



MOORE COUNTY BOARD OF COMMISSIONERS

TUESDAY, SEPTEMBER 6, 2016

REGULAR MEETING

The Moore County Board of Commissioners met for a Regular Meeting at 5:30 p.m., Tuesday, September 6, 2016 in the Commissioners' Meeting Room on the second floor of the Historic Courthouse in Carthage, North Carolina.

Commissioners Present: Chairman Nick Picerno, Vice Chairman Randy Saunders, Jerry Daeke, Catherine Graham, Otis Ritter

Commissioners Absent: None

Chairman Picerno called the meeting to order at 5:30 p.m. Reverend Tom Lamkin of Sandhills Baptist Association provided the invocation and Information Technology Director Chris Butts led the Pledge of Allegiance.

The Chairman asked whether any commissioner had a conflict of interest concerning agenda items the Board would discuss during the meeting and no conflicts were stated.

PUBLIC COMMENT PERIOD

There were no speakers.

ADDITIONAL AGENDA

Upon motion made by Chairman Picerno, seconded by Commissioner Graham, the Board voted 5-0 to remove from the agenda a call to public hearing regarding funding for the Vass Phase 2 Wastewater Collection System Expansion Project, and to add to the agenda recognition of the current Dog Tags class.

RECOGNITIONS

National Recovery Month

Drug Free Moore County Chairman Matt Garner and Executive Director Karen Wicker presented for the Board's consideration a proclamation declaring September 2016 as National Recovery Month in Moore County. They reviewed information about their organization and its work. Vice Chairman Saunders made a motion, seconded by Commissioner Ritter, to proclaim September 2016 as National Recovery Month in Moore County and authorize the Chairman to sign the proclamation. Chairman Picerno inquired about the funding source for substance abuse and mental health services administration and Mr. Garner said the funds were federal. Chairman Picerno asked what amount of interaction the organization had with the Sandhills Center for Mental

Health/Developmental Disabilities/Substance Abuse Services and Mr. Garner indicated there was a lot of interaction as DFMC received somewhere around \$28,000 to \$29,000 in funding from them each year. The motion to adopt the proclamation carried 5-0 and the proclamation is hereby incorporated as a part of these minutes by attachment as Appendix A.

Dog Tags

Ms. Mary Jo Morris presented to the Board the members of the current class of Dog Tags of Moore County. LTC Phillip Brown, present at the meeting along with CSM Scott Painter, expressed appreciation for the Dog Tags program and thanked the commissioners for recognizing the soldiers and letting them participate in a program that helps them heal.

PRESENTATIONS

Sandhills Center Quarterly Fiscal Report

Chief Financial Officer Caroline Xiong presented to the Board the quarterly fiscal report for Sandhills Center for Mental Health/Developmental Disabilities/Substance Abuse Services. Upon motion made by Commissioner Graham, seconded by Vice Chairman Saunders, the Board voted 5-0 to accept the report.

CONSENT AGENDA

Upon motion made by Vice Chairman Saunders, seconded by Commissioner Ritter, the Board voted 5-0 to approve the following consent agenda items:

- Minutes: August 16, 2016 Regular Meeting and Closed Session
- Budget Amendments
- Moore County Schools Digital Learning Invoices
- Register of Deeds Fee Schedule Amendment
- Moore County Library Fee Schedule Amendment
- Library Card Sign-Up Month Proclamation
- Century Link Contract Renewal
- Microsoft Enterprise Agreement
- Memorandum of Understanding between GIS and Public Works
- FY17 Home and Community Care Block Grant Contract
- One-Time Funds Augmentation for RSVP for FY16
- Resolution Authorizing Upset Bid Process for “BLK M 13 Lot 22”
- Grant Agreement with Communities in Schools
- Grant Agreement with Sandhills Center for MH/DD/SAS

The budget amendments, library card sign-up month proclamation, and resolution authorizing the upset bid process for “BLK M 13 Lot 22” are hereby incorporated as a part of these minutes by attachment as Appendices B, C, and D, respectively.

PUBLIC HEARINGS

Public Hearing/Planning – CUP Request: Mining – Williams Sand and Clay, LLC – NC Hwy 211

Chairman Picerno announced that the next item on the agenda was a request by Williams Sand and Clay, LLC for a Conditional Use Permit for the use of a sand mine. He reviewed the judicial nature of the hearing and called upon anyone who wished to testify to be sworn. Planning Director Debra Ensminger was sworn by the

Clerk. The Chairman provided opportunity for commissioners to reveal any possible conflicts and withdraw from the proceedings if necessary and no conflicts were stated. The Chairman explained the proceedings and opened the public hearing.

Planning Director Debra Ensminger made presentation regarding the request. There were no further speakers. Vice Chairman Saunders asked why the applicant sought a five-year versus two-year vested rights interest and Ms. Ensminger indicated this was just to grant more time as the project was being completed in phases.

Upon motion made by Commissioner Daeke, seconded by Commissioner Ritter, the Board voted 5-0 to approve the Conditional Use Permit for the use of a sand mine on approximately 50 acres (two phases of 25 acres) of an overall approximate 660 acre parcel (ParID 00013401) located north of NC Hwy 211 and east of Samarcand Road, owned by Arthur R & Sons Williams as identified in Moore County tax records, including the application review comments and recommendations as listed in the staff report granting a two-year vested rights interest. Upon motion made by Commissioner Graham, seconded by Vice Chairman Saunders, the Board voted 5-0 to extend the vested rights interest for three additional years, for a total of five years.

