinafter set forth.

If the Grantor shall pay the indebtedness secured hereby in accordance with the terms of the Note, together with interest thereon, and any renewals or extensions thereof in whole or in part, all other sums secured hereby and shall comply with all of the covenants, terms and conditions of this Deed of Trust, then this conveyance shall be null and void and may be canceled of record at the request and the expense of the Grantor.

If, however, there shall be any default (a) in the payment of any sums due under the Note, this Deed of Trust or any other instrument securing the Note or the Aberdeen Note and such default is not cured within ten (10) days from the due date; (b) if there shall be default in any of the other covenants, terms or conditions of the Note secured hereby, or any failure or neglect to comply with the covenants, terms or conditions contained in this Deed of Trust or any other instrument securing the Note and such default is not cured within fifteen (15) days after written notice; or (c) default by Grantor under the terms of the Contract, then and in any of such events, without further notice, it shall be lawful for and the duty of the Trustee, upon request of the Beneficiary, to sell the land herein conveyed at public auction for cash, after having first giving such notice of hearing as to commencement of foreclosure proceedings and obtained such findings or leave of court as may then be required by law and giving such notice and advertising the time and place of such sale in such manner as may then be provided by law, and upon such and any resales and upon compliance with the law then relating to foreclosure proceedings under power of sale to convey title to the purchaser

in as full and ample manner as the Trustee is empowered. The Trustee shall be authorized to retain an attorney to represent him in such proceedings.

The proceeds of the Sale shall after the Trustee retains his commission, together with reasonable attorneys' fees incurred by the Trustee in such proceedings, be applied to the costs of sale, including, but not limited to, costs of collection, taxes, assessments, costs of recording, service fees and incidental expenditures, the amount due pursuant to the Note and the Aberdeen Note hereby secured and advancements and other sums expended by the Beneficiary

according to the provisions hereof and otherwise as required by the then existing law relating to foreclosures. The Trustee's commission shall be three percent (3%) of the gross proceeds of the sale or the minimum sum of \$2,500 whichever is greater, for a completed foreclosure. In the event foreclosure is commenced, but not completed, the Grantor shall pay all expenses incurred by Trustee, including reasonable attorneys' fees, and a partial commission computed on three per cent (3%) of the outstanding indebtedness or the above stated minimum sum, whichever is greater, in accordance with the following schedule, to-wit: one-fourth ($\frac{1}{4}$) thereof before the Trustee issues a notice of hearing on the right to foreclosure; one-half ($\frac{1}{2}$) thereof after issuance of said notice, three-fourths ($\frac{3}{4}$) thereof after such hearing; and the greater of the full commission or minimum sum after the initial sale. And the said Grantor does hereby covenant and agree with the Trustee as follows: 1. INSURANCE. Grantor shall keep all improvements on said land, now or hereafter erected, constantly insured for the benefit of the Beneficiary against loss by fire, windstorm and such other casualties and contingencies, in such manner and in such companies and for such amounts, not less than that amount necessary to pay the sum secured by this Deed of Trust, and as may be satisfactory to the Beneficiary. Grantor shall purchase such insurance, pay all premiums therefor, and shall deliver to Beneficiary such policies along with evidence of premium payments as long as the indebtedness secured hereby remains unpaid. If Grantor fails to purchase such insurance, pay premiums therefor or deliver said policies along with evidence of payment of premiums thereon, then Beneficiary, at his option, may purchase such insurance. Such amounts paid by Beneficiary shall be added to the indebtedness secured by this Deed of Trust, and shall be due and

payable upon demand of Beneficiary. All proceeds from any insurance so maintained shall at the option of Beneficiary be applied to the debt secured hereby and if payable in installments, applied in the inverse order of maturity of such installments or to the repair or reconstruction of any improvements located upon the Property. 2. TAXES, ASSESSMENTS, CHARGES. Grantor shall pay all taxes, assessments and charges as may be lawfully levied against said Premises within thirty (30) days after the same shall become due. In the event that Grantor fails to so pay all taxes, assessments and charges as herein required, then Beneficiary, at his option, may pay the same and the amounts so paid shall be added to the principal of the indebtedness secured by this Deed of Trust, and shall be due and payable upon demand of Beneficiary.

3. **ASSIGNMENTS OF RENTS AND PROFITS.** Grantor assigns to Beneficiary, in the event of default, all rents and profits from the land and any improvements thereon, and authorizes Beneficiary to enter upon and take possession of such land and improvements, to rent same, at any reasonable rate of rent determined by Beneficiary, and after deducting from any such rents the cost of reletting and collection, to apply the remainder to the debt secured hereby.

4. **RELEASE.** Grantor shall be entitled to the release of the above described property, in accordance with the terms of the Contract.

5. **WASTE.** The Grantor covenants that he will keep the Premises herein conveyed in as good order, repair and condition as they are now, reasonable wear and tear excepted, and will comply with all governmental requirements respecting the Premises or their use, and that he will not commit or permit any waste.

6. **CONDEMNATION.** In the event that any or all of the Premises shall be condemned and taken under the power of eminent domain, Grantor shall give immediate written notice to Beneficiary and Beneficiary shall have the right to receive and collect all damages awarded by reason of such taking, and the right to such damages hereby is assigned to Beneficiary who shall have the discretion to apply the amount so received, or any part thereof, to the indebtedness due hereunder and if payable in installments, applied in the inverse order of maturity of such installments, or to any alteration, repair or restoration of the Premises by Grantor.

7. **WARRANTIES.** Grantor covenants with Trustee and Beneficiary that he is seized of the Premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that he will warrant and defend the title against the lawful claims of all persons whomsoever, except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions: easements, rights of way, and other encumbrances of record and to the lien of the Aberdeen deed(s) of trust pursuant to the terms of the Contract which lien shall be *pari passu* to the lien of this deed of trust.

8. **SUBSTITUTION OF TRUSTEE.** Grantor and Trustee covenant and agree to and with Beneficiary that in case the said Trustee, or any successor trustee, shall die, become incapable of acting, renounce his trust, or for any reason the Beneficiary desires to replace said Trustee, then the holder may appoint, in writing, a trustee to take the place of the Trustee; and upon the probate and registration of the same, the trustee thus appointed shall succeed to all rights, powers and duties of the Trustee.

9. **ADVANCEMENTS.** If Grantor shall fail to perform any of the covenants or obligations contained herein or in any other instrument given as additional security for the indebtedness secured hereby, the Beneficiary may, but without obligation, make advances to perform such covenants or obligations, and all such sums so advanced shall be added to the principal sum, shall bear interest at the rate provided in the Note for sums due after default and shall be due from Grantor on demand of the Beneficiary. No advancement or anything contained in this paragraph shall constitute a waiver by Beneficiary or prevent such failure to perform from constituting an event of default.

10. **INDEMNITY.** If any suit or proceeding be brought against the Trustee or Beneficiary or if any suit or proceeding be brought which may affect the value or title of the Premises, Grantor shall defend, indemnify and hold harmless and on demand reimburse Trustee or Beneficiary from any loss, cost, damage or expense and any sums expended by Trustee or Beneficiary shall bear interest as provided in the Note for sums due after default and shall be due and payable on demand.

11. **WAIVERS.** Grantor waives all rights to require marshaling of assets by the Trustee or Beneficiary. No delay or omission of the Trustee or Beneficiary in the exercise of any right, power or remedy arising under the Note or this Deed of Trust shall be deemed a waiver of any default or acquiescence therein or shall impair or waive the exercise of such right, power or remedy by Trustee or Beneficiary at any other time.

12. **CIVIL ACTION.** In the event that the Trustee is named as a party to any civil action as Trustee in this Deed of Trust, the Trustee shall be entitled to employ an attorney at law, including himself if he is a licensed attorney, to represent him in said action and the reasonable attorney's fee of the Trustee in such action shall be paid by the Beneficiary and added to the principal of the indebtedness secured by this Deed of Trust and bear interest at the rate provided in the Note for sums due after default.

13. **PRIOR LIENS.** Default under the terms of any instrument secured by a lien to which

this Deed of Trust is subordinate shall constitute default hereunder.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

MOORE COUNTY PARTNERS IN PROGRESS, a North Carolina nonprofit corporation By:

Print Name:

Title:

Date:

_____ State
of North Carolina
County of _____

I, the undersigned Notary Public of _____ County and State aforesaid, certify that
_____ personally came before me this day and acknowledged that she/he is the
_____ of MOORE COUNTY PARTNERS IN PROGRESS, a North Carolina nonprofit corporation,
and that by authority duly given and as the act of such entity, she/he signed the foregoing instrument in its name on
its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this _____ day of _____,
2023.

My Commission Expires: _____ Notary Public

EXHIBIT A
DEED OF TRUST
(To be inserted)

Fiscal Year 2022/2023

Budget Line Item

Number

Budgeted

Amount Increase/Revised

(Decrease)Budget

Revenue 10018000 30450 Interest Earned 150,000 200,000 350,000

Expense 10035091 56263 Economic Development 19,650 200,000 219,650

Approved this _____ day of _____, 2023

Nick Picerno

Moore County Board of Commissioners

Laura Williams

Clerk to the Board

80739

Administration - Iron Horse Industrial Park Economic Development Joint

Agreement with Partners In Progress

465 Juniper Lake Rd – Conventional Rezoning – Staff Report

Agenda Item: ____ Meeting Date: February 21, 2023

MEMORANDUM TO THE BOARD OF COMMISSIONERS

FROM: Debra Ensminger Planning Director

DATE: January 12, 2023

SUBJECT: Conventional Rezoning Request: Residential and Agricultural-5 (RA-5) to Residential and Agricultural 2 (RA-2) – Juniper Lake Rd.

PRESENTER: Debra Ensminger Planning Director

REQUEST

Ken Loyd is requesting a Conventional Rezoning from Residential and Agricultural-5 (RA-5) to Residential and Agricultural-2 (RA-2) of an approximately 3.86-acre portion of one parcel of approximately 8.76 acres, located on Juniper Lake Rd, owned by Kenton and Judith Loyd, per Deed Book 5887 Page 140 and further described as ParID 00027965 in Moore County Tax Records.

Public notice consisted of publishing a legal notice in the local newspaper for two consecutive weeks, notification by mail to adjacent property owners, and placing public hearing signs on the property.

BACKGROUND

The property consists of two sections on the North and South sides of Juniper Lake Rd. The portion of the subject property to be rezoned (3.86 acres) is on the South side of the road and is currently wooded and a single-family dwelling is being constructed on the lot, while the other portion of the parcel (4.9 acres) North of Juniper Lake Rd. is clear cut. Adjacent properties

include single-family dwellings, wooded areas, and clear-cut areas.

The northern piece of the parcel is already zoned RA-2. The applicant is requesting a rezoning to consistently zone the entire parcel which would allow them the option to subdivide the land.

The parcel is within a half-mile of a Voluntary Agricultural District. The parcel is within the Nicks Creek WS-IIIP watershed (average of 2 dwelling units / 1 acre per project).

PLANNING BOARD RECOMMENDATION The Planning Board met on January 5, 2023, and unanimously recommended approval of the rezoning request (6-0).

VI.B.

465 Juniper Lake Rd – Conventional Rezoning – Staff Report

ZONING DISTRICT COMPATIBILITY The requested rezoning to RA-2 is consistent with the existing uses located near the property

including residential and agricultural uses. The surrounding area is zoned Residential and Agricultural-2 (RA-2). The differences in allowed uses are Child Care Facilities are permitted by right in the RA-5 zoning district, but require a Special Use Permit in the RA-2 district, and Cemetery or Mausoleum, Commercial are not allowed in the RA-5, but require a Special Use Permit in the RA-2.

CONSISTENCY WITH THE 2013 MOORE COUNTY LAND USE PLAN The Future Land Use Map identifies the property as the Rural Agricultural Classification. The requested rezoning to Residential and Agricultural-2 (RA-2) is compatible with the Rural Agricultural Land Use Classification as defined in the Moore County Land Use Plan.

The Land Use Plan states the Rural Agricultural Classification's primary use of the land is to support rural residential life associated with agricultural uses (e.g. row crops, forestry, horticulture, grazing, poultry, dairy, swine operations, and intensive agricultural uses in certain areas) and other rural activities. Major subdivisions of land are strongly discouraged; however,

family subdivisions and subdivisions of four or less lots would be considered.

The Moore County Unified Development Ordinance states the Residential and Agricultural-2 (RA-2) district is where the principal use of the land is for low-density residential and agricultural purposes and to discourage any use which would generate traffic on minor streets

other than normal traffic to serve the residences and farms on those streets.

The applicant is seeking a conventional rezoning to uniformly zone the entire parcel which would allow them the possibility to subdivide the land if desired.

The rezoning request aligns with the following Goals, Recommendations and Actions as

included in the attached Land Use Plan Consistency Statement, including: Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around municipalities). The Residential and Agricultural-2 District is a low density

residential and agricultural uses district that requires a 2-acre minimum lot size. This preserves and protects the ambiance and heritage of the County providing a rural setting which fits right in line with the Rural Agricultural Classification located on Page 82 of the 2013 Land Use Plan.

465 Juniper Lake Rd – Conventional Rezoning – Staff Report
MOORE COUNTY FUTURE LAND USE MAP

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

Motion #1: Make a motion to adopt the attached Approval or Denial Moore County Board of

Commissioners Land Use Plan Consistency Statement and authorize the Chairman to execute the document as required by North Carolina General Statute 160D-605. Make a motion to Approve or Deny the Conventional Rezoning from Residential and Agricultural-5 (RA-5) to Residential and Agricultural-2 (RA-2) of an approximately 3.86-acre

portion of one parcel of approximately 8.76 acres located on Juniper Lake Rd, owned by Kenton and Judith Loyd, per Deed Book 5887 Page 140 and further described as ParID 00027965 in Moore County Tax Records.

