



AGENDA

Tuesday, February 27, 2024: 3:00 PM

Town Council Work Session

C. Michael Haney Community Room: Southern Pines Police Department

450 W. Pennsylvania Ave

1. CALL TO ORDER

2. TOWN MANAGER'S COMMENTS

3. ACTION ITEMS

a. Property Use Agreement for the Town's Partnership with the AC Sandhills

In 2022, the Town executed a property use agreement with the AC Sandhills soccer organization for the fields and supporting facilities at the Morganton Rd. Sports Complex. In exchange, the AC Sandhills provide recreation soccer for the community. Renewal of this agreement was on the February 13th agenda and Council voted to postpone it until February 27th, asking staff to explore whether the Town has the ability to enter into agreements with other sports clubs. Staff requests that Council postpone consideration of this agreement until March 12th as these conversations are still ongoing. A memo is included with updates on this evaluation.

4. COUNCIL UPDATES AND DISCUSSION

a. Renovations to Finance & Administration Buildings

At the January 23rd meeting, CPL architects Taylor Bishal and Brad Norvell presented concept plans and a high-level pre-design cost estimate for building renovations. Staff seeks Council direction on next steps, as outlined in the memo.

b. Update on Resources for Homelessness

TeamWORKZ has requested that the Town provide support to its work with the homeless community, including the possibility of creating a task force. At the January 23rd meeting, Mayor Clement requested a discussion of this topic. Staff has included a memo that outlines an understanding of the status quo and some recommendations for next steps.

c. Updates to Chapter 154 Soil Erosion and Sedimentation Ordinance

The Town has delegated authority from the State of North Carolina to administer a Local Erosion Control Program. The Sedimentation and Control Commission, through the Department of Environmental Quality, maintains a model ordinance for Local Programs to use as the basis for local ordinances. Many of the proposed changes are based on changes to the Model ordinance. There are also some proposed changes that are staff initiated with the intent of simplifying local permitting processes. A copy of the proposed changes are included in the attached word document showing track changes, a clean version with all changes, and a copy of the Model Ordinance.

d. Bennett Street Sidewalk Project

Staff received bids on the next phase of this project, which exceed the current budget. Different scenarios will be discussed with Council on how to proceed.

e. Review of Water Treatment Plant Operations Bid

Staff will present the results of the December 2023 Request for Proposals for the Operation of the Water Treatment Plant.

f. Planning Department Update

Staff will update Council on applications advancing from the Planning Board to Council and implementation efforts related to the 2040 Comprehensive Plan.

5. COUNCIL ROUNDTABLE

6. ADJOURNMENT

Meetings/work sessions of the Southern Pines Town Council are now available on the Town's [YouTube channel](https://bit.ly/3hXx2Qk). Video of the Town Council meetings will be live streamed on the channel for viewing either during the meetings or after they have concluded. Please note, the video is provided only for the purposes of viewing the meetings; public comments or questions are not accepted via the live stream. To receive notifications when new content is published, please "subscribe" to the Town's channel at <https://bit.ly/3hXx2Qk>



MEMO

To: Reagan Parsons, ICMA-CM, Town Manager
From: Jessica Roth, ICMA-CM, Assistant Town Manager
Cc: Cindi King, CPRP, Parks & Recreation Director
Graham Purcell, Parks & Grounds Superintendent
Date: February 23, 2024
Re: AC Sandhills Partnership Agreement

February 27th Update

The February 13th Council agenda included an agenda item to renew the Town's partnership agreement with the AC Sandhills (ACS) for recreation soccer. Some local parents from Carolina Velocity FC (CV) soccer club spoke during public comments and expressed a desire for a similar agreement. CV is a club that formed in Raleigh in 2018, primarily training in Apex, Cary, Holly Springs, and Raleigh. CV has rented fields from the Town, as recently as their 2023 fall season.

Council voted to postpone consideration of the agreement with ACS until February 27th and asked staff to explore whether the Town has the ability to enter into a more formal agreement with CV. Staff has also been in discussions with the Southern Pines Youth Rugby Club (SPYRC) about creating a PPP for recreation rugby. SPYRC is another Moore-County based sports club, formed in 2002. Rugby participation has grown significantly, quadrupling in the past 4 years to over 200 players.