Documents submitted regarding this request are hereby incorporated as a part of these minutes by attachment as Appendix E.

NEW BUSINESS

Public Works – Request for Acceptance of Deed of Dedication for Meadows at Farm Life Phase 3 Subdivision

County Engineer Leonard McBryde asked the Board to accept a deed of dedication for water utilities at the Meadows of Farm Life Phase 3 subdivision. Upon motion made by Vice Chairman Saunders, seconded by Commissioner Graham, the Board voted 5-0 to accept the deed of dedication for the Meadows at Farm Life Phase 3 subdivision.

Legal – Request for Approval of Resolution Authorizing Upset Bid Process for Bengston Property

County Attorney Misty Leland presented for the Board's consideration a resolution accepting a negotiated offer of \$350,000 for certain real property owned by the County and referred to as the "Bengston Property," having a description with the Moore County Tax Department as the "Thomas Land," and being identified by Parcel ID/LRK# 00014734, and authorizing the upset bid process. Commissioner Ritter made a motion, seconded by Vice Chairman Saunders, to adopt the resolution acknowledging receipt of the offer of \$350,000 and authorizing the upset bid process, and authorize the Chairman to sign all necessary documents. Commissioner Graham requested it be noted in the record that the property appraised for \$400,000. County Manager Wayne Vest noted this value was based on the hypothetical condition that the property has legal access for Flowers Road and the extraordinary assumption that the parcel will perc for a three bedroom home. The motion to approve the resolution carried 5-0 and the resolution is hereby incorporated as a part of these minutes by attachment as Appendix F.

APPOINTMENTS

Seven Lakes Firefighters Relief Fund Board

Upon motion made by Chairman Picerno, seconded by Commissioner Graham, the Board voted 5-0 to appoint Eddie Thomas to the Firefighters Relief Fund Board for Seven Lakes.

Fire Commission

Upon motion made by Commissioner Ritter, seconded by Commissioner Daeke, the Board voted 5-0 to appoint Chief Erik Stromberg as the chief representative of the West region on the Moore County Fire Commission to fill the unexpired term of Steve Melone through November 30, 2016.

DSS Board

Upon motion made by Vice Chairman Saunders, seconded by Commissioner Ritter, the Board voted 5-0 to reappoint Commissioner Graham to the DSS Board for a three-year term commencing October 1, 2016 and expiring September 30, 2019.

Airport Authority

Upon motion made by Commissioner Ritter, seconded by Commissioner Graham, the Board voted 4-1 (*Ritter, Graham, Daeke, Saunders – for; Picerno – opposed*) to appoint Barry Lerman to the Moore County Airport Authority for a four-year term commencing October 1, 2016 and expiring September 30, 2020.

MANAGER’S REPORT

County Manager Wayne Vest reminded everyone of the commissioners’ work session scheduled for the coming Thursday, September 8th.

CLOSED SESSION

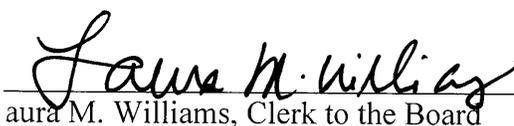
Upon motion made by Vice Chairman Saunders, seconded by Commissioner Graham, the Board voted 5-0 to enter into closed session pursuant to N.C.G.S. 143-318.11(a)(6). Following closed session, upon motion made by Vice Chairman Saunders, seconded by Commissioner Graham, the Board voted 5-0 to take the following action: increase the salary of Tax Administrator Gary Briggs by 1%, increase the salary of Clerk to the Board Laura Williams by 1.5%, increase the salary of County Attorney Misty Leland by 2%, increase the salary of County Manager Wayne Vest by 2.5%. Upon motion made by Commissioner Graham, seconded by Vice Chairman Saunders, the Board voted 5-0 to come out of closed session and seal the minutes.

ADJOURNMENT

There being no further business, upon motion made by Vice Chairman Saunders, seconded by Commissioner Graham, the Board voted 5-0 to adjourn the September 6, 2016 regular meeting of the Moore County Board of Commissioners at 7:14 p.m.



Nick J. Picerno, Chairman



Laura M. Williams, Clerk to the Board



Appendix A
9-6-2016

Proclamation

County of Moore

North Carolina

NATIONAL RECOVERY MONTH

September 2016

*Join the Voices for Recovery: Our Families, Our Stories, and
Our Recovery*

Whereas, mental health and substance use disorders affect all communities nationwide. With commitment and support, people with these disorders can achieve healthy lifestyles and lead rewarding lives in recovery.

Whereas, prevention of mental and/or substance use disorders is essential to achieving healthy lifestyles, both physically and emotionally; and Prevention works, treatment is effective, and people can recover.

Whereas, we must encourage relatives and friends of people with substance use disorders to implement preventative measures, recognize the signs of a problem, and guide those in need to appropriate treatment and recovery support services.

Whereas, the impact of substance use disorders is apparent in our local community and the disease of addiction is a growing problem that impacts families and communities. Drug related arrests in Moore County are rising. The number of women who are affected by substance use disorders is also rising, far exceeding the use by men. The effect on children who are growing up in homes where the disease of addiction is active is having a major impact on our children and their future. Approximately 90% of those arrested and incarcerated have or have had substance use disorder. Overdose reports to local law enforcement have outnumbered the number of dog disturbance calls. Death from overdose is far exceeding those deaths by motor

vehicle accidents statewide. There is a rise in Hepatitis C in Moore County due to increase use of sharing needles. During the local Community Health Assessment survey respondents report substance abuse as the leading unhealthy behavior with the largest impact on Moore County citizens.