465 Juniper Lake Rd – Conventional Rezoning – Staff Report

ATTACHMENTS

- Pictures of the property and adjacent properties
- Vicinity Map
- Land Use Map
- Zoning Map
- Municipal Zoning Map
- Board of Commissioners Consistency Statement – Approval
- Board of Commissioners Consistency Statement – Denial
- Rezoning Map
- Submitted Rezoning Application
- UDO – Chapter 6. Table of Uses
- Deed Book 5887 Page 140

VIEW OF PORTION OF PROPERTY TO BE REZONED RA-2

465 Juniper Lake Rd – Conventional Rezoning – Staff Report

VIEW OF REMAINDER OF SUBJECT PROPERTY ACROSS JUNIPER LAKE RD

VIEW OF JUNIPER LAKE RD (WESTBOUND) FROM SUBJECT PROPERTY

465 Juniper Lake Rd – Conventional Rezoning – Staff Report

VIEW OF JUNIPER LAKE RD (EASTBOUND) FROM SUBJECT PROPERTY

VIEW OF ADJACENT PROPERTY AT 484 JUNIPER LAKE RD

465 Juniper Lake Rd – Conventional Rezoning – Staff Report

VIEW OF ADJACENT PROPERTY AT 515 JUNIPER LAKE RD

VIEW OF ADJACENT PROPERTY AT 427 JUNIPER LAKE RD

NC 211
NC 5 NC 2 US 15-501NC 73
NC 2
U
S

1
5
-
5
0
1
N
C

2
2
US 1
Pinehurst
Taylortown Southern Pines
Whispering Pines
Foxfire
Carthage
Vicinity Map

Land Use Map

ResidentialResidential

Shaded area proposed

to be rezoned RA-2

Residential Clear-cut

Wooded

Outlined area is part of subject property

and is already zoned RA-2

Shaded area proposed to
be rezoned RA-2

RA-2

RA-40

RA-5

RA-5

RA-40RA-20

Pinehurst Zoning

Pinehurst Zoning

RA-5

RA-5

RA-40RA-20

B-1

B-2

RA-5

Zoning Map

Shaded area proposed
to be rezoned RA-2

TT: R-20

PH: R10

PH: PC

PH: R30

PH: RD PH: R30

PH: R8

PH: R-10

PH: R8

PH: R10

PH: R5

PH: RD

PH: R10

PH: R20

PH: OP

PH: R5

SP: RS-3

PH: OP

TT: WS

Municipal Zoning Map

Moore County Board of Commissioners
Land Use Plan Consistency Statement
Conventional Rezoning Request
Residential & Agricultural-5 (RA-5) to Residential & Agricultural-2 (RA-2)

The Moore County Board of Commissioners finds that:

The proposed conventional rezoning is consistent with the following goals as listed in the 2013 Moore County Land Use Plan:

1. It is consistent with Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around municipalities)

- Recommendation 1.3: Preserve large tracts of prime agricultural land to ensure that farming remains a viable part of the local economy.
- The conventional rezoning will uniformly zone the entire parcel to RA-2, which is consistent with the surrounding parcels.
- Rezoning from RA-5 to RA-2 continues the principal use of the land for low-density residential and agricultural purposes and discouraging any use which would generate traffic on minor streets other than normal traffic to serve the residences and farms on those streets.

The proposed conventional rezoning is reasonable and in the public interest because:

1. It supports the current Moore County 2013 Land Use Plan policies and goals above.
2. The conventional rezoning is consistent with the other portion of the parcel and the surrounding parcels, making them all RA-2.

Therefore, the Moore County Board of Commissioners APPROVES the Conventional Rezoning from Residential & Agricultural-5 (RA-5) to Residential and Agricultural-2 (RA-2) of an approximately 3.86-acre portion of one parcel located on Juniper Lake Rd, owned by Kenton and Judith Loyd, per Deed Book 5887 Page 140 and further described as ParID 00027965 in Moore County Tax Records, as proposed.

Nick Picerno, Chair Date

Moore County Board of Commissioners

Moore County Board of Commissioners
Land Use Plan Consistency Statement
Conventional Rezoning Request
Residential & Agricultural-5 (RA-5) to Residential & Agricultural-2 (RA-2)

The Moore County Board of Commissioners finds that:

The proposed conventional rezoning is not consistent with the following goals as listed in the 2013 Moore County Land Use Plan:

1. It is not consistent with Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around municipalities)

- Recommendation 1.3: Preserve large tracts of prime agricultural land to ensure that farming remains a viable part of the local economy.

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

Therefore, the Moore County Board of Commissioners DENIES the Conventional Rezoning from Residential & Agricultural-5 (RA-5) to Residential and Agricultural-2 (RA-2) of an approximately 3.86-acre portion of one parcel located on Juniper Lake Rd, owned by Kenton and Judith Loyd, per Deed Book 5887 Page 140 and further described as ParID 00027965 in Moore County Tax Records, as proposed.

Nick Picerno, Chair Date

Moore County Board of Commissioners

CHAPTER 6. TABLE OF USES

SECTION 6.1. PRINCIPAL USE TABLE

Moore County UDO Page 53 Last Updated: 11.15.22

I. COMBINATION OR MULTIPLE PRINCIPAL USES

Developments with combination or multiple principal uses, such as shopping centers, shall:

1. Incorporate only those use types allowed in the applicable zoning district;
2. Comply with all the use standards that apply to each use type in the development; and
3. Comply with the required method of establishment for the use type identified in the principal use table.

J. MAJOR SUBDIVISION

The principal use table lists residential and non-residential major subdivisions and the zoning districts where these kinds of subdivisions are permitted in accordance with the applicable standards in Chapter 19. Minor, expedited, and family subdivisions are not required to obtain special use permit approval and are not prohibited in any zoning districts.

PRINCIPAL USE TABLE

P = Permitted by-Right

S = Requires Special Use Permit

Z = Permitted in Conditional Zoning District

A = Allowed in PD District

= Not Permitted

Principal Use Type

Zoning Districts [1] Specific Use Standards Bldg. Code Class. RA RA-20 RA-40 RA-2 RA-5 RA-USB RE GC-SL GC-WL PC B-1 B-2 VB I MF-CZ PD-CZ AGRICULTURAL USES

Agricultural Uses and Buildings

(Not in a Bona Fide Farm) P P P P P P P P P P P P Z A 8.7 U

Bona Fide Farm Bona Fide Farm exemption status is obtained through the Moore County Planning Department 8.20 S, U

RESIDENTIAL USES

Single-Family Household

Dwellings, Single Family P P P P P P P P Z A 8.43 R-3

Dwellings, Duplex P P P P Z A 8.42 R-3

Family Care Home (6 or less) P P P P P P P P Z A 8.45 I, R

Manufactured Home P P P P P P P Z A 8.64 R-3

Manufactured Home Park Z A 8.65 Mix

Multi-Family Residential

Group Care Facility Z S P A 8.54 I, R

Multi-family Dwelling

(3 or more units per lot) Z A 8.74 R-2

Nursing Home S S S S S P P Z A 8.77 B, I

COMMERCIAL USES

Animal Services

Animal Shelter Z P 8.11 B

Animal Training Facility, Military Z P 8.12 B

Kennels, Overnight Z Z Z P A 8.61 B
Pet Day Care, Grooming,
Obedience Training Z P P P A 8.82 B
Veterinary Clinic Z P P P P A 8.110 B

CHAPTER 6. TABLE OF USES
SECTION 6.1. PRINCIPAL USE TABLE

Moore County UDO Page 54 Last Updated: 11.15.22

PRINCIPAL USE TABLE

P = Permitted by-Right

S = Requires Special Use Permit

Z = Permitted in Conditional Zoning District

A = Allowed in PD District

= Not Permitted

Principal Use Type

Zoning Districts [1] Specific Use Standards Bldg. Code Class. RA RA-20 RA-40 RA-2 RA-5 RA-USB RE GC-SL GC-WL PC B-1 B-2 VB I MF-CZ PD-CZ Offices and General Services

Beauty / Barber Shop / Nail Salon P P P P A 8.17 B

Bed and Breakfast Z Z Z Z Z Z Z A 8.18

Dry Cleaning and Laundromat P P P P P A 8.41 B

Equestrian Cottage Z A 8.44

Hotel and Motel P A 8.59 R-1

Office P P P P A 8.78 B

Small Appliance Repair Shop P P P P A 8.99 B

Trade Contractor Office and

Workshop Z P P P A 8.106 B, S

Retail Services

Auction House P P P A 8.14 A-3,
B

Convenience Store S P P P P P A 8.35 M

Feed and Seed Sales S S P P P A 8.46 B, M

Florist P P P P P A 8.48 B

Flea Market S Z P 8.47 B, M

Garden Center P P P A 8.50 M, U

Manufactured or Modular Home

Sales P P 8.66 B

Restaurant P P P P P A 8.90 A-2

Retail P P P A 8.91 M

Shopping Centers Z S A 8.98 M

Wholesales P S P A 8.112 M

Vehicle Services

Boat & RV Storage P Z Z 8.19 S-1

Car Wash or Auto Detailing P P P P A 8.25 B

Commercial Truck Wash S P P A 8.32 B

Parking Lot as a Principal Use P P P P Z A 8.79 S-2

Taxi Service Z P P A 8.103 B, A-

3

Vehicle, Auto Parts, Tires, Farm

Equipment, Boat, RV – Sales,
Rental, or Service

P P P P A 8.107 B, S-1

Vehicle Service Station

(Gas Stations) P P Z P A 8.108 M

Vehicle Wrecker Service Z Z P 8.109 S-1

CHAPTER 6. TABLE OF USES
SECTION 6.1. PRINCIPAL USE TABLE

Moore County UDO Page 55 Last Updated: 11.15.22

PRINCIPAL USE TABLE

P = Permitted by-Right

S = Requires Special Use Permit

Z = Permitted in Conditional Zoning District

A = Allowed in PD District

= Not Permitted

Principal Use Type

Zoning Districts [1] Specific Use Standards Bldg. Code Class. RA RA-20 RA-40 RA-2 RA-5 RA-USB RE GC-SL GC-WL PC B-1 B-2 VB I MF-CZ PD-CZ Adult Uses

Adult Gaming Establishment S 8.6 B

Bar / Tavern P S A 8.16 A-2

Brewery / Winery S P P P A 8.21 A-2,

F

Dance Club / Night Club /

Billiards P Z 8.37 A-2,

A-3

Distillery P A 8.39 F-1

Massage & Bodywork Therapy P P P P A 8.71 B

Pawn Shop P Z P 8.80 B

Sexually Oriented Business S 8.95 A-2,

M

Tattoo Parlor, Body Piercing P 8.102 B

EDUCATIONAL & INSTITUTIONAL USES

Cemetery or Mausoleum,

Commercial S S S S P 8.26 n/a

Child Care Facility S S S S P S S S P P S A 8.28 E, I

College / Business & Trade School S P P A 8.31 B

Funeral Home with Crematorium P P P P A 8.49 A-3,

B

Government Facility P P P P P P P P P P P P Z A 8.53 B

Hospital S S A 8.58 I

Museum / Art Gallery S P P P A 8.75 A-3

Religious Institution S P P P S S P P P A 8.89 A-3,

E

Security Training Facility S 8.94 B

School, Elementary / Middle /

High S P P P S S P P P A 8.93 E

RECREATION USES

Airport, Public or Private S Z A 8.8 A-3,

B

Airstrip, Small Private S P A 8.9 B
Assembly Hall Z Z Z Z P A 8.13 A-4,
A-5
Camp or Care Center P A 8.22 A-3,
R-1

CHAPTER 6. TABLE OF USES
SECTION 6.1. PRINCIPAL USE TABLE

Moore County UDO Page 56 Last Updated: 11.15.22

PRINCIPAL USE TABLE

P = Permitted by-Right

S = Requires Special Use Permit

Z = Permitted in Conditional Zoning District

A = Allowed in PD District

= Not Permitted

Principal Use Type

Zoning Districts [1] Specific Use Standards Bldg. Code Class. RA RA-20 RA-40 RA-2 RA-5 RA-USB RE GC-SL GC-WL PC B-1 B-2 VB I MF-CZ PD-CZ Campground, Public and Private P A 8.23 A-3,

R-1

Camp, Recreation Day P A 8.24 A-3

Civic / Social Club, Lodge,

Organization S P P P S S P P P A 8.30 A-2,

A-3

Golf Driving Range S S P P A 8.52 A-3

Golf Course (including par 3) S S P P A 8.51 U

Marina (fuel & supplies) P P A 8.70 M

Neighborhood Park P P P P P P P P P P P P Z A 8.76 U

Recreation, Indoor S P S A 8.86 A-5

Recreation, Low Impact Outdoor P P P P P P P P P S A 8.87 A-5

Recreation, High Impact Outdoor Z Z P 8.88

Shooting Range, Indoor Z P 8.96 A-5

Shooting Range, Outdoor Z P 8.97 A-5

Zoo / Petting Zoo Z P 8.115 A-5,

U

INDUSTRIAL USES

Production

Manufacturing & Sales, Pottery P P P P P 8.83 F

Manufacturing, Light

(no odors or smoke) P A 8.68 F

Manufacturing, General Z 8.69 F-1,

F-2

Utilities / Services

Contractors Storage Yard and

Office Z P P 8.34 S-1,

U

Crematorium Facility Z P 8.36 B

Public & Private Utility Facilities P P P P P P P P P P P P Z A 8.84 U

Solar Collector Facility S 8.100 U

Antenna Collocation, Major S S S P P P P P P P P Z A 8.113 U

Antenna Collocation, Minor P P P P P P P P P P P P P P P Z A 8.113 U

Small Wireless Facility S S S P P S P P P P P P P P Z A 8.113 U

Telecommunications Tower,

Major Z Z Z A 8.113 U

Telecommunications Tower,

Minor S P P S P Z A 8.113 U

Warehousing

CHAPTER 6. TABLE OF USES
SECTION 6.1. PRINCIPAL USE TABLE

Moore County UDO Page 57 Last Updated: 11.15.22

PRINCIPAL USE TABLE

P = Permitted by-Right

S = Requires Special Use Permit

Z = Permitted in Conditional Zoning District

A = Allowed in PD District

= Not Permitted

Principal Use Type

Zoning Districts [1] Specific Use Standards Bldg. Code Class. RA RA-20 RA-40 RA-2 RA-5 RA-USB RE GC-SL GC-WL PC B-1 B-2 VB I MF-CZ PD-CZ Mini-Warehouse (self service) P Z Z Z Z A 8.72 S

Warehousing or Distribution

Center Z S P 8.111 S-1,
S-2

Waste-Related Services

Debris Management Facility Z Z P 8.38 U

Hazardous Waste / Toxic

Chemical Disposal or Processing S 8.55 U

Landfill S 8.63 U

Mining / Quarry Operation Z S 8.73 U

Salvage Yard S 8.92 U

MAJOR SUBDIVISIONS

Residential Major Subdivision S S S Ch. 19

Non-residential Major Subdivision S S Ch. 19

NOTES:

[1] Land located within the Highway Corridor Overlay District shall be subject to the sub-district-based use related provisions in Section 7.11 of this Ordinance.