Over the past two weeks, staff has had multiple conversations with ACS, SPYRC, and CV to understand the needs and requests of all parties. We have also reached out to other municipal recreation departments to understand how they handle their partnerships and manage field rentals. These conversations were continuing at the time that the February 27th agenda was published. While it sounds relatively simple to schedule fields, there are multiple facets to consider, including but not limited to: field conditions and capacity, daylight hours, player safety, ownership of facility resources (the Town does not own the goals or nets at Morganton Sports Complex), parking at Fire Lane, practices vs. games vs. tournaments (some of which may attract teams from all over North Carolina and beyond).

Staff requests that Council postpone consideration of this agreement until March 12th to conclude these conversations and fully evaluate these requests. This postponement does not impact field use. ACS has started their spring recreation season and SPYRC has booked multiple rental times throughout their spring season. CV is familiar with the Town's rental process, but had not booked any rentals at the time this was written.

Partnership with AC Sandhills

The AC Sandhills (ACS) is a 501(c)3 nonprofit organization that has been based in Moore County for nearly 40 years. The Town has had a longstanding public-private partnership (PPP) with ACS to provide recreation soccer. ACS provides low-cost recreation soccer for youth from U7 through high school, open to players at all skill levels. They are an extension of our Town staff in this capacity and also provide a \$500 contribution to our Little Tykes soccer program. Additionally, ACS pays the Town a user fee for hosting tournaments unrelated to recreation soccer.

Through our PPP, ACS takes on the financial and time commitment of registering players, providing uniforms, coaching practices and games, hiring and scheduling referees, hosting an end-of-season tournament, and similar. It is a very popular program with approximately 750 players each season. In exchange, the Town provides the necessary facilities and maintains the fields (mowing, robotic lining, turf management, etc.). ACS also assists with some of this by replacing sod, handling trash during the weekends, and similar. More details on the ACS recreation program are on the following page as well as at www.acsandhills.com.

Until 2022, this was a verbal agreement and ACS used these facilities for free. At staff's recommendation, the Town and ACS executed a two-year property use agreement in March 2022 that outlines the responsibilities of both parties. In 2022, ACS paid \$11,000 to rent these facilities, which increased to \$12,000 in 2023. The Town does not charge ACS "market

rate” for these fields, recognizing the value of their programming as well as the financial investment they have made into the Morganton Park complex (goals and nets, contribution to lighting at the Optimist field, sod replacement, and similar).

While the 2022 agreement had an expiration date of February 2024, it was not the intent to end the PPP. The purpose of the expiration date was to allow both parties to re-negotiate responsibilities, user fees, and similar. This agreement has met both parties’ needs and ACS has requested to renew it. Staff has negotiated renewal terms and recommends that Council approve it. The Town’s recreation staff does not have the bandwidth to host recreation soccer for over 700 players and does not need to since ACS provides a high-quality, affordable, and popular program.

2024 AC Sandhills Spring Recreation Soccer League

Practices Start: Week of February 19th

Games on Saturdays: March 9th, 16th, 23rd, April 6th, 13th and 20th

Rain Date: April 27th

Spring Tournament: May 4th

Location

All games for U7 through the High School Divisions will be held at the Morganton Sports Complex located at 100 Fire Lane in Southern Pines. Practices will be at Morganton Road in addition to other area fields as in Aberdeen and Pinehurst as needed.



U7 / U8 Divisions

- Minimum of 6 Game Days
- 9 Practice Weeks; Practice 1 hour/once a week
- Referee for every game
- Rec Tournament (Spring Only)

U9 to High School Divisions

- U9, U10, U12, U15, & Coed HS League
- Minimum of 6 Game Days
- 9 Practice Weeks; Practice 1 hour/twice a week
- Referee for every game
- Rec Tournament (Spring Only)

Jersey/Uniform

AC Sandhills provides 2 Jerseys for all recreation players.

1 White (Home) Jersey / 1 Orange (Away) Jersey

Fall jerseys will be used for the spring season.



PROPERTY USE AGREEMENT

THIS AGREEMENT is entered into this 13th day of February, 2024, between THE TOWN OF SOUTHERN PINES, an incorporated municipality, a body corporate and politic in Moore County, North Carolina (hereinafter referred to as the "Town"), and A.C. SANDHILLS (hereinafter referred to as the "Organization"). The agreement is for the Organization's use of the Town's Soccer Facilities, associated concession stand and restroom facilities, as part of the Morganton Rd. Sports Complex at 190 Fire Ln. Southern Pines, NC 28387. These facilities, which consist of four soccer fields, one baseball field (divided into 2 spaces), a concession stand, and restrooms shall collectively be known as the "Soccer Facilities." (The fields for soccer use are numbered 1-6 and will be referred to fields 1-6 for booking purposes.) The Parks & Recreation Director is hereinafter referred to as the "Director."