Whereas, to help more people achieve and sustain long-term recovery, the U.S. Department of Health and Human Services(HHS), the Substance Abuse and Mental Health Services Administration(SAMHSA), the White House of National Drug Control Policy(ONDCP), and Drug Free Moore County invite all residents of Moore County to participate in National Recovery Month.

Now, therefore, we, the Board of County Commissioners of Moore County, North Carolina, ask the citizens of Moore County to join in celebrating this September 2016 as National Recovery Month. We call upon our community to observe this month with events that support this year's theme, "Join the Voices for Recovery: Our Families, Our Stories, and Our Recovery."

In Witness Whereof, I have hereunto set my hand this sixth day of September, in the year of our Lord, two thousand sixteen, and of the Independence of the United States of America the two-hundred and fortieth.



A handwritten signature in black ink, appearing to read "Nick J. Picerno", is written over a horizontal line.

Nick J. Picerno, Chairman

Appendix B
9/6/2016

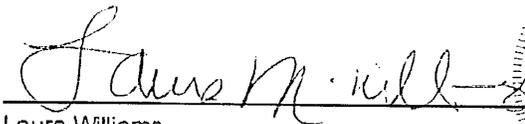
Fiscal Year 2016/2017

Budget Line Item Number	Budgeted Amount	Increase/ (Decrease)	Revised Budget
Sheriff - Unauthorized Substance Tax Distribution (Drug Forfeiture)			
Revenue 24033005 36075 Drug Seizure Funds	872,100	1,302	873,402
Expense 24019505 53828 Drug Seizure Funds	1,000,879	1,302	1,002,181

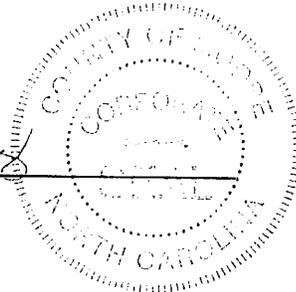
Approved this 6 day of September, 2016



Nicholas J. Picerno
Moore County Board of Commissioners



Laura Williams
Clerk to the Board



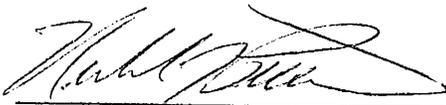
Fiscal Year 2016/2017

Budget Line Item Number	Budgeted Amount	Increase/ (Decrease)	Revised Budget
----------------------------	--------------------	-------------------------	-------------------

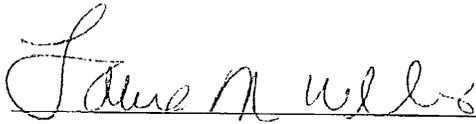
Parks & Recreation - Funds Earned from Previous MCPR Tournaments Fees and Donations.

Revenue	24018033 35062	Tournament Funds	4,485	2,000	6,485
Expense	24032533 53952	Tournament Funds	14,068	2,000	16,068

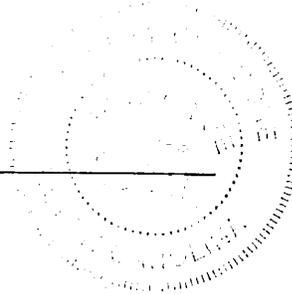
Approved this 6 day of September, 2016



Nicholas J. Picerno
Moore County Board of Commissioners



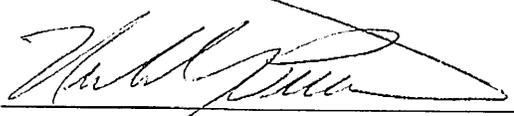
Laura Williams
Clerk to the Board



Fiscal Year 2016/2017

	Budget Line Item Number		Budgeted Amount	Increase/ (Decrease)	Revised Budget
Sheriff - North Carolina Department of Revenue - Unauthorized Substance Tax Distribution (Drug Forfeiture)					
Revenue	24033005 36075	Drug Seizure Funds	873,402	4,009	877,411
Expense	24019505 53828	Drug Seizure Funds	1,002,181	4,009	1,006,190

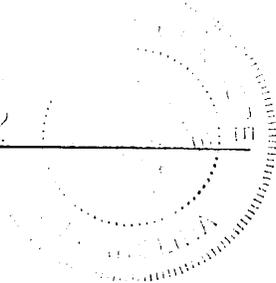
Approved this 6 day of September, 2016



Nicholas J. Picerno
Moore County Board of Commissioners



Laura Williams
Clerk to the Board



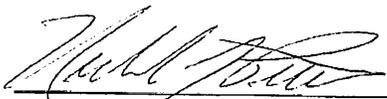
Fiscal Year 2016/2017

Budget Line Item Number	Budgeted Amount	Increase/ (Decrease)	Revised Budget
----------------------------	--------------------	-------------------------	-------------------

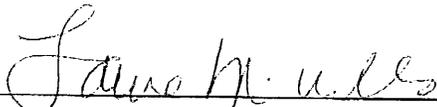
Health - Activity 873 Environmental Health Supplemental Funding of \$4,000 has been retired.