CHAPTER 6. TABLE OF USES
SECTION 6.2. ACCESSORY USES

Moore County UDO Page 59 Last Updated: 11.15.22

D. COMPLIANCE WITH OTHER ORDINANCE REQUIREMENTS

Accessory uses and structures shall conform to the applicable requirements of this Ordinance, including this section, the district standards, the applicable use standards, and the development standards.

E. ACCESSORY USE TABLE

1. If a specific accessory use is allowed by-right, the cell underneath the zoning district is marked with a "P".
2. If a specific accessory use is allowed subject to a special use permit, the cell underneath the zoning district is marked with a "S".
3. A "Z" in a cell of the table indicates that the specific accessory use may only be permitted within a conditional zoning district that is parallel to the listed underlying zoning district (see Chapter 11). The conditional zoning district designation must be in place before the use type may be established.
4. If the accessory use or structure is not allowed in a zoning district, the cell is marked with an "".
5. In the case of planned development districts, if an accessory use is allowable, it is marked with an "A", and the accessory use must be set out in the approved master plan or terms and conditions document.
6. If there is a reference contained in the column entitled "Specific Use Standards," refer to the cited section(s) for additional standards that apply to the specific accessory use.
7. The accessory use table below may not be inclusive of all possible accessory uses, and in the event an accessory use is proposed that is not listed in the table, the Administrator shall consult the principal use table to determine if the proposed accessory use corresponds to a listed principal use. Any permitted principal use in a zoning district is also permitted as an accessory use. In no instance shall an accessory use be permitted in a zoning district where it is prohibited as a principal use.
8. In the event a proposed accessory use is not listed in the table below and there is no corresponding principal use, the Administrator shall determine how to treat the accessory use in accordance with the standards for unlisted uses (see Section 6.1.G).

ACCESSORY USE TABLE

Accessory Use Type RA RA-20 RA-40 RA-2 RA-5 RA-USB RE GC-SL GC-WL PC B-1 B-2 VB I MF-CZ PD-CZ

Specific Use Standards Bldg. Code Class. RESIDENTIAL USES

Accessory Dwelling Located

within Stick-Built Dwelling P P P P P P Z A 8.1 R

Accessory Dwelling Located

within Non-Residential Building P P P Z A 8.2 Mix

Accessory Manufactured Home P P P P P P Z A 8.3 R

Accessory Stick-Built Dwellings P P P P P P Z A 8.4 R

Carport or Garage P P P P P P P P P P Z A 8.81 R,S

Home Occupation, Level 1 P P P P P P P P Z A 8.56 R

Home Occupation, Level 2 Z Z Z Z Z A 8.57 R

Personal Workshop / Storage

Building P P P P P P Z A 8.81 R, S

Family Health Care Structure P P P P P P P P A R

COMMERCIAL USES

Automatic Teller Machine (ATM) P P P P A 8.15 U
EDUCATIONAL AND INSTITUTIONAL USES
Cemetery, Family P P P P P P P P A 8.27 n/a
Child Care Home Facility P S P P P S S A 8.29 E, R

CHAPTER 6. TABLE OF USES
SECTION 6.3. TEMPORARY USES

Moore County UDO Page 60 Last Updated: 11.15.22

ACCESSORY USE TABLE

Accessory Use Type RA RA-20 RA-40 RA-2 RA-5 RA-USB RE GC-SL GC-WL PC B-1 B-2 VB I MF-CZ PD-CZ

Specific Use Standards Bldg. Code Class. RECREATION USES

Accessory Swimming Pool P P P P P P P P P P P P Z A 8.5 A, R

INDUSTRIAL USES

Amateur Radio and Receive-only

Antennas P P P P P P P P P P P P Z A 8.10 U

Solar Collectors, On-Site Use P P P P P P P P P P P P Z A 8.101 U

SECTION 6.3. TEMPORARY USES

A. APPLICABILITY

The standards in this section apply to non-permanent uses that take place on a temporary basis whether on the same site or in different locations across the County's planning jurisdiction.

B. PROCEDURE FOR ESTABLISHMENT

Temporary uses or structures may be approved in conjunction with the approval of the principal use or subsequently following the establishment of the principal use through the approval of a zoning permit or special use permit, as appropriate. Temporary uses may take place on vacant lots.

C. GENERAL STANDARDS FOR ALL TEMPORARY USES AND STRUCTURES

All temporary uses and structures shall comply with the following general standards, unless otherwise specified in this Ordinance:

1. GENERAL REQUIREMENTS

An applicant proposing a temporary use or structure shall:

- i. Secure written permission from the landowner;
- ii. Obtain the appropriate permits and licenses from the County and other agencies;
- iii. Comply with the applicable requirements for signs if signage is proposed;
- iv. Meet public utility requirements for proper connection to water, sewer, electrical and other utility service connections, as applicable;
- v. Not violate the applicable conditions of approval that apply to a site or use on the site;
- vi. Not result in a situation where the principal use, if present, fails to comply with the standards of this Ordinance;
- vii. Ensure the site of a temporary use or structure contains sufficient land area for the temporary use and for the parking and traffic movement associated with the temporary use, without impacting environmentally sensitive lands; and
- viii. Ensure temporary uses remain in place no longer than 90 days if located within a special flood hazard area.

2. GENERAL CONDITIONS

In approving a zoning permit for temporary uses or structures, the Administrator is authorized to impose any of the following general conditions upon the premises benefited by the permit as may be necessary to reduce or minimize any potential adverse impacts upon other property in the area, as long as the condition relates to a situation created or aggravated by the proposed temporary use. The Administrator is

authorized, where appropriate, to require:

i. Provision of temporary parking facilities, including vehicular access and egress;

Moore County UDO Page 61 Last Updated: 11.15.22

- #### D. TEMPORARY USE TABLE

- ## TEMPORARY USE TABLE

Temporary Use Type RA RA-20 RA-40 RA-2 RA-5 RA-USB RE GC-SL GC-WL PC B-1 B-2 VB I MF-CZ PD-CZ	
Specific Use Standards Bldg. Code Class. Construction Office, Temporary	P P P P P P P P P P P P Z A 8.33 S-1
Drop-In Child Care Facility	P P P A 8.40
Itinerant Merchant	P P P P A 8.60 n/a
Land Clearing	P P P P P P P P P P P P Z A 8.62 F-1
Manufactured Home or RV,	
Temporary	P P P P P P P A 8.67 R-3
Real Estate Offices, Temporary	P P P P P P P P P P P P Z A 8.85 S-1

Temporary Events (Special Event) P P P P P P P P P P P P P Z A 8.104 n/a
Temporary Family Health Care
Structure P P P P P P P P P Z A 8.105 R, I
Yard Sales, Residential and Civic P P P P P P P P P P P P A 8.114 n/a

Vass-Carthage Road – Conventional Rezoning – Staff Report

Agenda Item: ____ Meeting Date: February 21, 2023

MEMORANDUM TO THE BOARD OF COMMISSIONERS

FROM: Debra Ensminger Planning Director

DATE: January 13, 2023

SUBJECT: Conventional Rezoning Request: Residential and Agricultural-40 (RA-40) to Rural Agricultural (RA) – Vass-Carthage Road

PRESENTER: Debra Ensminger Planning Director

REQUEST

Tough Stump Technologies, LLC is requesting a Conventional Rezoning from Residential and Agricultural-40 (RA-40) to Rural Agricultural (RA) of approximately 75.54 acres of two parcels located on Vass-Carthage Rd, owned by Tough Stump Technologies LLC, per Deed Book 5868 Page 385, Plat Cabinet 19 Slide 439 (Tracts 1 & 2) and further described as ParID 20120062 and ParID 20170361 in Moore County Tax Records.

Public notification consisted of publishing a legal notice in the local newspaper for two consecutive weeks, notification by mail to adjacent property owners, and placing public hearing signs on the property.

BACKGROUND

The subject property is currently used for residential and farming purposes. Adjacent properties include single-family dwellings, farmland, and an event venue. The proposed rezoning area is approximately .82 miles from the Whispering Pines ETJ.

While the parcel does appear to have some freshwater forested wetlands, none are located within the proposed development area. The property is located in the Little River (Vass) WS- IIIP Watershed and is within a half-mile of a Voluntary Agricultural District.

PLANNING BOARD RECOMMENDATION

The Planning Board met on January 5, 2023, and unanimously recommended approval of the rezoning request (6-0).

ZONING DISTRICT COMPATIBILITY

The requested rezoning to Rural Agricultural (RA) is consistent with the existing zoning located near the property as both the RA and RA-40 zoning districts allow similar agricultural and single-family residential uses. The surrounding area is zoned Residential and Agricultural-40 VI.C.

Vass-Carthage Road – Conventional Rezoning – Staff Report

(RA-40). The nearest RA zoned property is approximately 3,760 feet (0.68 miles) from the subject property.

The inconsistency with the RA and RA-40 is that the RA encourages the continuance of agricultural uses as well as to ensure that residential development of appropriate intensities that are consonant with the suitability of land, availability of public services, and that are compatible with surrounding development, will occur at appropriate densities to provide a healthful environment. The RA District is also intended to accommodate rural commercial activities where the use, vegetative buffers, larger lots, and the compatibility of adjacent land uses are considered to provide suitable locations for rural commerce and other rural activities. The RA-40 discourages any use which would generate traffic on minor streets other than normal traffic to serve residences on those streets.

CONSISTENCY WITH THE 2013 MOORE COUNTY LAND USE PLAN The future land use map identifies the property as Rural Agricultural Classification. The requested zoning to Rural Agricultural (RA) is compatible with the Rural Agricultural Land Use Classification.

The Land Use Plan states the primary use of the Rural Agricultural Land Use Classification is to support rural residential life associated with agricultural uses (e.g., row crops, forestry, horticulture, grazing, poultry, dairy, swine operations, and intensive agricultural uses in certain areas) and other rural activities.

The Moore County Unified Development Ordinance states the Rural Agricultural (RA) district is intended to encourage the continuance of agricultural uses as well as to ensure that residential development of appropriate intensities that are consonant with the suitability of land, availability of public services, and that are compatible with surrounding development, will occur at appropriate densities to provide a healthful environment. The RA District is also intended to accommodate rural commercial activities where the use, vegetative buffers, larger lots, and the compatibility of adjacent land uses are considered to provide suitable locations for rural commerce and other rural activities.

The rezoning request aligns with the following Goals, Recommendations and Actions as included in the attached Land Use Plan Consistency Statement, including:

- Goal 1: Preserve and protect the ambiance and heritage of the County of Moore (inclusive of areas around municipalities). Recommendation 1.2: Continue to encourage agriculture and agri-business throughout Moore County, and aligns with the Rural Agricultural Land Use Category located on Page 82 of the 2013 Land Use Plan with the primary use of the land being to support rural residential life associated with agricultural uses (e.g. row crops, forestry, horticulture, grazing, poultry, dairy, swine operations, and intensive agricultural uses in certain areas) and other rural activities.
- Goal 3: Optimize the Uses of Land Within the County of Moore. Recommendation 3.2: Assure an adequate quality & quantity of water is available to support the desired growth of the County. Action 3.2.6: Continue to monitor development densities and encourage

Vass-Carthage Road – Conventional Rezoning – Staff Report

the limitation of impervious surfaces in Public Water Supply Watershed areas through the Watershed Protection Ordinance.

- The property is located within the Little River (Vass) WS-III watershed with an average of 2 dwelling units per acre. The Rural Agricultural District minimum lot size requirement of 1 acre protects the integrity of the Little River (Vass) watershed. Protection of the integrity of the watersheds within the County promotes the public health, safety, and general welfare of residents and visitors to Moore County. The Little River (Vass) watershed will be protected based upon Chapter 16. Watershed Overlay Districts of the Moore County Unified Development Ordinance.

The rezoning request does not align with the following Goals, Recommendations and Actions as included in the attached Land Use Plan Consistency Statement, including:

- Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around municipalities).
 - o Recommendation 1.3: Preserve large tracts of prime agricultural land to ensure that farming remains a viable part of the local economy.
 - o Recommendation 1.8: Discourage undesirable or unattractive land uses, especially within high visibility areas.
- RA zoning district could add land intended to accommodate rural commercial activities to a surrounding area of RA-40 that discourages any use which would generate traffic on minor streets other than normal traffic to serve residences on those streets.

Vass-Carthage Road – Conventional Rezoning – Staff Report

MOORE COUNTY FUTURE LAND USE MAP

Vass-Carthage Road – Conventional Rezoning – Staff Report

RECOMMENDATION

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

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

Make a motion to Approve or Deny the Conventional Rezoning from Residential and Agricultural-40 (RA-40) to Rural Agricultural (RA) of approximately 75.54 acres of two parcels located on Vass-Carthage Rd, owned by Tough Stump Technologies LLC, per Deed Book 5868 Page 385, Plat Cabinet 19 Slide 439 (Tracts 1 & 2) and further described as ParID 20120062 and ParID 20170361 in Moore County Tax Records.