This agreement provides for the Organization's seasonal use of the Soccer Facilities for soccer related purposes during the specified dates and time ranges as laid out in Exhibit A. The Town will continue its multi-purpose use of the Soccer Facilities outside of these agreed upon dates and times, with scheduling and oversight led by the Director or designated staff, specifically Athletics Coordinator. The Town and the Organization wish to cooperate in the continued joint operation of the Soccer Facilities, in accordance with the following terms:

1. **Ownership:** The Town owns all areas at the Morganton Rd. Sports Complex, including all Soccer Facilities, bathrooms, concession stand, and playground area.
2. **Length of Agreement:** The term for which the Organization may use and occupy the Soccer Facilities shall be three (3) years from the date of this agreement, subject to the requirements of law and this agreement, ending on February 10th, 2027. The parties may extend these terms by mutual consent. This agreement may be reviewed and modified at any point during the agreement term upon consensus by both parties. Revisions will be provided within thirty (30) days.

3. **Scheduling:**

For the purposes of this agreement, there shall be three (3) seasons of use in each year of the agreement for the Soccer Facilities: "Spring season", "Fall season", and "Off-season." The remainder of the year will be known as the off-season.

1. During the Spring and Fall seasons, the Organization may have exclusive use of the reserved Soccer Facilities on a schedule approved by the Director/designated staff. The Organization must submit a proposed schedule to the Director/designated staff at least thirty (30) days prior to the intended start date of each season. The schedule shall fall within the range of dates and times as stated above and listed in Exhibit A. The Director/ designated staff reserves the right to deny any request for Soccer Facility use outside of the agreed upon range of dates and times listed in Exhibit A.
2. The Organization shall accommodate the ability of Town personnel to perform scheduled maintenance during normal business hours. The Organization may use the Soccer Facilities according to that schedule unless the Director has reasonably disapproved the schedule within fifteen (15) days of its receipt. In the event the Soccer Facilities need to be closed due to inclement weather, poor field conditions, and/or maintenance reasons, the Director/designated staff shall notify the Organization with as much advanced notice as possible, but will make that determination no later than 1pm on the day the Organization is scheduled to use the Facilities.

4. **Responsibility for Essential Functions:** During the "Spring and Fall seasons," the Organization will bear the costs for all supplies necessary to maintain the facility in a clean, safe, and sanitary condition. Examples include, but not limited to, field paint, string lines, paint sprayers, trash bags, and bathroom supplies. The Town will provide all labor for essential functions to be carried out during normal business hours. The organization will carry out its assigned essential functions at the end of each day, such as emptying trash and cleaning restrooms. Exhibit B further outlines the required maintenance responsibilities for each party during the Spring and Fall seasons. The parties must review and update the exhibit annually.
 - A. The Organization will be responsible for correcting any deficiencies in maintenance or violations of fire or building codes within thirty (30) days of notice from the Director/designated staff or any code official. These responsibilities must be addressed regardless of whether they are caused by the Organization's use of the Soccer Facilities.
 - B. Should the Organization fail to address any deficiencies as noted above, the Town may undertake the necessary corrective work and bill the Organization the costs thereof, plus a 10% administrative fee.

5. **Insurance, Liability, and Loss of Use:**

- A. If the Soccer Facilities are damaged by fire, natural disaster, other casualty, act of God, or deterioration and the cost of remediation is so great that Town decides not to repair or rebuild, the Town may terminate this agreement. Upon written notice of termination, the Organization must cease use of the Soccer Facilities.

The Town is not financially responsible for the Organization's loss of income and/or increased expenses for operating elsewhere in the event of fire, natural disaster, other casualty, act of God, deterioration to the Soccer Facilities, need for repairs, and/or federal, state, or local restrictions that impact the operation of the Soccer Facilities.

- i. The Organization must indemnify the Town against any third party claims by reason of the Organization's use or occupancy of the Soccer Facilities. The Organization must secure and maintain, at its own expense, public liability insurance in an amount of not less than one million dollars (\$1,000,000) in respect to bodily injury, disease, illness, death, or property damage suffered by any one person or entity and/or arising out of any one accident.
- ii. The Organization must list the Town as an additional insured on said policy(ies) and provide a certificate(s) of insurance to the Town confirming these minimum coverages at the beginning of each Fall season. Should the Organization make changes associated with its insurance policy(ies), it must provide the Town written notice and updated certificates of insurance within thirty (30) days of said change.