Revenue	10033071 35011	Environmental Health Grant	4,000	(4,000)	0
Expense	10039060 52600	Office Supplies	3,000	(775)	2,225
Expense	10039060 52601	Operating Supplies	4,500	(1,780)	2,720
Expense	10039060 53100	Travel/Training	3,500	(1,250)	2,250
Expense	10039060 54910	Dues/Subscriptions	215	(195)	20

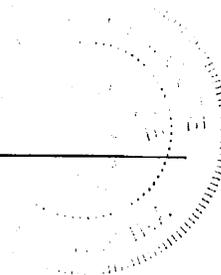
Approved this 6 day of September, 2016



Nicholas J. Picerno
Moore County Board of Commissioners



Laura Williams
Clerk to the Board



Appendix C
9-6-2016

**Moore County Library Card Sign-up Month 2016
Proclamation**

Whereas, the library card is the most important school supply of all; and

Whereas, libraries play an important role in the education and development of children; and

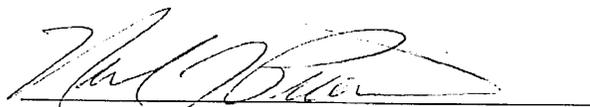
Whereas, library programs range broadly from getting every child ready to read and school preparedness, to homework help and building research skills, to GED classes and access to financial aid resources; and

Whereas, librarians offer digital and traditional literacy training to help students of all ages; and

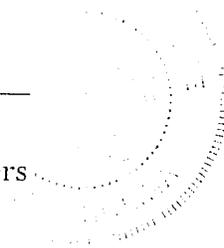
Whereas, libraries continue to transform and expand their services in ways that meet the needs of the communities they serve.

Now, therefore, be it resolved that we the Moore County Board of Commissioners proclaim September Library Card Sign-up Month in Moore County and encourage everyone to sign up for their own library card today.

This the 6th day of September 2016.



Nick J. Picerno, Chairman
Moore County Board of Commissioners



Appendix D
9/6/2016

**RESOLUTION AUTHORIZING THE UPSET BID PROCESS
FOR "BLK M 13 Lot 22"**

WHEREAS, the County of Moore owns certain real property located on W. Massachusetts Avenue in Southern Pines, Moore County, North Carolina, being known and more particularly described as "BLK M 13 Lot 22," LRK#00037447; and

WHEREAS, the property was subject to a tax foreclosure and sold at public auction on December 6, 2011; and

WHEREAS, the County of Moore acquired the property for \$1,372.45, which was the sum of the amount of taxes owed on the property, fees related to the foreclosure, and other related costs paid or incurred by the County of Moore prior to the public auction; and

WHEREAS, the County of Moore has not used the property since acquiring it and has no intention of using the property; and

WHEREAS, North Carolina General Statute 160A-269 permits the County to sell real property by negotiated offer and upset bid; and

WHEREAS, the Board of Commissioners acknowledges receipt of an offer from Mr. William Ernest Person Sr., in the amount of \$1,372.45 for the property described above; and

WHEREAS, Mr. Person has paid the required five percent deposit on his offer.

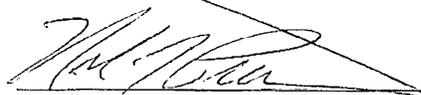
NOW, THEREFORE, the Board of Commissioners of the County of Moore resolves that:

1. The Board of Commissioners authorizes sale of the property described above through the upset bid procedure of North Carolina General Statute 160A-269; and
2. The Clerk to the Board shall cause a notice of the proposed sale to be published. The notice shall describe the property and the amount of the offer, and shall state the terms under which the offer may be upset; and
3. Persons wishing to upset the offer that has been received shall submit a sealed bid with their offer to the office of Clerk to the Board within 10 days after the notice of sale is published. At the conclusion of the 10-day period, the Clerk to the Board shall open the bids, if any, and the highest such bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer. In order for a bid to be considered, the bidder must be current on payment of all property taxes owed to the County; and
4. If a qualifying higher bid is received, the Clerk to the Board shall cause a new notice of upset bid to be published, and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the Board of Commissioners; and

5. A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first \$1,000.00 of that offer and five percent (5%) of the remainder of that offer; and
6. A qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the bid; the deposit may be made in cash, cashier's check, or certified check. The County will return the deposit on any bid not accepted, and will return the deposit on an offer subject to upset if a qualifying higher bid is received. The County will return the deposit of the final high bidder at closing; and
7. The terms of the final sale are:
 - The property is sold in its current condition, as is, and the County gives no warranty with respect to usability of the property; and
 - The County must approve the final high bid before the sale is closed; and
 - Closing will occur within 30 days of approval of the final bid at the Office of the Moore County Attorney; and
 - The Buyer is responsible for ad valorem taxes for the current year (non-prorated); and
 - The Buyer must pay with cash, by cashier's check or by certified check at the time of the closing.
8. The County reserves the right to withdraw the property from sale at any time before the final high bid is approved and the right to reject at any time all bids; and
9. If no qualifying upset bid is received after the initial public notice, the offer set forth above is hereby accepted. The appropriate county officials are authorized to execute the instruments necessary to convey the property to Mr. William Ernest Person, Sr.

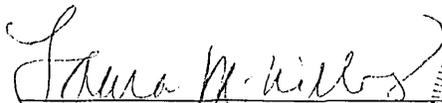
ADOPTED this 6th day of September, 2016 by the Moore County Board of Commissioners.