ATTACHMENTS

- Pictures of Property and Adjacent Properties
- Vicinity Map
- Land Use Map
- Zoning Map
- Municipal Zoning Map
- Board of Commissioners Consistency Statement – Approval
- Board of Commissioners Consistency Statement - Denial
- Submitted Conventional Rezoning Application
- UDO – Chapter 6. Table of Uses
- Deed Book 5868 Page 385
- Plat Cabinet 19 Slide 439

Vass-Carthage Road – Conventional Rezoning – Staff Report

View of subject property

Vass-Carthage Road – Conventional Rezoning – Staff Report

View from subject property toward Vass-Carthage Road

View of existing SFD on subject property (2173 Vass-Carthage Road)

Vass-Carthage Road – Conventional Rezoning – Staff Report

View of existing structures on subject property (2187, 2189 & 2193 Vass-Carthage Road)

Vass-Carthage Road – Conventional Rezoning – Staff Report

View of adjacent property (Across Vass-Carthage Road)

Vass-Carthage Road – Conventional Rezoning – Staff Report

View of adjacent property (2151 Vass-Carthage Road)

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US 1 BYPASSVicinity Map

Carthage

VassWhispering Pines

PinehurstTaylortown

Southern Pines

Cameron

Land Use Map
Shaded area proposed
to be rezoned RA
Farmland
Residential
Residential/
Event Venue

Zoning Map

RA-40

RA

Whispering Pines Zoning

B-1

Shaded area proposed
to be rezoned RA

Municipal Zoning Map

WP: RA

Shaded area proposed
to be rezoned RA

Moore County Board of Commissioners
Land Use Plan Consistency Statement
Conventional Rezoning Request
Residential and Agricultural-40 (RA-40) to Rural Agricultural (RA)

The Moore County Board of Commissioners concludes and approves that:

The proposed rezoning is consistent with the current 2013 Moore County Land Use Plan and Ordinance because:

1. It is consistent with Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around municipalities).

Recommendation 1.2: Continue to encourage agriculture and agri-business throughout Moore County, and aligns with the Rural Agricultural Land Use Category located on Page 82 of the 2013 Land Use Plan with the primary use of the land being to support rural residential life associated with agricultural uses (e.g. row crops, forestry, horticulture, grazing, poultry, dairy, swine operations, and intensive agricultural uses in certain areas) and other rural activities.

2. It is consistent with Goal 3: Optimize the Uses of Land within the County of Moore:

Recommendation 3.2: Assure an adequate quality & quantity of water is available to support the desired growth of the County, including Action 3.2.6: Continue to monitor development densities and encourage the limitation of impervious surfaces in Public Water Supply Watershed areas through the Watershed Protection Ordinance. The conventional rezoning to RA with a minimum lot size requirement of 1 acre complies with the standards of its watershed overlay district of the Little River (Vass) WS-III watershed, which has an average of 2 dwelling units per acre.

3. The Moore County Unified Development Ordinance states the Rural Agricultural (RA) district is intended to encourage the continuance of agricultural uses as well as to ensure that residential development of appropriate intensities that are consistent with the suitability of land, availability of public services, and that are compatible with surrounding development, will occur at appropriate densities to provide a healthful environment.

The RA District is also intended to accommodate rural commercial activities where the use of site-specific development plans, individualized development conditions, vegetative buffers, larger lots, and the compatibility of adjacent land

uses are considered to provide suitable locations for rural commerce and other rural activities.

The proposed rezoning advances the public health, safety, or welfare and is reasonable and in the public interest because:

1. It supports the current 2013 Moore County Land Use Plan purposes, goals, objectives, and policies above and is consistent with the Ordinance.
2. The conventional rezoning is consistent with the existing zoning located near the property as both the RA and RA-40 zoning districts allow similar agricultural and single-family residential uses.
3. The conventional rezoning protects the integrity of the watersheds within the County of Moore.

Therefore, the Moore County Board of Commissioners APPROVES the Conventional Rezoning from Residential & Agricultural-40 (RA-40) to Rural Agricultural (RA) of an approximately 75.54 acres of two parcels located on Vass-Carthage Rd, owned by Tough Stump Technologies LLC, per Deed Book 5868 Page 385, Plat Cabinet 19 Slide 439 (Tracts 1 & 2) and further described as ParID 20120062 and ParID 20170361 in Moore County Tax Records.

Nick Picerno, Chair Date

Moore County Board of Commissioners

Moore County Board of Commissioners
Land Use Plan Consistency Statement
Conventional Rezoning Request
Residential and Agricultural-40 (RA-40) to Rural Agricultural (RA)

The Moore County Board of Commissioners concludes and approves that:

The proposed rezoning is not consistent with the current 2013 Moore County Land Use Plan because:

1. It is not consistent with Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around municipalities): Recommendation 1.3 to preserve large tracts of prime agricultural land to ensure that farming remains a viable part of the local economy and Recommendation 1.8 to discourage undesirable or unattractive land uses, especially within high visibility areas.

a. RA zoning district could add land to potentially accommodate rural commercial activities in an area surrounded by RA-40 that discourages any use which would generate traffic on minor streets other than normal traffic to serve residences on those streets.

The proposed rezoning is not reasonable and in the public interest because:

1. It does not support the current 2013 Moore County Land Use Plan purposes, goals, objectives, and/or policies above.

2. It will have an unreasonable impact on the surrounding community.

Therefore, the Moore County Board of Commissioners DENIES the Conventional Rezoning from Residential & Agricultural-40 (RA-40) to Rural Agricultural (RA) of an approximately 75.54 acres of two parcels located on Vass-Carthage Rd, owned by Tough Stump Technologies LLC, per Deed Book 5868 Page 385, Plat Cabinet 19 Slide 439 (Tracts 1 & 2) and further described as ParID 20120062 and ParID 20170361 in Moore County Tax Records.

Nick Picerno, Chair Date
Moore County Board of Commissioners

CHAPTER 6. TABLE OF USES

SECTION 6.1. PRINCIPAL USE TABLE

Moore County UDO Page 53 Last Updated: 11.15.22

I. COMBINATION OR MULTIPLE PRINCIPAL USES

Developments with combination or multiple principal uses, such as shopping centers, shall:

1. Incorporate only those use types allowed in the applicable zoning district;
2. Comply with all the use standards that apply to each use type in the development; and
3. Comply with the required method of establishment for the use type identified in the principal use table.

J. MAJOR SUBDIVISION

The principal use table lists residential and non-residential major subdivisions and the zoning districts where these kinds of subdivisions are permitted in accordance with the applicable standards in Chapter 19. Minor, expedited, and family subdivisions are not required to obtain special use permit approval and are not prohibited in any zoning districts.

PRINCIPAL USE TABLE

P = Permitted by-Right

S = Requires Special Use Permit

Z = Permitted in Conditional Zoning District

A = Allowed in PD District

= Not Permitted

Principal Use Type

Zoning Districts [1] Specific Use Standards Bldg. Code Class. RA RA-20 RA-40 RA-2 RA-5 RA-USB RE GC-SL GC-WL PC B-1 B-2 VB I MF-CZ PD-CZ AGRICULTURAL USES

Agricultural Uses and Buildings

(Not in a Bona Fide Farm) P P P P P P P P P P P P Z A 8.7 U

Bona Fide Farm Bona Fide Farm exemption status is obtained through the Moore County Planning Department 8.20 S, U

RESIDENTIAL USES

Single-Family Household

Dwellings, Single Family P P P P P P P P Z A 8.43 R-3

Dwellings, Duplex P P P P Z A 8.42 R-3

Family Care Home (6 or less) P P P P P P P P Z A 8.45 I, R

Manufactured Home P P P P P P P Z A 8.64 R-3

Manufactured Home Park Z A 8.65 Mix

Multi-Family Residential

Group Care Facility Z S P A 8.54 I, R

Multi-family Dwelling

(3 or more units per lot) Z A 8.74 R-2

Nursing Home S S S S S P P Z A 8.77 B, I

COMMERCIAL USES

Animal Services

Animal Shelter Z P 8.11 B

Animal Training Facility, Military Z P 8.12 B

Kennels, Overnight Z Z Z P A 8.61 B
Pet Day Care, Grooming,
Obedience Training Z P P P A 8.82 B
Veterinary Clinic Z P P P P A 8.110 B

CHAPTER 6. TABLE OF USES
SECTION 6.1. PRINCIPAL USE TABLE

Moore County UDO Page 54 Last Updated: 11.15.22

PRINCIPAL USE TABLE

P = Permitted by-Right

S = Requires Special Use Permit

Z = Permitted in Conditional Zoning District

A = Allowed in PD District

= Not Permitted

Principal Use Type

Zoning Districts [1] Specific Use Standards Bldg. Code Class. RA RA-20 RA-40 RA-2 RA-5 RA-USB RE GC-SL GC-WL PC B-1 B-2 VB I MF-CZ PD-CZ Offices and General Services

Beauty / Barber Shop / Nail Salon P P P P A 8.17 B

Bed and Breakfast Z Z Z Z Z Z Z A 8.18

Dry Cleaning and Laundromat P P P P P A 8.41 B

Equestrian Cottage Z A 8.44

Hotel and Motel P A 8.59 R-1

Office P P P P A 8.78 B

Small Appliance Repair Shop P P P P A 8.99 B

Trade Contractor Office and

Workshop Z P P P A 8.106 B, S

Retail Services

Auction House P P P A 8.14 A-3,
B

Convenience Store S P P P P P A 8.35 M

Feed and Seed Sales S S P P P A 8.46 B, M

Florist P P P P P A 8.48 B

Flea Market S Z P 8.47 B, M

Garden Center P P P A 8.50 M, U

Manufactured or Modular Home

Sales P P 8.66 B

Restaurant P P P P P A 8.90 A-2

Retail P P P A 8.91 M

Shopping Centers Z S A 8.98 M

Wholesales P S P A 8.112 M

Vehicle Services

Boat & RV Storage P Z Z 8.19 S-1

Car Wash or Auto Detailing P P P P A 8.25 B

Commercial Truck Wash S P P A 8.32 B

Parking Lot as a Principal Use P P P P Z A 8.79 S-2

Taxi Service Z P P A 8.103 B, A-

3

Vehicle, Auto Parts, Tires, Farm

Equipment, Boat, RV – Sales,
Rental, or Service

P P P P A 8.107 B, S-1

Vehicle Service Station

(Gas Stations) P P Z P A 8.108 M

Vehicle Wrecker Service Z Z P 8.109 S-1

CHAPTER 6. TABLE OF USES
SECTION 6.1. PRINCIPAL USE TABLE

Moore County UDO Page 55 Last Updated: 11.15.22

PRINCIPAL USE TABLE

P = Permitted by-Right

S = Requires Special Use Permit

Z = Permitted in Conditional Zoning District

A = Allowed in PD District

= Not Permitted

Principal Use Type

Zoning Districts [1] Specific Use Standards Bldg. Code Class. RA RA-20 RA-40 RA-2 RA-5 RA-USB RE GC-SL GC-WL PC B-1 B-2 VB I MF-CZ PD-CZ Adult Uses

Adult Gaming Establishment S 8.6 B

Bar / Tavern P S A 8.16 A-2

Brewery / Winery S P P P A 8.21 A-2,

F

Dance Club / Night Club /

Billiards P Z 8.37 A-2,

A-3

Distillery P A 8.39 F-1

Massage & Bodywork Therapy P P P P A 8.71 B

Pawn Shop P Z P 8.80 B

Sexually Oriented Business S 8.95 A-2,

M

Tattoo Parlor, Body Piercing P 8.102 B

EDUCATIONAL & INSTITUTIONAL USES

Cemetery or Mausoleum,

Commercial S S S S P 8.26 n/a

Child Care Facility S S S S P S S S P P S A 8.28 E, I

College / Business & Trade School S P P A 8.31 B

Funeral Home with Crematorium P P P P A 8.49 A-3,

B

Government Facility P P P P P P P P P P P P Z A 8.53 B

Hospital S S A 8.58 I

Museum / Art Gallery S P P P A 8.75 A-3

Religious Institution S P P P S S P P P A 8.89 A-3,

E

Security Training Facility S 8.94 B

School, Elementary / Middle /

High S P P P S S P P P A 8.93 E

RECREATION USES

Airport, Public or Private S Z A 8.8 A-3,

B

Airstrip, Small Private S P A 8.9 B
Assembly Hall Z Z Z Z P A 8.13 A-4,
A-5
Camp or Care Center P A 8.22 A-3,
R-1

CHAPTER 6. TABLE OF USES
SECTION 6.1. PRINCIPAL USE TABLE

Moore County UDO Page 56 Last Updated: 11.15.22

PRINCIPAL USE TABLE

P = Permitted by-Right

S = Requires Special Use Permit

Z = Permitted in Conditional Zoning District

A = Allowed in PD District

= Not Permitted

Principal Use Type

Zoning Districts [1] Specific Use Standards Bldg. Code Class. RA RA-20 RA-40 RA-2 RA-5 RA-USB RE GC-SL GC-WL PC B-1 B-2 VB I MF-CZ PD-CZ Campground, Public and Private P A 8.23 A-3,

R-1

Camp, Recreation Day P A 8.24 A-3

Civic / Social Club, Lodge,

Organization S P P P S S P P P A 8.30 A-2,

A-3

Golf Driving Range S S P P A 8.52 A-3

Golf Course (including par 3) S S P P A 8.51 U

Marina (fuel & supplies) P P A 8.70 M

Neighborhood Park P P P P P P P P P P P P Z A 8.76 U

Recreation, Indoor S P S A 8.86 A-5

Recreation, Low Impact Outdoor P P P P P P P P P S A 8.87 A-5

Recreation, High Impact Outdoor Z Z P 8.88

Shooting Range, Indoor Z P 8.96 A-5

Shooting Range, Outdoor Z P 8.97 A-5

Zoo / Petting Zoo Z P 8.115 A-5,

U

INDUSTRIAL USES

Production

Manufacturing & Sales, Pottery P P P P P 8.83 F

Manufacturing, Light

(no odors or smoke) P A 8.68 F

Manufacturing, General Z 8.69 F-1,

F-2

Utilities / Services

Contractors Storage Yard and

Office Z P P 8.34 S-1,

U

Crematorium Facility Z P 8.36 B

Public & Private Utility Facilities P P P P P P P P P P P P Z A 8.84 U

Solar Collector Facility S 8.100 U

Antenna Collocation, Major S S S P P P P P P P P Z A 8.113 U

Antenna Collocation, Minor P P P P P P P P P P P P P P P Z A 8.113 U

Small Wireless Facility S S S P P S P P P P P P P P Z A 8.113 U

Telecommunications Tower,

Major Z Z Z A 8.113 U

Telecommunications Tower,

Minor S P P S P Z A 8.113 U

Warehousing

CHAPTER 6. TABLE OF USES
SECTION 6.1. PRINCIPAL USE TABLE

Moore County UDO Page 57 Last Updated: 11.15.22

PRINCIPAL USE TABLE

P = Permitted by-Right

S = Requires Special Use Permit

Z = Permitted in Conditional Zoning District

A = Allowed in PD District

= Not Permitted

Principal Use Type

Zoning Districts [1] Specific Use Standards Bldg. Code Class. RA RA-20 RA-40 RA-2 RA-5 RA-USB RE GC-SL GC-WL PC B-1 B-2 VB I MF-CZ PD-CZ Mini-Warehouse (self service) P Z Z Z Z A 8.72 S

Warehousing or Distribution

Center Z S P 8.111 S-1,
S-2

Waste-Related Services

Debris Management Facility Z Z P 8.38 U

Hazardous Waste / Toxic

Chemical Disposal or Processing S 8.55 U

Landfill S 8.63 U

Mining / Quarry Operation Z S 8.73 U

Salvage Yard S 8.92 U

MAJOR SUBDIVISIONS

Residential Major Subdivision S S S Ch. 19

Non-residential Major Subdivision S S Ch. 19

NOTES:

[1] Land located within the Highway Corridor Overlay District shall be subject to the sub-district-based use related provisions in Section 7.11 of this Ordinance.