6. **Rental Fees:** The Organization shall pay the following fees to the Town for the use of the Facilities:

- A. The Soccer Facilities may be used by the Organization for its soccer program(s) on the following quarterly payment schedule:

Year One \$11,000:	Year Two \$11,000:	Year Three \$12,000:
\$2,750 due by Mar 15, 2024	\$2,750 due by Mar 15, 2025	\$3,000 due by Mar 15, 2026
\$2,750 due by Jun 15, 2024	\$2,750 due by Jun 15, 2025	\$3,000 due by Jun 15, 2026
\$2,750 due by Sep 15, 2024	\$2,750 due by Sep 15, 2025	\$3,000 due by Sep 15, 2026
\$2,750 due by Jan 15, 2025	\$2,750 due by Jan 15, 2026	\$3,000 due by Jan 15, 2027

*Any field use requested outside of the designated days/month must be requested 2 weeks in advance, must be approved by Director/designated staff and will be an additional \$200/week.

**Any outside tournaments collecting participant fees, AC Sandhills will remit payment of \$5/participant within 2 weeks of the end of the tournament.

7. Expenses:

- A. Supplies: Supplies covered under this section include routine supplies such as field paint, trash bags, bathroom supplies, and the like.
 - i. During the "off-season," the Town will incur one hundred percent (100%) of all expenses for supplies.
 - ii. During the "Spring and Fall seasons," the Organization must pay one hundred percent (100%) of all expenses for supplies.
 - iii. The Town will invoice the Organization for their portion of the expenses as described herein. Payment must be remitted within thirty (30) days of the invoice date.
- B. Operating Expenses: The Organization must pay one hundred percent (100%) of the expenses for its operations, including programs, staff, and similar.
- C. Capital Expenses: The Organization must pay one hundred percent (100%) of capital expenses that are required to keep the Soccer Fields operating properly and/or for code compliance. Capital expenses covered under this section include field resurfacing (sod at goalie areas and any other areas as needed), netting and goals.

Little Tykes Soccer: The Organization will remain a sponsor to the Town's Little Tykes Soccer program and will pay \$500 at the beginning of the season, separate from other fees. The Organization will provide training material and one (1) 30-minute training clinic for players and coaches on the first Tuesday after Labor Day.

8. Policies:

- A. The Organization may establish policies for the use of the Soccer Fields, or portions of the facility, during its reserved use periods so long as those policies are consistent with federal, state, and local laws, ordinances, and regulations.
- B. The policies adopted by the Organization, as referred to above, may include controlling or denying access to the facility during its sole use as booked through the Parks & Recreation Department.
- C. If portable toilets or food trucks are to be utilized, permission and approval must be obtained through the Parks & Recreation department at least 2 weeks prior.

9. Improvements to the Soccer Fields:

- A. If the Organization wishes to construct capital improvements to the Soccer Fields or surrounding facilities, install equipment, erect signage, or the like, the Organization must submit a written request to the Director. If the Director does not reply within thirty (30) days, then the request is deemed denied.
- B. The Organization must pay one hundred percent (100%) of the costs for any improvements, which includes purchase, installation, maintenance, and removal or rehabilitation in the event of deterioration or safety concerns.
- C. The Organization must provide in Exhibit C of this agreement an inventory of everything which it has purchased and/or installed at the Soccer Fields. Said Exhibit must include a description of each item, an estimated date of purchase/installation, the cost of purchase or construction, and the estimated useful lifespan. The Organization must review and update the Exhibit at least annually or at the point when an improvement is added or removed to the Soccer Facilities by the Organization.

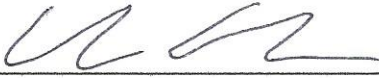
10. Appeals to Decisions and Termination of Agreement:

- A. The Director shall have the authority to review issues of discretion and make decisions as described in this agreement. Should the Organization wish to appeal any of the Director's decisions surrounding this agreement, the Organization must submit a written appeal to the Town Manager within ten (10) days.
- B. Either party may terminate this agreement upon providing written notice of sixty (60) days.
- C. The Organization, upon termination of this agreement, may remove all improvements, equipment, etc. as described in Exhibit C so long as they may be removed without damage to the

Soccer Facilities. All expenses of such removal must be paid by the Organization and must be completed by the time this agreement terminates.