COUNTY OF MOORE

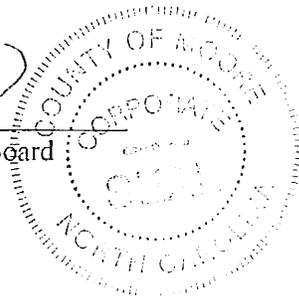


Nick J. Picerno, Chairman
Moore County Board of Commissioners

ATTEST:



Laura M. Williams, Clerk to the Board



Appendix E
9/6/2016

Agenda Item: VI.A.
Meeting Date: September 6, 2016

MEMORANDUM TO THE BOARD OF COMMISSIONERS

FROM: Debra Ensminger
Planning & Transportation Director

DATE: August 11, 2016

SUBJECT: Conditional Use Permit Request: Mining
("Williams Sand and Clay, LLC" – NC Hwy 211)

PRESENTER: Debra Ensminger

REQUEST

Williams Sand and Clay, LLC is requesting a Conditional Use Permit for the use of a sand mine on approximately 50 acres (two phases of approximately 25 acres per phase) of an overall approximate 660 acre parcel (ParID 00013401) located north of and adjacent to NC Hwy 211 and east of and adjacent to Samarcand Rd, owned by Arthur R & Sons Williams, as identified in Moore County tax records.

This case was properly advertised, a public hearing sign was posted on the property, and all adjacent property owners were notified.

BACKGROUND

- Current land use – The property is undeveloped.
- Adjacent land uses – Includes undeveloped property, single family homes, the Inn at Eagle Springs (closed), and a solar collector facility.

IMPLEMENTATION PLAN

Hold the public hearing.

ACTION BY THE PLANNING BOARD

The Planning Board met on August 4, 2016 and unanimously recommended approval on a 6-0 vote.

REQUIRED FINDINGS OF FACT FOR CONDITIONAL USE PERMIT

In considering a Conditional Use Permit, the following Findings of Fact are required:

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan;
2. The use meets all required conditions and specifications;
3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity;
4. The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the approved Moore County Land Use Plan.

"Williams Sand & Clay, LLC" Mining – Conditional Use Permit – Staff Report

APPLICATION REVIEW COMMENTS & RECOMMENDATIONS

The applicant is seeking a five (5) year vested rights approval. The proposed site plan meets all Unified Development Ordinance requirements. In addition to the minimum requirements, the applicant recommends the following additional conditions:

1. Williams Sand and Clay will abide by the Moore County Specific Use Standards Article 9.4.5 for Mining and Quarrying as shown on the following page in Figure 1.1.
2. Business hours of operation will be: 6:00 AM – 5:30 PM during normal workweeks and occasionally on Saturday (no Sunday work). Holidays will be observed as well.
3. A NCDOT entrance permit will be obtained within the next 4-6 weeks.
4. A physical barrier to traffic and illicit entry onto the site will be constructed along NC HWY 211. Once digging activities commence, any overburden will be used to construct and maintain berms along the NC HWY 211 entrance to a minimum height of six feet.
5. Applicant will conduct sediment and erosion control measures throughout the life of the mine and post closure, to maintain a clean driveway and entrance area onto NC HWY 211.
6. Per the NC Department of Environmental Quality, high fencing is not required since there are no adjacent residential dwellings. However, Williams Sand and Clay will maintain silt fencing, as well as ditches, berms, and gates as necessary to control access to the site.
7. No fuel, fuel oil, or other hazardous materials will be used or stored on-site.
8. The total initial phase will impact (excavate) approximately 22 acres. Subsequent planned phases are shown on the Site Map.
9. No permanent structures will be erected on-site.
10. At minimum a vegetated seventy five foot buffer will be maintained along NC HWY 211.
11. Staff recommends the additional condition, as agreed upon by the applicant, that should the Zoning Administrator, Building Inspector, Environmental Health, the Fire Marshal, or NCDOT identify minor changes staff shall be authorized to accept such minor modifications to site plan as necessary.

FINANCIAL IMPACT STATEMENT

No financial impact to the County's FY 2016-2017 budget.

RECOMMENDATION

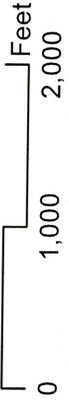
Staff recommends the Moore County Board of Commissioners make the following motion:

Motion: Make a motion to approve/deny the Conditional Use Permit for the use of a sand mine on approximately 50 acres (two phases of 25 acres) of an overall approximate 660 acre parcel (ParID 00013401) located north of NC Hwy 211 and east of Samarcand Rd, owned by Arthur R & Sons Williams as identified in Moore County tax records, including the Application Review Comments and Recommendations as listed in the staff report.

ATTACHMENTS

- Land Use Map
- Conditional Use Permit Application
- Submitted Site Plan

LAND USE MAP



Single family home

Single family home

Single family home

Single family homes

Undeveloped

Single family home

Samarcand Solar Collector Facility

Inn (closed)