CHAPTER 6. TABLE OF USES
SECTION 6.2. ACCESSORY USES

Moore County UDO Page 59 Last Updated: 11.15.22

D. COMPLIANCE WITH OTHER ORDINANCE REQUIREMENTS

Accessory uses and structures shall conform to the applicable requirements of this Ordinance, including this section, the district standards, the applicable use standards, and the development standards.

E. ACCESSORY USE TABLE

1. If a specific accessory use is allowed by-right, the cell underneath the zoning district is marked with a "P".
2. If a specific accessory use is allowed subject to a special use permit, the cell underneath the zoning district is marked with a "S".
3. A "Z" in a cell of the table indicates that the specific accessory use may only be permitted within a conditional zoning district that is parallel to the listed underlying zoning district (see Chapter 11). The conditional zoning district designation must be in place before the use type may be established.
4. If the accessory use or structure is not allowed in a zoning district, the cell is marked with an "".
5. In the case of planned development districts, if an accessory use is allowable, it is marked with an "A", and the accessory use must be set out in the approved master plan or terms and conditions document.
6. If there is a reference contained in the column entitled "Specific Use Standards," refer to the cited section(s) for additional standards that apply to the specific accessory use.
7. The accessory use table below may not be inclusive of all possible accessory uses, and in the event an accessory use is proposed that is not listed in the table, the Administrator shall consult the principal use table to determine if the proposed accessory use corresponds to a listed principal use. Any permitted principal use in a zoning district is also permitted as an accessory use. In no instance shall an accessory use be permitted in a zoning district where it is prohibited as a principal use.
8. In the event a proposed accessory use is not listed in the table below and there is no corresponding principal use, the Administrator shall determine how to treat the accessory use in accordance with the standards for unlisted uses (see Section 6.1.G).

ACCESSORY USE TABLE

Accessory Use Type RA RA-20 RA-40 RA-2 RA-5 RA-USB RE GC-SL GC-WL PC B-1 B-2 VB I MF-CZ PD-CZ

Specific Use Standards Bldg. Code Class. RESIDENTIAL USES

Accessory Dwelling Located

within Stick-Built Dwelling P P P P P P Z A 8.1 R

Accessory Dwelling Located

within Non-Residential Building P P P Z A 8.2 Mix

Accessory Manufactured Home P P P P P P Z A 8.3 R

Accessory Stick-Built Dwellings P P P P P P Z A 8.4 R

Carport or Garage P P P P P P P P P P Z A 8.81 R,S

Home Occupation, Level 1 P P P P P P P P Z A 8.56 R

Home Occupation, Level 2 Z Z Z Z Z A 8.57 R

Personal Workshop / Storage

Building P P P P P P Z A 8.81 R, S

Family Health Care Structure P P P P P P P P A R

COMMERCIAL USES

Automatic Teller Machine (ATM) P P P P A 8.15 U
EDUCATIONAL AND INSTITUTIONAL USES
Cemetery, Family P P P P P P P P A 8.27 n/a
Child Care Home Facility P S P P P S S A 8.29 E, R

CHAPTER 6. TABLE OF USES
SECTION 6.3. TEMPORARY USES

Moore County UDO Page 60 Last Updated: 11.15.22

ACCESSORY USE TABLE

Accessory Use Type RA RA-20 RA-40 RA-2 RA-5 RA-USB RE GC-SL GC-WL PC B-1 B-2 VB I MF-CZ PD-CZ

Specific Use Standards Bldg. Code Class. RECREATION USES

Accessory Swimming Pool P P P P P P P P P P P P Z A 8.5 A, R

INDUSTRIAL USES

Amateur Radio and Receive-only

Antennas P P P P P P P P P P P P Z A 8.10 U

Solar Collectors, On-Site Use P P P P P P P P P P P P Z A 8.101 U

SECTION 6.3. TEMPORARY USES

A. APPLICABILITY

The standards in this section apply to non-permanent uses that take place on a temporary basis whether on the same site or in different locations across the County's planning jurisdiction.

B. PROCEDURE FOR ESTABLISHMENT

Temporary uses or structures may be approved in conjunction with the approval of the principal use or subsequently following the establishment of the principal use through the approval of a zoning permit or special use permit, as appropriate. Temporary uses may take place on vacant lots.

C. GENERAL STANDARDS FOR ALL TEMPORARY USES AND STRUCTURES

All temporary uses and structures shall comply with the following general standards, unless otherwise specified in this Ordinance:

1. GENERAL REQUIREMENTS

An applicant proposing a temporary use or structure shall:

- i. Secure written permission from the landowner;
- ii. Obtain the appropriate permits and licenses from the County and other agencies;
- iii. Comply with the applicable requirements for signs if signage is proposed;
- iv. Meet public utility requirements for proper connection to water, sewer, electrical and other utility service connections, as applicable;
- v. Not violate the applicable conditions of approval that apply to a site or use on the site;
- vi. Not result in a situation where the principal use, if present, fails to comply with the standards of this Ordinance;
- vii. Ensure the site of a temporary use or structure contains sufficient land area for the temporary use and for the parking and traffic movement associated with the temporary use, without impacting environmentally sensitive lands; and
- viii. Ensure temporary uses remain in place no longer than 90 days if located within a special flood hazard area.

2. GENERAL CONDITIONS

In approving a zoning permit for temporary uses or structures, the Administrator is authorized to impose any of the following general conditions upon the premises benefited by the permit as may be necessary to reduce or minimize any potential adverse impacts upon other property in the area, as long as the condition relates to a situation created or aggravated by the proposed temporary use. The Administrator is

authorized, where appropriate, to require:

i. Provision of temporary parking facilities, including vehicular access and egress;

Moore County UDO Page 61 Last Updated: 11.15.22

- #### D. TEMPORARY USE TABLE

- ## TEMPORARY USE TABLE

	Temporary	Use Type RA-RA-20 RA-40 RA-2 RA-5 RA-USB RE GC-SL GC-WL PC B-1 B-2 VB I MF-CZ PD-CZ
	Specific Use Standards Bldg.	Code Class. Construction Office, Temporary P P P P P P P P P P Z A 8.33 S-
1		
	Drop-In Child Care Facility	P P P A 8.40
	Itinerant Merchant	P P P P A 8.60 n/a
	Land Clearing	P P P P P P P P P P P Z A 8.62 F-1
	Manufactured Home or RV,	
	Temporary	P P P P P P P A 8.67 R-3
	Real Estate Offices, Temporary	P P P P P P P P P P P P P Z A 8.85 S-1

Temporary Events (Special Event) P P P P P P P P P P P P P Z A 8.104 n/a
Temporary Family Health Care
Structure P P P P P P P P P Z A 8.105 R, I
Yard Sales, Residential and Civic P P P P P P P P P P P P A 8.114 n/a

Special Use Permit – Grant St & MacDougall Dr – Staff Report

Agenda Item: _____ Meeting Date: February 21, 2023

MEMORANDUM TO THE BOARD OF COMMISSIONERS

FROM: Debra Ensminger Planning Director

DATE: January 13, 2023

SUBJECT: Quasi-Judicial Hearing for a Special Use Permit Request: Recreation, Indoor (Grant Street & MacDougall Drive, Seven Lakes)

PRESENTER: Debra Ensminger

REQUEST

Lisa Mace is requesting a Special Use Permit for Recreation, Indoor to operate a dance studio on 0.68 acres, located on Grant Street and MacDougall Drive, owned by KGM Investments, per Deed Book 1597 Page 223, Plat Cabinet 19 Slide 429 and further described as ParID 00028621 and ParID 00028622 in Moore County Tax Records.

BACKGROUND

Lisa Mace has applied for a Special Use Permit to operate a dance studio on the subject property, owned by her parents' LLC, located at the corner of Grant Street and MacDougall Drive. Presently, the subject property is vacant and is zoned Village Business District (VB) which requires a Special Use Permit for the Recreation, Indoor use. The submitted application and site-

specific development plan must meet the requirements of section 8.86 (Recreation, Indoor) of the Moore County Unified Development Ordinance.

Adjacent land uses include a plumbing contractor, vacant property, restaurant, vehicle repair and a medical office.

If approved, the approximate completion time for the project is mid-2024.

The Village Business (VB) Zoning District is intended to acknowledge the developed business area surrounding the Gated Community of Seven Lakes zoning district.

This property is not within a watershed overlay district so the provisions of Chapter 16 (Watershed Overlay Districts) of the UDO are not applicable to this request.

IMPLEMENTATION PLAN

Hold the Quasi-Judicial Hearing.

REQUIRED FINDINGS In recommending the Special Use Permit the following findings must be met: 1.The use will not materially endanger the public health or safety; and

VII.A.

Special Use Permit – Grant St & MacDougall Dr – Staff Report

2. The use meets all required conditions and specifications; and 3. The use will not substantially injure the value of adjoining property unless the use is a public necessity; and
4. The use will be in harmony with the surrounding area and compatible with the surrounding neighborhood; and 5. The use will be in general conformity with the approved Moore County Land Use Plan; and
6. The use is subject to a site plan that accurately depicts the proposed use's configuration.

APPLICATION REVIEW COMMENTS The proposed site plan meets all requirements of the Moore County Unified Development Ordinance, including Section 8.86 (Indoor Recreation)

A. Definition 1. Generally A fully enclosed facility providing for one or several recreational uses including sport auditoriums (basketball, dance, martial arts, soccer, swimming, tennis, wrestling), batting cages bowling alleys, skating rinks, and other recreational uses such as non-profit community centers, non-profit youth facilities, health and fitness clubs, gyms, movie theaters, and general gaming establishments. B. Standards

1. All buildings and parking shall be located a minimum 50 feet from any residentially zoned property line. i. The use is located approximately 1,200+/- feet from the residential Gated Community Seven Lakes (GC-SL) zoning district and 1,700+/- feet from the Rural Agricultural-Urban Service Boundary (RA-USB) zoning district (McLendon Hills residential subdivision)
2. Indoor recreation uses shall provide at least one off-street parking space for every two participants at full capacity. i. Capacity is calculated at 44 occupants which requires 22 off-street parking spaces. Site plan shows the minimum required number of spaces.

FINANCIAL IMPACT STATEMENT No financial impact to the County's FY 2022-2023 budget.

RECOMMENDATION

Staff recommends the Moore County Board of Commissioners make the following motion: Motion: Make a motion to approve/deny the Special Use Permit for Recreation, Indoor to operate a dance studio on 0.68 acres, located on Grant Street and MacDougall Drive, owned by KGM Investments, per Deed Book 1597 Page 223, Plat Cabinet 19 Slide 429 and further described as ParID 00028621 and ParID 00028622 in Moore County Tax Records.

Special Use Permit – Grant St & MacDougall Dr – Staff Report

SUPPORTING ATTACHMENTS

- Photos of Property
- Vicinity Map, Land Use Map, Zoning Map
- Special Use Permit Application
- Submitted Site Specific Development Plan
- Deed Book 1597, Page 223
- Plat Cabinet 19, Slide 429

Special Use Permit – Grant Street & MacDougall Drive – Staff Report

View of subject property (from Grant Street)

View of subject property (from MacDougall Drive)

Special Use Permit – Grant Street & MacDougall Drive – Staff Report

View of adjacent property (135 MacDougall Drive)

View of adjacent property (144 MacDougall Drive)

Special Use Permit – Grant Street & MacDougall Drive – Staff Report

View of adjacent property (169 MacDougall Drive)

View of adjacent property (241 Grant Street)

Special Use Permit – Grant Street & MacDougall Drive – Staff Report
View of adjacent property (196 MacDougall Drive)

NC

2

1

1

NC 73NC 705NC 73Text

Vicinity Map

Urban Transition HCOD

(400' from ROW line
on each side)

Plumbing Contractor

Vacant

Medical Office

Restaurant

Vehicle Repair

Shaded area proposed

Recreation, Indoor

Recreational Vehicle Repair

Land Use Map

Medical Office

Zoning Map

VB

GC-SL

Shaded area proposed

Recreation, Indoor

Agenda Item: Meeting Date: February 21, 2023

MEMORANDUM TO BOARD OF COMMISSIONERS:

FROM: Misty Leland, County Attorney

DATE: February 15, 2023

SUBJECT: Resolution Requesting NC General Assembly to Make Counties, Cities, and Public Schools Tax Exempt from paying Sales and Use Taxes

PRESENTER: Misty Leland, County Attorney

REQUEST: This is a request for the Board of Commissioners to approve the attached Resolution requesting the NC General Assembly to make counties, cities, and public school systems tax exempt from paying sales and use taxes.

BACKGROUND: NC counties, cities, and public school systems are currently not tax exempt and must pay sales taxes and then submit application to the State to receive reimbursements for the sales taxes paid.

It would be efficient and cost effective if the counties, cities, and public schools become tax exempt eliminating the time-consuming process of receiving reimbursements.

IMPLEMENTATION PLAN: Execute the Resolution and send to NCACC and General Assembly Delegation for Moore County

FINANCIAL IMPACT STATEMENT: Avoid paying sales taxes upfront and saving time and money seeking reimbursements.

RECOMMENDATION SUMMARY: Motion to approve the attached Resolution requesting the NC General Assembly to make counties, cities, and public school systems tax exempt from paying sales and use taxes.

SUPPORTING ATTACHMENTS:

Resolution

IX.D.