- D. Effective February 13, 2024, this agreement supersedes all previous agreements between the two parties.
- E. This agreement constitutes the entire understanding between the parties and must not be modified except in writing signed by both parties. The agreement is binding on the parties hereto, their heirs, and permitted assigns.

IN WITNESS WHEREOF, the Town and the Organization have executed this agreement in duplicate.

By:  Date: 2.5.24
Kristen Hudson, A.C. Sandhills President

By: _____ Date: _____
Taylor Clement, Mayor, Town of Southern Pines

ATTEST: _____ Date: _____
Elizabeth Robertson, Town Clerk

Exhibit A:

Fall Schedule | mid-AUGUST through end of NOVEMBER

To be updated annually pending Director's approval

	AC SANDHILLS (Soccer Fields)	AC SANDHILLS (Optimist Field)	TOSP (Soccer Fields)	TOSP (Optimist Field)
MONDAYS	4:00pm – 8:00 pm	N/A	Sunrise – 4:00pm	Sunrise - Sunset
TUESDAYS	4:00pm – 8:00 pm	5:00pm-8:00pm	Sunrise – 4:00pm	Sunrise – 5:00pm
WEDNESDAYS	4:00pm – 8:00 pm	N/A	Sunrise – 4:00pm	Sunrise - Sunset
THURSDAYS	4:00pm – 8:00 pm	5:00pm-8:00pm	Sunrise – 4:00pm	Sunrise – 5:00pm
FRIDAYS	N/A	N/A	Sunrise – 4:00pm	Sunrise - Sunset
SATURDAYS	7:00am – 4:00pm*	N/A	N/A	Sunrise - Sunset
SUNDAYS	7:00am – 7:00pm	N/A	N/A	Sunrise - Sunset

Spring Schedule | mid-FEBRUARY through end of MAY

To be updated annually pending Director's approval

	AC SANDHILLS (Soccer Fields)	AC SANDHILLS (Optimist Field)	TOSP (Soccer Fields)	TOSP (Optimist Field)
MONDAYS	4:00pm – 8:00 pm	N/A	Sunrise – 4:00pm	Sunrise - Sunset
TUESDAYS	4:00pm – 8:00 pm	N/A	Sunrise – 4:00pm	Sunrise – Sunset
WEDNESDAYS	4:00pm – 8:00 pm	N/A	Sunrise – 4:00pm	Sunrise - Sunset
THURSDAYS	4:00pm – 8:00 pm	N/A	Sunrise – 4:00pm	Sunrise – Sunset
FRIDAYS	N/A	N/A	Sunrise – 4:00pm	Sunrise - Sunset
SATURDAYS	7:00am – 4:00pm*	N/A	4:00pm-Sunset	Sunrise - Sunset
SUNDAYS	N/A	N/A	Sunrise – Sunset	Sunrise - Sunset

*Organization will use fields up until 5pm on Recreation tournament day. These dates will be secured prior to each season. Only one tournament each season.

Starter Tournament will be scheduled prior to each season. This will include a Sat/Sun date, as well as an "In case of rain date" held. Sunday schedule will be 8am-1pm on this scheduled date only.

- While routine maintenance and repairs can typically occur with minimal or no impact to the public's access to the facility, both parties acknowledge that it may be necessary to close the Soccer Facilities for an extended time to complete more significant repairs. In this situation, every attempt will be made to schedule non-emergency work on Mondays (1st priority), Wednesday (2nd priority) or Friday (3rd priority) to minimize cancellations to the Organization's activities and weekend closures.

Exhibit B:**Assignments for Essential Functions****TOSP = Town of Southern Pines | AC = AC Sandhills**

MAINTENANCE RESPONSIBILITIES DURING BUSINESS HOURS	Spring/Fall Season	Off Season
Mowing Grass	TOSP	TOSP
Lining Fields with Field Paint	TOSP	TOSP
Cleaning Restrooms	TOSP	TOSP
Emptying Trash/ Replacing Trash Bags	TOSP	TOSP
END OF DAY RESPONSIBILITIES	Spring/Fall Season	Off Season
Removing trash/ Replacing Trash Bags	AC	TOSP
Cleaning Restrooms	AC	TOSP
*Cleaning Concession Stand (No storage in this area)	AC	TOSP

"Spring/Fall season" shall be defined from the day AC Sandhills begins the season through the end of soccer operations that season. "Off season" shall be defined as the period from when AC Sandhills stops operating soccer until the day soccer operations begin again.

*Organization will obtain any required permit or inspection (if needed) to operate concession stand in conjunction with Moore County regulations.