Single family home

NC 211

SAMARCAND

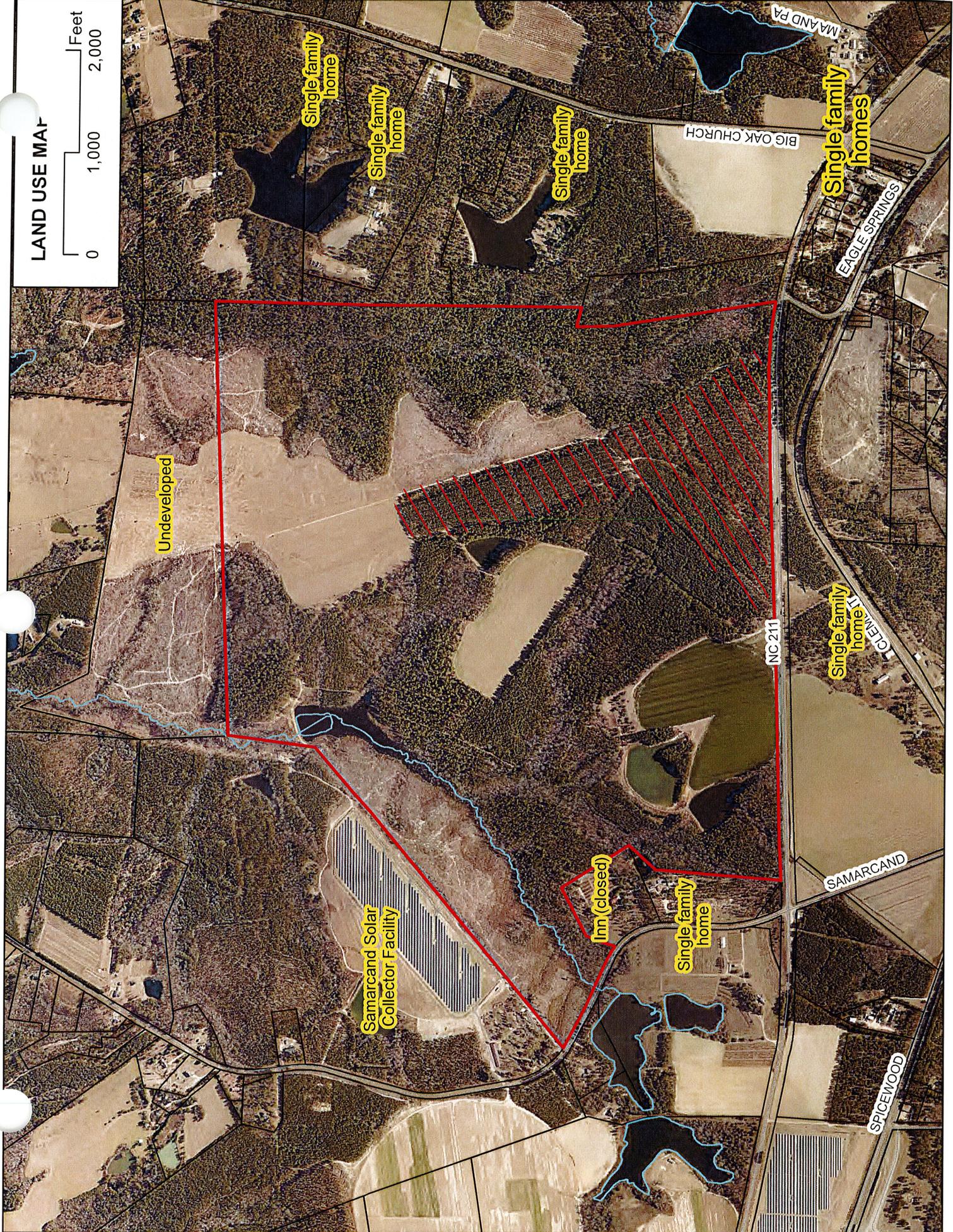
SPICEWOOD

BIG OAK CHURCH

EAGLE SPRINGS

MAAND PA

TOLENT



Williams Sand and Clay, LLC

1515 NC Hwy 211
Eagle Springs, 27242
Phone: (910) 695-6475
Alternate: (910) 673-3245

July 5, 2016

Planning Board and County Staff
County of Moore Government
1 Courthouse Square
Carthage, NC 28327

RE: Williams Sand and Clay, LLC Sand Mine Application
Eagle Springs (HWY 211)

Moore County Board and Staff,

Concerning our attached application for a conditional use permit we at Williams Sand and Clay, LLC agree to abstain to the following additional conditions to ensure we are good stewards of the environment, as well as operating a safe and clean mining site:

- Williams Sand and Clay will abide by the Moore County Specific Use Standards Article 9.4.5 for Mining and Quarrying as shown on the following page in Figure 1.1.
- Our business hours of operation will be: 6:00 AM – 5:30 PM during normal workweeks and occasionally on Saturday (no Sunday work). Holidays will be observed as well.
- A NCDOT entrance permit will be obtained within the next 4-6 weeks.
- A physical barrier to traffic and illicit entry onto the site will be constructed along NC HWY 211. Once digging activities commence, any overburden will be used to construct and maintain berms along the NC HWY 211 entrance to a minimum height of six feet.
- We will conduct sediment and erosion control measures throughout the life of the mine and post closure, to maintain a clean driveway and entrance area onto NC HWY 211.
- Per the NC Department of Environmental Quality, high fencing is not required since there are no adjacent residential dwellings. However, Williams Sand and Clay will maintain silt fencing, as well as ditches, berms, and gates as necessary to control access to the site.
- No fuel, fuel oil, or other hazardous materials will be used or stored on-site.
- The total initial phase will impact (excavate) approximately 22 acres. Subsequent planned phases are shown on the Site Map.
- No permanent structures will be erected on-site.
- At minimum a vegetated seventy five foot buffer will be maintained along NC HWY 211.