Resolution Requesting the North Carolina General Assembly to Make Counties, Cities, and Public Schools Tax Exempt

WHEREAS, sales to North Carolina counties, cities, public school systems, and other political subdivisions are subject to applicable rates of sales and use tax ("sales tax");¹ and WHEREAS, these political subdivisions must pay sales taxes and then submit application to the State to receive an annual refund for the sales taxes paid on the purchase of electricity, natural gas, telecommunication services and certain other property and services according to the NC Sales and Use Tax Bulletin Section 37-1(A), 74-4, and 74-5; and WHEREAS, the public schools are eligible for refunds only from the state portion of sales tax paid (4.25%); and

WHEREAS, it would be efficient and cost effective if the counties and public schools are tax exempt and not required to pay sales tax and then seek reimbursement which is a time-consuming process.

NOW, THEREFORE BE IT RESOLVED, the Moore County Board of Commissioners requests the North Carolina General Assembly to make NC counties, cities, and public schools tax exempt from paying sales and use taxes. This the 21st day of February 2023.

County of Moore

Nick J. Picerno, Chair Moore County Board of Commissioners Attest:

Laura M. Williams Clerk to the Board

¹ North Carolina Department of Revenue, Sales and Use Tax Bulletin (SUTB) 37-1(A), 2021.

Agenda Item: Meeting Date: February 21, 2023

MEMORANDUM TO BOARD OF COMMISSIONERS:

FROM: Misty Leland, County Attorney

DATE: February 15, 2023

SUBJECT: Approval of Resolution and Supplemental Agreement for Additional Opioid Settlement Funds (Walmart, Inc., Teva Pharmaceutical Industries Ltd., Allergan Finance, LLC, Allergan Limited, CVS Health Corporation, CVS Pharmacy, Inc., and Walgreen Co., and their subsidiaries, affiliates, officers, and directors)

PRESENTER: Misty Leland, County Attorney

REQUEST: This is a request for the Board of Commissioners to approve the attached Resolution and Supplemental Agreement for Additional Funds (SAAF) for a new national opioid settlement with Walmart, Walgreens, CVS, Allergan, and Teva.

BACKGROUND: There are newly negotiated opioid settlements, in the amount of \$21 billion, with CVS, Walgreens, Walmart, Allergan and Teva which have the potential to bring significantly greater resources to Moore County and all of NC to address the opioid epidemic. North Carolina's state and local governments stand to receive more than \$600 million from this second round of opioid settlements referred to as "Wave Two Settlements" This is in addition to the more than \$750 million we are already receiving from the Wave One Settlements.

Wave One Opioid Settlements Key Points:

- \$26 billion national settlement
- NC and local governments (all 100 counties and 17 of largest municipalities) to receive over\$750 million
- Big Three Drug Distributors AmerisourceBergen, Cardinal Health, and McKesson plusJohnson & Johnson
- State receives 15%
- Local government receives 85%

Wave Two Opioid Settlement Key Points:

- \$21 billion national settlement
- NC and local governments (all 100 counties and 17 of largest municipalities) to receive over\$600 million
- Walmart, Walgreens, CVS, Allergan, and Teva*
- State receives 15%
- Local government receives 84.62%
- Local Counsel Fee Fund receives 0.38% of local governments 85% portion (See page 3 of

SAAF)

IX.E.

*Walmart, Inc., Teva Pharmaceutical Industries Ltd., Allergan Finance, LLC, Allergan Limited, CVS Health Corporation, CVS Pharmacy, Inc., and Walgreen Co., as well as their subsidiaries, affiliates, officers, and directors

IMPLEMENTATION PLAN: Execute the Resolution and SAAF FINANCIAL IMPACT STATEMENT: Receive funding from Wave Two of National Opioid Settlement RECOMMENDATION SUMMARY: Motion to approve the attached Resolution and Supplemental Agreement for Additional Funds (SAAF) regarding Wave Two of the National Opioid Settlement. SUPPORTING ATTACHMENTS: Resolution Supplemental Agreement for Additional Funds (SAAF)

RESOLUTION BY THE COUNTY OF MOORE AUTHORIZING EXECUTION OF OPIOID SETTLEMENTS AND APPROVING THE SUPPLEMENTAL AGREEMENT FOR ADDITIONAL FUNDS BETWEEN THE STATE OF NORTH CAROLINA AND LOCAL GOVERNMENTS ON PROCEEDS RELATING TO THE SETTLEMENT OF OPIOID LITIGATION

WHEREAS, the opioid overdose epidemic had taken the lives of more than 32,000 North Carolinians (2000-2021); WHEREAS, the COVID-19 pandemic has compounded the opioid overdose crisis, increasing levels of drug misuse, addiction, and overdose death; and

WHEREAS, the Centers for Disease Control and Prevention estimates the total economic burden of prescription opioid misuse alone in the United States is \$78.5 billion a year, including the costs of healthcare, lost productivity, addiction treatment, and criminal justice involvement; and WHEREAS, in North Carolina, the overdose death illicit drug involvement rate in NC was 76

out of 100 overdose deaths in 2020. This represents 2,255 people in NC who died from illicit drug overdose in that year. The overdose death illicit drug involvement rate in Moore County was 91 out of 100 overdose deaths in 2020.

This represents 21 people in Moore who died from illicit drug overdose in that year. Moore County is in the highest category for illicit drug overdose deaths rates when compared to other counties in NC; and WHEREAS, certain counties and municipalities in North Carolina joined with thousands of local governments across the country to file lawsuits against opioid manufacturers, pharmaceutical distribution companies, and chain drug stores to hold those companies accountable for their misconduct; and WHEREAS, settlements have been reached in litigation against

Walmart, Inc., Teva Pharmaceutical Industries Ltd., Allergan Finance, LLC, Allergan Limited, CVS Health Corporation, CVS Pharmacy, Inc., and Walgreen Co., as well as their subsidiaries, affiliates, officers, and directors named in the these Settlements; and WHEREAS, representatives of local North Carolina governments, the North Carolina Association of County Commissioners, and the North Carolina Department of Justice have negotiated and prepared a Supplemental Agreement for Additional Funds (SAAF) to provide for the equitable distribution of the proceeds of these settlements; and WHEREAS, by joining the settlements and approving the SAAF, the state and local governments maximize North Carolina's share of opioid settlement funds to ensure the needed resources reach communities, as quickly, effectively, and directly as possible; and WHEREAS, it is advantageous to all North Carolinians for local governments, including Moore

County and its residents, to sign onto the settlements and SAAF and demonstrate solidarity in response to the opioid overdose crisis, and to maximize the share of opioid settlement funds received both in the State and this County to help abate the harm; and

WHEREAS, the SAAF directs substantial resources over multiple years to local governments on the front lines of the opioid overdose epidemic while ensuring that these resources are used in an effective way to address the crisis.

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners of Moore County hereby authorizes the Board Chair (or the County Manager if the Chair is unavailable) to execute all documents necessary to enter into opioid settlement agreements with Walmart, Walgreens, CVS, Allergan, and Teva, to execute the SAAF, and, further, authorizes the County Attorney and Clerk to the Board to provide such documents to Rubris, the Implementation Administrator. Adopted this the 21st day of February 2023.

_____ Commissioners	Nick Picerno, Chair	Moore County Board of
ATTEST: _____		
Laura Williams, Clerk to the Board		

Supplemental Agreement for Additional Funds
From Additional Settlements of Opioid Litigation

I. PURPOSE

The purpose of this Supplemental Agreement for Additional Funds ("SAAF") is to direct Additional Funds from Additional Settlements of opioid litigation to the state of North Carolina and local governments in a manner consistent with the Memorandum of Agreement ("MOA") Between the State of North Carolina and Local Governments on Proceeds Relating to the Settlement of Opioid Litigation that has governed the distribution of Opioid Settlement Funds to the State and its Local Governments since May 2022.

This SAAF does not change the scope or meaning of the MOA with respect to Opioid Settlement Funds governed by the MOA. Instead, this SAAF applies the terms of the MOA – with certain clarifications noted below – to the Additional Settlements and Additional Funds described below.

II. SCOPE

A. Scope of the MOA. Under the terms of the MOA, the MOA governs Opioid Settlement Funds from:

1. The National Settlement Agreement with the drug distributors Cardinal, McKesson, and AmerisourceBergen and the drug maker Johnson & Johnson and its subsidiary Janssen Pharmaceuticals; and
2. The Bankruptcy Resolution with Mallinckrodt; any Bankruptcy Resolution with Purdue; and any other Bankruptcy Resolution as the term "Bankruptcy Resolution" is defined in the MOA.

B. Scope of this SAAF. This SAAF governs Additional Funds from the Additional Settlements with Additional Settling Defendants Walmart, Inc., Teva Pharmaceutical Industries Ltd., Allergan Finance, LLC, Allergan Limited, CVS Health Corporation, CVS Pharmacy, Inc., and Walgreen Co., as well as their subsidiaries, affiliates, officers, and directors named in the Additional Settlements.

III. APPLICATION OF THE MOA TO ADDITIONAL SETTLEMENTS AND FUNDS

The MOA, which is incorporated herein by reference, governs Additional Settlements and Additional Funds in every respect, except as set forth hereinbelow. In the event of any conflict between the MOA and this SAAF, with respect to Additional Settlements and Additional Funds, the provisions of this SAAF shall take precedence.

A. Definitions.

1. The definitions used in the MOA are incorporated by reference into this SAAF.

2. "Additional Funds" shall mean all funds allocated by the Additional Settlements to the State or Local Governments for purposes of opioid remediation activities, as well as any repayment of those funds and any interest or investment earnings that may accrue as those funds are temporarily held before being expended on opioid remediation strategies. Not included are funds made available in Additional Settlements for the payment of the Parties' litigation expenses or the reimbursement of the United States Government.

3. "Additional Settlements" means a national opioid settlement agreement with the Parties and one or more of the Additional Settling Defendants concerning alleged misconduct in manufacture, marketing, promotion, distribution, or dispensing of an opioid analgesic.

4. "Additional Settling Defendants" means the defendants listed in section II.B of this SAAF.

5. "Local Counsel" means legal counsel and law firms who have a principal office in North Carolina and represented one or more North Carolina counties and municipalities in litigation against one or more Additional Settling Defendant concerning opioids.

6. "National Counsel" means legal counsel and law firms who have a principal office outside of North Carolina and represented various North Carolina counties and municipalities in litigation against one or more Settling Defendant or Additional Settling Defendant concerning opioids.

7. "Required Local Governments" means all North Carolina counties and municipalities that have filed litigation against any of the Settling Defendants or Additional Settling Defendants.

B. Allocation of Additional Funds

1. Method of distribution. Pursuant to any Additional Settlements, Additional Funds shall be distributed directly to the State, Local Governments, and Local Counsel for such uses as set forth in the MOA and this SAAF, provided Opioid Settlement Funds shall not be considered funds of the State, any Local Governments, or any Local Counsel unless and until such time as each distribution is made.
2. Overall allocation of funds. Additional Funds shall be allocated as follows with respect to each payment from the Additional Settling Defendants: (i) 15% directly to the State ("State Additional Abatement Fund"), (ii) 84.62% to abatement funds established by Local Governments ("Local Additional Abatement Funds"), and (iii) 0.38% to a Local Counsel Fee Fund described in section IV of this SAAF.
3. The allocation of Local Additional Abatement Funds between Local Governments shall be as described in MOA section B.3. However, to the extent required by the terms of an Additional Settlement, the proportions set forth in MOA Exhibit G shall be adjusted: (i) to provide no payment from an Additional Settlement to any listed county or municipality that does not participate in the Additional Settlement; and (ii) to provide a reduced payment from an Additional Settlement to any listed county or municipality that signs onto the Additional Settlement after the deadline specified by the Additional Settlement.
4. Municipal allocations of Local Additional Abatement Funds shall be as described in MOA section B.4. Consistent with the manner in which MOA section B.4.b has been interpreted by the parties to the MOA with respect to Opioid Settlement Funds, a municipality that directs Local Additional Abatement Funds to the county or counties in which it is located pursuant to MOA section B.4 shall be relieved of any reporting or other obligations under the MOA with respect to the redirected funds.
5. The use of Additional Funds for opioid remediation activities shall be as described in MOA section B.5.
6. All Parties acknowledge and agree the Additional Settlements will require a Local Government to release all its claims against the Additional Settling Defendants to receive Additional Funds. All Parties further acknowledge and agree based on the terms of the Additional

Settlements, a Local Government may receive funds through this SAAF only after complying with all requirements set forth in the Additional Agreements to release its claims.

C. Payment of Litigating and Non-Litigating Parties

No party engaged in litigating the MDL Matter shall receive a smaller payment than a similarly situated non-litigating Party, other than as based on the Allocation Proportions in MOA Exhibit G.

D. Special Revenue Fund

Every Local Government receiving Additional Funds shall either (1) deposit the Additional Funds in the special revenue fund that the Local Government created for Opioid Settlement Funds pursuant to MOA section D.1 or (2) create a separate special revenue fund as described in MOA section D.1 that is designated for the receipt and expenditure of the Additional Funds. In either case, every Local Government receiving Additional Funds shall abide by MOA section D and other relevant provisions of the MOA with respect to the Additional Funds in the special revenue fund.

E. Opioid Remediation Activities

1. Local Governments shall expend Additional Funds according to the requirements for Opioid Settlement Funds stated in MOA section E.

2. The coordination group established by MOA section E.7 and described in MOA Exhibit D shall have the same responsibilities with respect to remediation activities funded by Additional Funds and related requirements and procedures that it has with respect to the Opioid Settlement Funds covered by the MOA.

F. Auditing, Compliance, Reporting, and Accountability

1. The Auditing, Compliance, Reporting, and Accountability provisions stated in MOA section F shall apply to Additional Funds in the way they apply to Opioid Settlement Funds.

2. The coordination group established by MOA section E.7 and described in MOA Exhibit D shall have the same responsibilities with respect to auditing, compliance, reporting, and accountability provisions relating to Additional Funds that it has with respect to the Opioid Settlement Funds covered by the MOA.

G. Effectiveness

1. When this SAAF takes effect. This SAAF shall become effective at the time a sufficient number of Local Governments have joined the SAAF to qualify the SAAF as a State-Subdivision Agreement under the Additional Settlements. If this SAAF does not thereby qualify as a State-Subdivision Agreement, this SAAF will have no effect.