9.4.5 Mining and Quarrying

- 9.4.501 A letter or other certification of approval must be submitted from the North Carolina Department of Transportation, as to the safety and design of the access or entrance on to a State maintained street or road from the mine.
- 9.4.502 Access to a mine or mining operation must be from a road or street that is a State maintained road or a private road with a right-of-way width of not less than thirty (30) feet and a cleared or drivable area of not less than twenty (20) feet.
- 9.4.503 Any ingress or egress that does not abut one of the above roads, entrance etc. must also have a right-of-way width of not less than thirty (30) feet and a cleared and drivable area that is adequately maintained at all times for vehicular travel and that is at least twenty (20) feet in width.
- 9.4.504 An area of land, which shall not be less than fifty (50) feet in width (unless a lesser width is approved by the Planning Board) shall be provided along all boundaries of the affected land. This buffer area must be left at all times in a natural vegetative state or planted with trees, shrubs or plants that create a visual screen.
- 9.4.505 Trees and plants must be native to the area and trees shall not be less than six (6) feet in height within six (6) years.
- 9.4.506 If an earthen berm(s) is to be used within the buffer for visual screening they shall be planted with vegetation and shall not be less than six (6) feet in height at the crown and with slopes sufficient to minimize erosion.
- 9.4.507 No site disturbing activities are allowed until a Mining Permit has been issued by the State of North Carolina.
- 9.4.508 In the case of denial because all the requirements of this section were not met, the Application may be resubmitted when all requirements have been met, with no additional fee required, provided the plan is resubmitted within one hundred eighty (180) days of the notice of rejection or denial.

Figure 1.1: Specific Use Standard for Mining and Quarrying

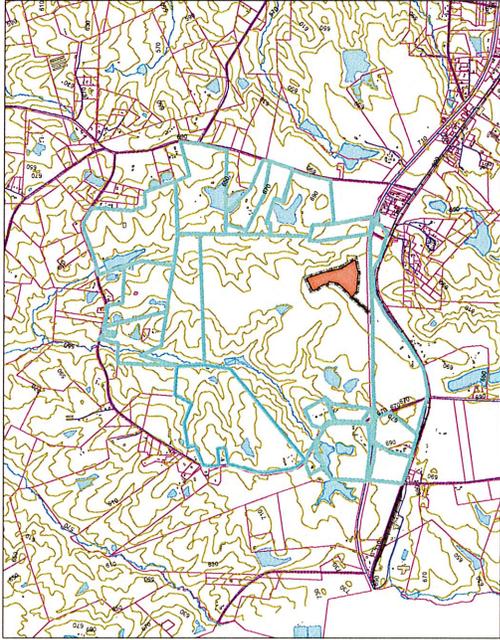
Sincerely,



Arthur Williams

President

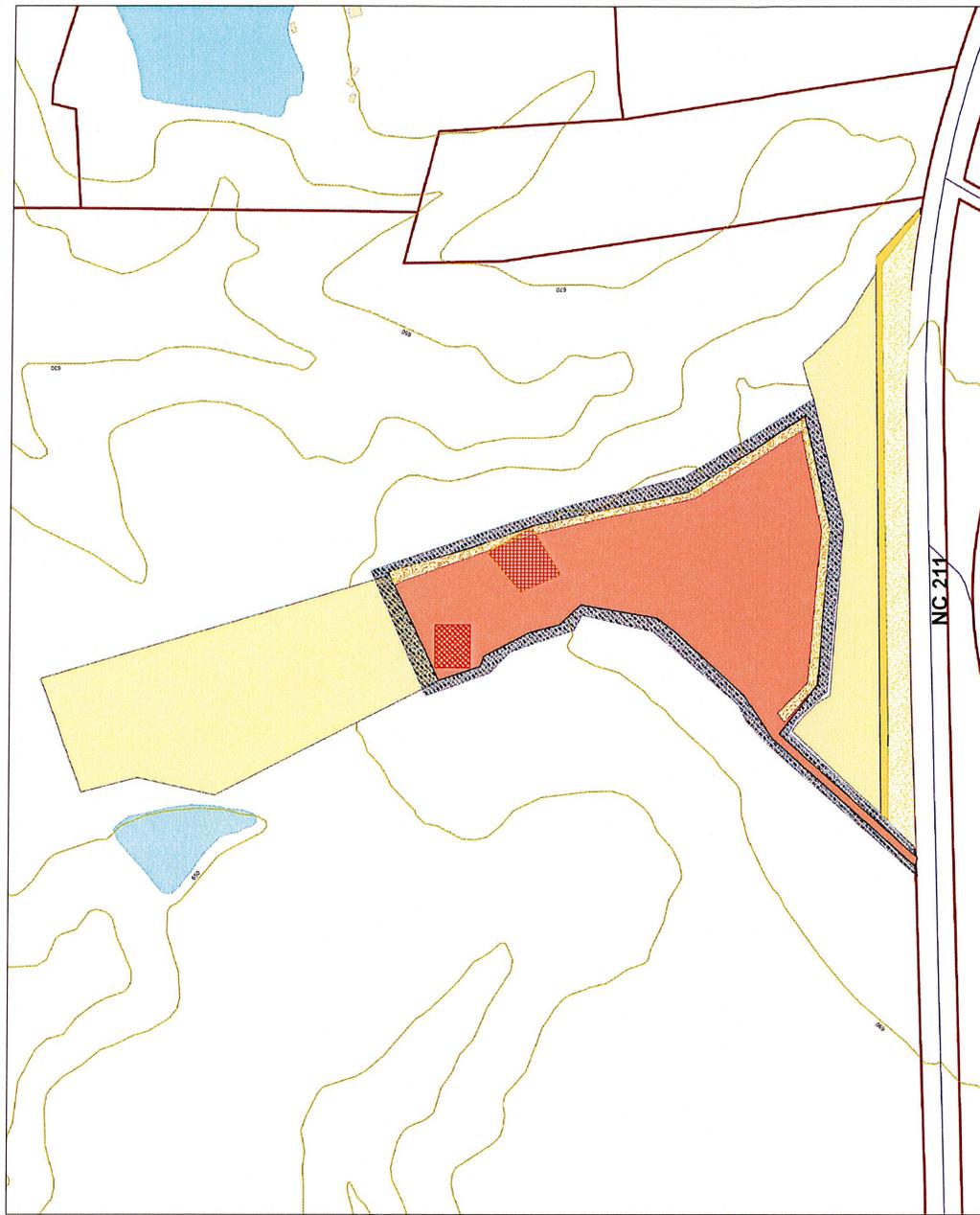
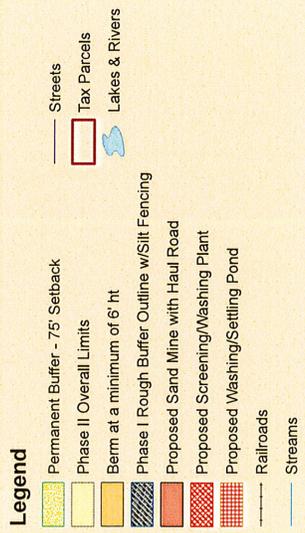
Williams Sand and Clay, LLC



Area Overview

Sand Mine Application
Moore County North Carolina
Township: 01
Deed Book/ Page: 241 / 462
Parcel ID: 00013401

Pending State Mining Permit



Layout Map

Date: 29 June 2016
 Drawn By: Henry Haas, E.P.
 Hunt Environmental Associates
 Checked by: Michael C. Hunt, P.G.
 Hunt Environmental Associates
 Note: We will meet the specific-use standards outline in 9.4.5

Sheet No.
 HEA-001

Name of Mine: Williams Sand and Clay, LLC
 Address: 1515 NC Hwy 211, Eagle Springs, NC, 27242

Phase I: Total Disturbed Acreage 25.0 ac
 Phase II: Total Disturbed Acreage 25.0 ac

Appendix F
9-6-2016

**RESOLUTION AUTHORIZING THE UPSET BID PROCESS
FOR THE "BENGSTON PROPERTY" ALSO KNOWN AS THE "THOMAS LAND"**

WHEREAS, the County of Moore owns certain real property with a physical address of 1947 Flowers Rd., Eagle Springs, NC; and

WHEREAS, the property is referred to by the County as the "Bengston Property," has a description with the Moore County Tax Department as the "Thomas Land," and is identified by Parcel ID/LRK #00014734; and

WHEREAS, the property was previously owned by Peter Owen Bengston, who passed away on March 9, 2014, and, through his will, left the property to the County of Moore "for the benefit of the Moore County Parks and Recreation Department to be used, or the proceeds of its sale to be used, for whatever purpose or purposes Moore County deems appropriate for the Moore County Parks and Recreation Department;" and

WHEREAS, the County of Moore has not used the property since acquiring it and has no intention of using the property; and

WHEREAS, North Carolina General Statute 160A-269 permits the County to sell real property by negotiated offer and upset bid; and

WHEREAS, the Board of Commissioners acknowledges receipt of an offer from Mr. Jonathan Gregory Martin in the amount of \$350,000.00 for the property described above; and

WHEREAS, Mr. Martin has paid the required five percent deposit on his offer.

NOW, THEREFORE, the Board of Commissioners of the County of Moore resolves that:

1. The Board of Commissioners authorizes sale of the property described above through the upset bid procedure of North Carolina General Statute 160A-269; and
2. The Clerk to the Board shall cause a notice of the proposed sale to be published. The notice shall describe the property and the amount of the offer, and shall state the terms under which the offer may be upset; and
3. Persons wishing to upset the offer that has been received shall submit a sealed bid with their offer to the office of Clerk to the Board within 10 days after the notice of sale is published. At the conclusion of the 10-day period, the Clerk to the Board shall open the bids, if any, and the highest such bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer. In order for a bid to be considered, the bidder must be current on payment of all property taxes owed to the County; and
4. If a qualifying higher bid is received, the Clerk to the Board shall cause a new notice of upset bid to be published, and shall continue to do so until a 10-day period has

passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the Board of Commissioners; and

5. A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first \$1,000.00 of that offer and five percent (5%) of the remainder of that offer; and
6. A qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the bid; the deposit may be made in cash, cashier's check, or certified check. The County will return the deposit on any bid not accepted, and will return the deposit on an offer subject to upset if a qualifying higher bid is received. The County will return the deposit of the final high bidder at closing; and
7. The terms of the final sale are:
 - The property is sold in its current condition, as is, and the County gives no warranty with respect to usability of the property; and
 - The County must approve the final high bid before the sale is closed; and
 - Closing will occur within 30 days of approval of the final bid at the Office of the Moore County Attorney; and
 - The Buyer is responsible for ad valorem taxes for the current year (non-prorated); and
 - The Buyer must pay with cash, by cashier's check or by certified check at the time of the closing.
8. The County reserves the right to withdraw the property from sale at any time before the final high bid is approved and the right to reject at any time all bids; and

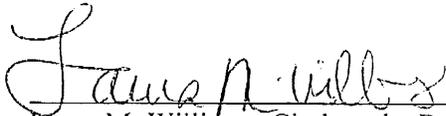
ADOPTED this 6th day of September, 2016, by the Moore County Board of Commissioners.

COUNTY OF MOORE



Nick J. Picerno, Chairman
Moore County Board of Commissioners

ATTEST:



Laura M. Williams, Clerk to the Board