2. Amendments to the SAAF.

a. Amendments to conform to final national documents. The Attorney General, with the consent of a majority vote from a group of Local Government attorneys appointed by the Association of County Commissioners, may initiate a process to amend this SAAF to make any changes required by the final provisions of the Additional Settlements. The Attorney General's Office will provide written notice of the necessary amendments to all the previously joining parties. Any previously joining party will have a two-week opportunity to withdraw from the SAAF. The amendments will be effective to any party that does not withdraw.

b. Coordination group. The coordination group may make the changes to the SAAF described and authorized in MOA Exhibit D.

c. No amendments to allocation between Local Governments. Notwithstanding any other provision of this SAAF, the allocation proportions set forth in MOA Exhibit G may not be amended.

d. General amendment power. After execution, the coordination group may propose other amendments to the SAAF, subject to the limitation in Section G.2.c of this SAAF. Such amendments will take effect only if approved in writing by the Attorney General and at least two-thirds of the Local Governments who are Parties to this SAAF. In the vote, each Local Government Party will have a number of votes measured by the allocation proportions set forth in MOA Exhibit G.

3. Acknowledgement. The Parties acknowledge this SAAF is an effective and fair way to address the needs arising from the public health crisis

due to the misconduct committed by the Pharmaceutical Supply Chain Participants.

4. When SAAF is no longer in effect. This SAAF is effective until one year after the last date on which any (a) Opioid Settlement Funds are being spent by Local Governments pursuant to the National Settlement Agreement and any Bankruptcy Resolution or (b) Additional Funds are being spent by Local Governments pursuant to the Additional Settlements.

5. Application of SAAF to settlements. This SAAF applies to the Additional Settlements.

6. Applicable law and venue. Unless required otherwise by the Additional Settlements, this MOA shall be interpreted using North Carolina law and any action related to the provisions of this SAAF must be adjudicated by the Superior Court of Wake County. If any provision of this SAAF is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision which can be given effect without the invalid provision.

7. Scope of this SAAF. The Parties acknowledge this SAAF does not excuse any requirements placed upon them by the terms of the Additional Settlements, except to the extent those terms allow for a State-Subdivision Agreement to do so.

8. No third party beneficiaries. No person or entity is intended to be a third party beneficiary of this SAAF.

9. No effect on authority of parties. Nothing in this SAAF shall be construed to affect or constrain the authority of the Parties under law.

10. Signing and execution of this SAAF. This SAAF may be signed and executed simultaneously in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same agreement. A signature transmitted by facsimile, electronic image, or DocuSign shall be deemed an original signature for purposes of executing this SAAF. Each person signing this SAAF represents he or she is fully authorized to enter into the terms and conditions of, and to execute, this SAAF, and all necessary approvals and conditions precedent to execution have been satisfied.

IV. LOCAL COUNSEL FEE FUND

Local Counsel have reviewed the Additional Settlements, find them to be equitable, and recommend their clients execute these Additional Settlements and this SAAF. If (1) all Local Counsel sign this SAAF whereby they consent to the terms of this SAAF and agree to be legally bound by this SAAF, including but not limited to Section IV of this SAAF, and (2) all Required Local Governments agree on or before April 18, 2023 to dismiss all litigation against the Additional Settling Defendants as required by the Additional Settlements, then each Local Counsel shall be entitled to receive a portion of the Local Counsel Fee Fund for the Additional Settlements, in such proportions as set forth below. If one or more Required Local Governments does not dismiss litigation as required by the Additional Settlements, then the 0.38% share of Additional Funds set forth in Section III.B.2 of this SAAF for the Local Counsel Fee Fund shall be included in the Local Additional Abatement Funds, such that 85% of the Additional Funds will be allocated to Local Additional Abatement Funds, and 0% will be allocated to the Local Counsel Fee Fund.

Local Counsel release all North Carolina counties and municipalities from any claim regarding the obligation to pay legal fees or costs relating to their representation of North Carolina counties and municipalities regarding opioid claims and litigation against the Settling Defendants and Additional Settling Defendants. Local Counsel retain their rights to recover legal fees from any national legal fee fund established by a national settlement and to collect any fees due from National Counsel. If one or more National Counsel fails to release its North Carolina client counties and/or municipalities from any contractual obligation to pay legal fees or costs relating to their representation of North Carolina counties and municipalities regarding opioid claims and litigation against the Settling Defendants and Additional Settling Defendants, as required for National Counsel and Local Counsel to receive a portion of the national fee funds created by the National Settlement Agreements and Additional Settlement, then the 0.38% share of Additional Funds set forth in Section III.B.2 of this SAAF for the Local Counsel Fee Fund shall be included in the Local Additional Abatement Funds, such that 85% of the Additional Funds will be allocated to Local Additional Abatement Funds, and 0% will be allocated to the Local Counsel Fee Fund.

As soon as practicable, but in any event no later than May 1, 2023, Local Counsel shall report to the settlement administrator the proportion of the Local Counsel Fee Fund to be received by each Local Counsel. No funds shall be paid out of the Local Counsel Fee Fund until such report is received. Each Local Counsel's release of claims against all North Carolina counties and municipalities as provided above shall remain in full force and effect regardless of the proportion of the Local Counsel Fee Fund that any Local Counsel receives.

IN WITNESS WHEREOF, the parties, through their duly authorized officers, have executed this Supplemental Agreement for Additional Funds under seal as of the date hereof.

By: _____

Name: _____

Title: _____

County/City/Town of _____

Date: _____

Agenda Item: Meeting Date: February 21, 2023

MEMORANDUM TO BOARD OF COMMISSIONERS:

FROM: Misty Leland, County Attorney

DATE: February 13, 2023

SUBJECT: Procurement Waiver for use of Opioid Settlement Funds

PRESENTER: Misty Leland, County Attorney

REQUEST: The request is for the Board to waive the informal and formal bidding thresholds and bid award standard set forth in Moore County's Purchasing Policy and Procedures Manual for the use of Opioid Settlement Funds as it relates to service contracts.

BACKGROUND:

Moore County's Purchasing Policy and Procedures Manual states in section XIII. SERVICE CONTRACTS the following:

NC law does not require services to be bid. However, Moore County self-imposes bidding for services in the informal and formal ranges as set forth in the Policy except above. The Opioid Task Force is requesting the informal and formal bidding thresholds be waived for service contracts. In addition, the award standard to the lowest responsible, responsive bidder will need to be waived as well. The bidding thresholds and the bidding award standard are not appropriate for the allocation of the opioid settlement funds.

The Opioid Task Force is in the process of developing an RFP that will go out to potential partners to help mitigate the opioid crisis. These potential partners may have unique services they offer to help

IX.F.

fight the opioid crisis which would make it difficult to award or allocate funds to the lowest responsible, responsive bidder and use the bidding thresholds.

IMPLEMENTATION PLAN: Upon approval, the Opioid Task Force will be able to recommend applications from the Request for

Proposal process based on criteria within the RFP and not based on the bidding thresholds or the bidding award standard. FINANCIAL IMPACT STATEMENT: There is no financial impact to this request.

RECOMMENDATION SUMMARY: The request is for the Board to make a motion to waive the informal and formal bidding thresholds and bidding award standard for service contracts as set forth in Moore County's Purchasing Policy

and Procedures Manual for the use of Opioid Settlement Funds.

Agenda Item:

Meeting Date: February 21, 2023

MEMORANDUM TO BOARD OF COMMISSIONERS:

FROM: Wayne Vest, County Manager

DATE: February 13, 2023

SUBJECT: Opioid Settlement Funds – Option A Strategy Selection for Request for Proposal

PRESENTER: Wayne Vest, County Manager

REQUEST:

This is a request for the Board to approve which Option A strategies are included in the Request for Proposal (RFP).

BACKGROUND:

At the Work Session on August 18, 2022, the Board selected Option A strategies under the Memorandum of Agreement between the State of North Carolina and Local Governments on Proceeds Relating to the Settlement of Opioid Litigation. Under Option A there are 12 high-impact opioid abatement strategies. Those 12 strategies are identified in the attached document. During the months of December 2022 and January 2023, the County sent out a survey to key stakeholders to help identify the Option A strategies by priority in Moore County. The top five strategies identified by the survey were the following:

Evidence-based addiction treatment (Option A, Strategy 2)

Early intervention (Option A, Strategy 6)

Recovery support services (Option A, Strategy 3)

Collaborative strategic planning (Option A, Strategy 1)

Recovery housing support (Option A, Strategy 4)

The Opioid Task Force is preparing an RFP for Board approval for the March 9, 2023 Board meeting. In preparing the RFP, the Opioid Task Force would like to include the strategies that the Board of Commissioners agrees should be included in the RFP. There are three options for the RFP.

1. Include all 12 Option A strategies in the RFP.

- o Collaborative strategic planning

- o Evidence-based addiction treatment

- o Recovery support services

- o Recovery housing support

- o Employment-related services

- o Early intervention

- o Naloxone distribution

- o Post-overdose response team

- o Syringe Service Program

- o Criminal justice diversion programs

- o Addiction treatment for incarcerated persons

- o Reentry Programs

IX.G.

2. Include the top 5 Option A strategies from the survey in the RFP.

- o Evidence-based addiction treatment (Option A, Strategy 2)
- o Early intervention (Option A, Strategy 6)
- o Recovery support services (Option A, Strategy 3)
- o Collaborative strategic planning (Option A, Strategy 1)
- o Recovery housing support (Option A, Strategy 4)

3. Include specific Option A strategies that the Board agrees should be included in the RFP.

IMPLEMENTATION PLAN:

Once the Board has chosen which strategies to include in the RFP, the Opioid Task Force will finalize the RFP and post for key stakeholders to apply for funding.

FINANCIAL IMPACT STATEMENT:

Once applications are received and evaluated, a budget amendment, resolution and recommendation for allocations will be brought before the Board. The County currently has \$811,335.56 in revenues in account 29018000 32531 available as Opioid Settlement Funds.

RECOMMENDATION SUMMARY:

Request a motion for the Board to choose which Option A strategies should be included in the Request for Proposal for the Opioid Settlement Funds.

SUPPORTING ATTACHMENTS:

High-Impact Opioid Abatement Strategies (Option A)
Survey

EXHIBIT A TO NC MOA:

HIGH-IMPACT OPIOID ABATEMENT STRATEGIES (“OPTION A” List)

In keeping with the National Settlement Agreement, opioid settlement funds may support programs or services listed below that serve persons with Opioid Use Disorder (OUD) or any co-occurring Substance Use Disorder (SUD) or mental health condition.

As used in this list, the words “fund” and “support” are used interchangeably and mean to create, expand, or sustain a program, service, or activity.

1. Collaborative strategic planning. Support collaborative strategic planning to address opioid misuse, addiction, overdose, or related issues, including staff support, facilitation services, or any activity or combination of activities listed in Exhibit C to the MOA (collaborative strategic planning).
2. Evidence-based addiction treatment. Support evidence-based addiction treatment consistent with the American Society of Addiction Medicine’s national practice guidelines for the treatment of opioid use disorder – including Medication-Assisted Treatment (MAT) with any medication approved for this purpose by the U.S. Food and Drug Administration – through Opioid Treatment Programs, qualified providers of Office-Based Opioid Treatment, Federally Qualified Health Centers, treatment offered in conjunction with justice system programs, or other community-based programs offering evidence-based addiction treatment. This may include capital expenditures for facilities that offer evidence-based treatment for OUD. (If only a portion of a facility offers such treatment, then only that portion qualifies for funding, on a pro rata basis.)
3. Recovery support services. Fund evidence-based recovery support services, including peer support specialists or care navigators based in local health departments, social service offices, detention facilities, community-based organizations, or other settings that support people in treatment or recovery, or people who use drugs, in accessing addiction treatment, recovery support, harm reduction services, primary healthcare, or other services or supports they need to improve their health or well-being.
4. Recovery housing support. Fund programs offering recovery housing support to people in treatment or recovery, or people who use drugs, such as assistance with rent, move-in deposits, or utilities; or fund recovery housing programs that provide housing to individuals receiving Medication-Assisted Treatment for opioid use disorder.
5. Employment-related services. Fund programs offering employment support services to people in treatment or recovery, or people who use drugs, such as job training, job skills, job placement, interview coaching, resume review, professional attire, relevant courses at community colleges or vocational schools, transportation services or transportation vouchers to facilitate any of these activities, or similar services or supports.
6. Early intervention. Fund programs, services, or training to encourage early identification and intervention for children or adolescents who may be struggling with problematic use of drugs or mental health conditions, including Youth Mental Health

First Aid, peer-based programs, or similar approaches. Training programs may target parents, family members, caregivers, teachers, school staff, peers, neighbors, health or human services professionals, or others in contact with children or adolescents.

7.Naloxone distribution. Support programs or organizations that distribute naloxone to persons at risk of overdose or their social networks, such as Syringe Service Programs, post-overdose response teams, programs that provide naloxone to persons upon release from jail or prison, emergency medical service providers or hospital emergency departments that provide naloxone to persons at risk of overdose, or community-based organizations that provide services to people who use drugs. Programs or organizations involved in community distribution of naloxone may, in addition, provide naloxone to first responders.

8.Post-overdose response team. Support post-overdose response teams that connect persons who have experienced non-fatal drug overdoses to addiction treatment, recovery support, harm reduction services, primary healthcare, or other services or supports they need to improve their health or well-being.

9.Syringe Service Program. Support Syringe Service Programs operated by any governmental or nongovernmental organization authorized by section 90-113.27 of the North Carolina General Statutes that provide syringes, naloxone, or other harm reduction supplies; that dispose of used syringes; that connect clients to prevention, treatment, recovery support, behavioral healthcare, primary healthcare, or other services or supports they need; or that provide any of these services or supports.

10.Criminal justice diversion programs. Support pre-arrest or post-arrest diversion programs, or pre-trial service programs, that connect individuals involved or at risk of becoming involved in the criminal justice system to addiction treatment, recovery support, harm reduction services, primary healthcare, prevention, or other services or supports they need, or that provide any of these services or supports.

11.Addiction treatment for incarcerated persons. Support evidence-based addiction treatment, including Medication-Assisted Treatment with at least one FDA-approved opioid agonist, to persons who are incarcerated in jail or prison.

12.Reentry Programs. Support programs that connect incarcerated persons to addiction treatment, recovery support, harm reduction services, primary healthcare, or other services or supports they need upon release from jail or prison, or that provide any of these services or supports.

1

Opioid Settlement

Survey Results

January 19, 2023

OPIOID SETTLEMENT FUND \$6,258,160

Received \$770,260.60 as of 1/17/23

PRE-EXPOSURE POST

TREATMENT/

INTERVENTION

1

2

2

Survey

- Survey sent to key stakeholders in December and January
- Survey participants – municipalities, college, schools, organizations, judges and county departments
- Total of 38 surveys sent – 32 responses received

Survey Results

- Question 1 - Contact Information
- Question 2 - Rank the top four strategies by priority under Option A for Moore County.
- Results:
 - Evidence-based addiction treatment (Option A, Strategy 2)
 - Early intervention (Option A, Strategy 6)
 - Recovery support services (Option A, Strategy 3)
 - Collaborative strategic planning (Option A, Strategy 1)
 - Recovery housing support (Option A, Strategy 4)

3

4

Survey Results (continued)

- Question 3 - Please tell us why you chose the top four activities in the previous question as being the top priorities?

- Below are a few of the responses summarized:

- Treatment first then support followed by housing and employment

- Prevention and early intervention to keep people out of jail

- Challenging to prioritize – each category vital

- Recovery housing and employment

Survey Results (continued)

- Question 4 – Do you feel there is a segment of the population that is not being reached in MooreCounty?

Survey Results (continued)

- Question 4 – Segments of population not being reached in Moore County (responses summarized):
- Women/pregnant women, homeless, low-income, individuals without Medicaid, Hispanic/Latinopopulation, and youth
- Rural areas and access to transportation
- North Moore area and Vass area
- People with an active addiction released from jail

Survey Results (continued)

- Question 5 – Do you feel there are geographical areas in the County that are unserved orunderserved?

Survey Results – (continued)

•Question 5 – Geographical areas in the County that are unserved or underserved (responses summarized):

- Robbins and West Southern Pines
- Lower income areas of the County
- North side of the County (mentioned multiple times)
- Rural areas
- Pinebluff, Eagle Springs, and Vass

Survey Results (continued)

•Question 6 – What are the strengths in our community to help address opioid misuse? (Select all that apply)

Survey Results (continued)

•Question 7 – What are the gaps/challenges in our community to addressing opioid misuse? (select all that apply)

Survey Results (continued)

•Question 8 – If additional funds were received by your organization, explain how the funds would be used to provide services above and beyond the services you are currently providing.

•Below are a few of the responses summarized: •Hire additional staff to work with homeless •Fund treatment scholarships •Increase hours of part-time staff to serve more people •Hire a peer-support specialist to focus on underserved populations

•Support other organizations who directly provide treatment

•Purchase prevention and addiction materials •Education and awareness •Expand clinical counseling services •Provide services for women

•Narcan/naloxone

Survey Results (continued)

- Question 9 – Is your organization willing to work or collaborate with another organization in receiving the funding to accomplish a common goal under Option A?

Survey Results (continued)

- Question 10 – How does your organization define success in terms of opioid abuse prevention and/or treatment?
- Below are a few of the responses summarized:
- Reduction in abuse and overdose deaths
- Completion of treatment program
- Graduation rate and follow-up sober rate
- Reduction of recidivism
- Decrease in emergency calls related to overdose

Survey Results (continued)

•Question 11 – In regard to measuring outcomes and effectiveness: how does your organization track and measure success?

•Below are a few of the responses summarized:

•Track applicants from first phone call all the way through program

•Total number of individuals served in treatment yearly

•Treatment completions

•Testimonials/success stories

•Participant surveys

•Reduction in recidivism

OPIOID SETTLEMENT FUND \$6,258,160

Received \$770,260.60 as of 1/17/23

PRE-EXPOSURE POST

TREATMENT/

INTERVENTION

15

16

Next Steps

- Determine if more input is needed
- Determine strategies and funding amounts for initial allocation
- Determine length of time for agreements
- Develop Request for Proposal (RFP)
- Evaluate applications
- Approve applications
- Allocate funds
- Performance measures
- Approval of Local Spending Authorization (Resolution) to include strategies, amount, and time period

Next Steps (continued)

- Reporting Requirements Under Memorandum of Agreement with State
- Local Spending Authorization submitted to State within 90 days of passage.
- Annual Financial Reports within 90 days of end of fiscal year
- Annual Impact Information (Exhibit F to NC MOA)
- Brief progress report
- Brief success story
- One or more process measures
- One or more quality measures
- One or more outcome measures
- Demographic information

Agenda Item:

Meeting Date: February 21, 2023

MEMORANDUM TO BOARD OF COMMISSIONERS:

FROM: Wayne Vest, County Manager

DATE: February 15, 2023

SUBJECT: Review, Modify, and Approve Task Force Goals

PRESENTER: Wayne Vest, County Manager

REQUEST:

This is a request for the Board to review, modify, and approve task force goals that were discussed at the February 9, 2023 Moore County Board of Commissioner's Work Session.

BACKGROUND:

At the Moore County Board of Commissioner's Special Meeting (work session) on January 18, 2023 several task force groups were created, which are the following:

Budget Task Force – Commissioners Picerno and Quis

Law Enforcement/Veterans Task Force – Commissioners Cook and Von Canon

Opioid Task Force – Commissioners Quis and Ritter

Solid Waste Task Force – Commissioners Picerno and Von Canon

Water/Sewer Task Force – Commissioners Cook and Picerno

At the Board's meeting on January 24, 2023 additional task force assignments were made which include the following:

Economic Task Force – Commissioners Quis and Von Canon

Land Use Plan/Unified Development Ordinance Task Force – Commissioners Picerno and Ritter

Legislative Task Force – Commissioners Cook and Ritter

The Board held a special meeting (work session) on February 9, 2023 to discuss goals for each task force. The attached document lists the goals identified at the special meeting.

IMPLEMENTATION PLAN:

Once the Board agrees that the goals for each task force have been clearly identified, a timeline and key steps to accomplish those goals will need to be developed.

FINANCIAL IMPACT STATEMENT:

There is no financial impact to this request.

RECOMMENDATION SUMMARY:

The request is for the Board to review, modify, and approve the goals identified on the attached document for each task force.

SUPPORTING ATTACHMENTS:

Proposed Task Force Goals

Opioid Task Force Timeline

IX.H.

February 9, 2023

Moore County Board of Commissioners Work Session – Senior Center
Proposed Task Force Goals

1. Budget Task Force (Nick Picerno, Frank Quis)

Look at no additional tax burden, work on lowering tax rate.

Look at scale for COLA (Cost of Living Adjustment) 2-5% range.

Review Enterprise Fund rates.

Local Government Employees' Retirement System (LGERS) Contribution.

2. Economic Development Task Force (Frank Quis, Jim Von Canon)

Where to develop infrastructure (get 2020 PIP Study).

Examine our current economic development platform.

Future opportunities that fit culturally.

Use college for training for area jobs.

Help small business growth by reducing red tape.

3. Land Use Plan/Unified Development Ordinance (Nick Picerno, John Ritter)

Reconcile Land Use Plan and UDO (BOC/Planning Board involvement).

Land Use Plan-Long Term Goals:

- o Establish Steering Committee for update of Land Use Plan.

- o Review definition of major subdivision.

- o Review definition of conservation subdivision.

Review Process – Quasi Judicial or Subdivision Review Board process.

4. Law Enforcement/Veterans Task Force (Kurt Cook, Jim Von Canon)

Tap into county reserves and develop a list of priorities (what keeps people up at night?)

More rooms at First Health for mental health

Meet with Sheriff on needs.

5. Legislative Task Force (Kurt Cook, John Ritter)

What can we do to get a response from our Legislators?

Tier System elimination

Develop a system of follow-up to our resolution(s)

- o Create a system of sharing and follow-up.

- o Family Rights Act and Tier System Resolutions – already sent to Legislators.

6. Opioid Task Force – See Attached Timeline of Events (Frank Quis, John Ritter)

Sign onto second wave of Opioid Funding - BOC agenda 2/21/23.

Waive \$50K bidding threshold for services – BOC to approve procurement waiver 2/21/23.

Prepare agenda item for Board approval on Option A categories for RFP – 2/21/23 BOC agenda.

Prepare agenda item for BOC approval on RFP – 3/9/23 agenda.

Prepare agenda item for Board approval to establish selection group and setting parameters on funding (terms and amounts) – 3/9/23 agenda.

Prepare agenda item for Board approval on allocations and contracts – 4/4/23 agenda.

Prepare agenda item for Board approval on resolution and budget amendment.

Resolution to be submitted to State after Board approval. – 4/4/23 agenda.

7. Solid Waste Task Force (Nick Picerno, Jim Von Canon)

Aberdeen Collection Site Capital Project.

Review and evaluate recycling effectiveness and rates including municipal recycle material.

Consider restrictions of load size at collection sites for C&D (construction & demolition).

Signage – collection sites and commercial haulers.

Review additional collection sites and equipment.

Determine if measures are needed to control out of county material coming to collection sites.

Methane control & continued support going forward including government regulations – Explore methane to Bio-Fuels option.

Best plan for future construction and demolition (C&D) growth and next steps for sites beyond Cell 6.

8. Water and Sewer Task Force (Kurt Cook, Nick Picerno)

Secure future water supply.

Update LKC contract for Phase 2 of water supply study

Update AB and SP contracts including potential for increase in GPD (gallons/day).

Move forward and expedite future wells.

Evaluation of Robbins' facilities – February 20, 2023.

Infrastructure policy with developers – upsizing of infrastructure.

Hwy 211 sewer routing – where is it going?

Other line extensions and UDO & Land Use Plan.

OPIOID TASK FORCE

FEBRUARY 13, 2023

Timeline of Action Items:

TASK BOARD MEETING DATE

Prepare agenda item for Board approval on
procurement waiver

February 21, 2023

Prepare agenda item for Board approval on
Option A categories for RFP

February 21, 2023

Prepare agenda item for Board approval on
RFP

March 9, 2023

Prepare agenda item for Board approval to
establish selection group and setting
parameters on funding (terms and amounts)

March 9, 2023

Prepare agenda item for Board approval on
allocations and contracts

April 4, 2023

Prepare agenda item for Board approval on
resolution and budget amendment.

Resolution to be submitted to State after
Board approval.

April 4, 2023

Agenda Item: Meeting Date: 02/21/2023

MEMORANDUM TO THE MOORE COUNTY BOARD OF COMMISSIONERS:

FROM: Laura M. Williams, Clerk

DATE: 02/10/2023

SUBJECT: Appointments / Juvenile Crime Prevention Council

REQUEST:

Appoint members to the Juvenile Crime Prevention Council.

BACKGROUND:

The juvenile defense attorney position on the JCPC is vacant. An application has been received from Lindsey Smith.

Judge Warren McSweeney's term of service as the Chief District Court Judge designee expires February 28 and Judge Beth Tanner has been designated to fill that position. (Judge Tanner has previously served as an at-large commissioner-appointee.)

The Parks and Recreation representative position is vacant, and Director Billy Ransom has recommended Tony Kirk to serve.

The Chief Court Counselor position is vacant, and Emily Coltrane has been recommended to serve this unexpired term.

IMPLEMENTATION PLAN:

Clerk will make notification of appointments and update records.

RECOMMENDATION SUMMARY:

Make a motion to approve the following appointees to the Juvenile Crime Prevention Council for two-year terms expiring February 28, 2024:

Lindsey Smith – Juvenile Defense Attorney Position

Beth Tanner – Chief District Court Judge Designee Position
Tony Kirk – Parks and Recreation Representative Position
Emily Coltrane – Chief Court Counselor Position

X.A.

Agenda Item: Meeting Date: 02/21/2023

MEMORANDUM TO THE MOORE COUNTY BOARD OF COMMISSIONERS:

FROM: Laura M. Williams, Clerk

DATE: 02/10/2023

SUBJECT: Appointments / Library Board of Trustees

REQUEST:

Reappoint member to the Moore County Library Board of Trustees.

BACKGROUND:

The current term of service for Library Trustee Mabel Walden expires February 28. Ms. Walden has served one term and is willing and recommended for appointment to an additional term.

IMPLEMENTATION PLAN:

Clerk will make notification of appointment and update records.

RECOMMENDATION SUMMARY:

Make a motion to reappoint Mabel Walden to the Moore County Library Board of Trustees for a three-year term expiring February 28, 2026.

X.B.

Agenda Item: Meeting Date: 02/21/2023

MEMORANDUM TO THE MOORE COUNTY BOARD OF COMMISSIONERS:

FROM: Laura M. Williams, Clerk

DATE: 02/10/2023

SUBJECT: Appointments / Moore County Transportation Committee

REQUEST:

Appoint member to the Moore County Transportation Committee (MCTC).

BACKGROUND:

One citizen from each of the five commissioner districts is appointed to serve on the Moore County Transportation Committee. The seats for Districts 4 and 5 are currently vacant. Commissioner Quis has recommended the appointment of Mr. James O'Malley to the District 4 representative seat.

IMPLEMENTATION PLAN:

Clerk will make notification of appointment and update records.

RECOMMENDATION SUMMARY:

Make a motion to appoint James O'Malley as the Commissioner District 4 citizen representative to the Moore County Transportation Committee.

X.C.

Agenda Item: Meeting Date: 02/21/2023

MEMORANDUM TO THE MOORE COUNTY BOARD OF COMMISSIONERS:

FROM: Laura M. Williams, Clerk

DATE: 02/10/2023

SUBJECT: Appointments / Parks and Recreation Advisory Board

REQUEST:

Appoint member to the Moore County Parks and Recreation Advisory Board.

BACKGROUND:

The current term of service for Parks and Recreation Advisory Board member Kathy Watkins expires February 28. Ms. Watkins has served the term limit for the bylaw, but the Board of Commissioners may waive the term limit per its appointments policy. Recommendation has been received from the Parks and Recreation Advisory Board for waiver of the term limit and reappointment of Ms. Watkins to an additional term.

IMPLEMENTATION PLAN:

Clerk will make notification of appointment and update records.

RECOMMENDATION SUMMARY:

Make a motion to waive the term limit and reappoint Kathy Watkins to the Parks and Recreation Advisory Board for a three-year term expiring February 28, 2026.

X.D.