Exhibit C: AC Sandhills Inventory
Current as of January 23, 2024

Item	Purchase Date	Purchase Price
Nets	Various	Various
Goals	Various	Various

MEMO

To: Reagan Parsons, ICMA-CM, Town Manager
From: Jessica Roth, ICMA-CM Assistant Town Manager
Date: February 22, 2024
Re: Renovations to Finance & Administration Buildings

A. Project Overview

Over the past six months, staff has worked with architects from CPL on programming and schematic designs with accompanying opinions of probable costs for recommended renovations to the finance and administration buildings. CPL shared these with Council at their January 23, 2024, which concluded the scope of their contract. In order to prepare for the FY 24-25 budget process, staff seeks direction from Council on how to proceed. Options include (with costs further detailed in attached spreadsheet):

1. Advance one or both buildings through design development, construction documentation, and construction procurement services.
 - a. Estimated professional fees for finance building: \$202,697¹
 - b. Estimated professional fees for administration building: \$127,793²
 - c. Estimated professional fees for both buildings simultaneously: \$278,165, a savings of approximately \$52,000 or 19% compared from the combined totals of each separate building.
2. Advance one or both buildings through construction procurement (option 1a, 1b, or 1c) + LEED certification for retrofit interiors. Cost TBD, but will be confirmed and added to the professional services contract if this option is chosen. See section E for more details on LEED certification.
3. Consider a newly constructed Town Hall building, potentially selling the administration and/or finance buildings, if desired. This concept has not been explored and it is unclear at this time where a new building would be located (may require land acquisition). For discussion purposes at this point, a reasonable cost estimate for design and construction based on current market conditions for a 30,000 square-foot facility might be around \$19 million + land acquisition.
4. Abandon or postpone renovation plans. Staff will prepare budget estimates for short-term building needs that would have otherwise been deferred to the full renovation, i.e. new roof on administration building. These projects will be for facility preservation only and will not accommodate space needs.
5. Other...

B. Facilities Condition Assessment

The Town engaged Creech & Associates to perform a facility condition and comprehensive space needs assessment for 14 buildings totaling over 153,000 square feet of conditioned space. These buildings house the majority of the Town's core services. This study was completed in August 2019.

¹ Professional fee proposals received from CPL on 2/21/24 with not-to-exceed base fees including standard reimbursables.

² Conditioning of the basements in each building is an add alternate. While this is not anticipated to impact the professional fees, there are construction savings if these alternates are not added. Staff would recommend including the finance basement due to the relatively low cost, but the estimated cost of conditioning the admin basement is \$735k. A decision does not have to be made pre-design since these are alternates and could be confirmed during award of a construction contract.

As part of this scope, Creech performed a facility condition assessment to evaluate the structural, plumbing, mechanical, and electrical systems of the Town’s 14 facilities. At the time of that assessment³, the conditions encountered spanned a century from the Police Department at 10 years of service to the Campbell House circa 1910. The study noted, “all of these buildings have been well maintained but age has created some deficiencies.”⁴

Finance Building: The 2019 assessment noted that the roof/gutters, ADA conditions, and electrical systems were in poor/fair condition. The exterior façade and interior conditions were rated fair. It is estimated that the last significant renovation for this 7,100-square-foot building was approximately 30 years ago when the library relocated to its newly constructed building on W. Connecticut Ave. in 1995.

Since the 2019 assessment was completed, the Town has invested approximately \$36k in updates to the MEP (mechanical/electrical/plumbing) systems identified in the study.

There have been very minimal, if any, updates to the exterior façade, roof, interior, and ADA accessibility, so it’s reasonable to conclude some deterioration has occurred over the past five years. While the main entry is accessible, the “back of house” staff areas are not and therefore potentially prohibit access by a disabled employee. The building will have a variety of maintenance and preservation needs as soon as FY 24-25 if the renovation project is not advanced.

Address:

Est. Year Built:

Total Floor Space:

180 SW Broad Street

1939

First Floor: 7,072 SF

Basement: 580 SF



BUILDING SNAPSHOT ▶

EXTERIOR FACADE

DOORS

WINDOWS

ROOF & GUTTERS

INTERIOR CONDITIONS

FIRE & LIFE SAFETY

ADA CONDITIONS

STRUCTURAL CONDITIONS

MECHANICAL CONDITIONS

ELECTRICAL CONDITIONS

PLUMBING CONDITIONS

Poor

Fair

Good

Very Good

Excellent

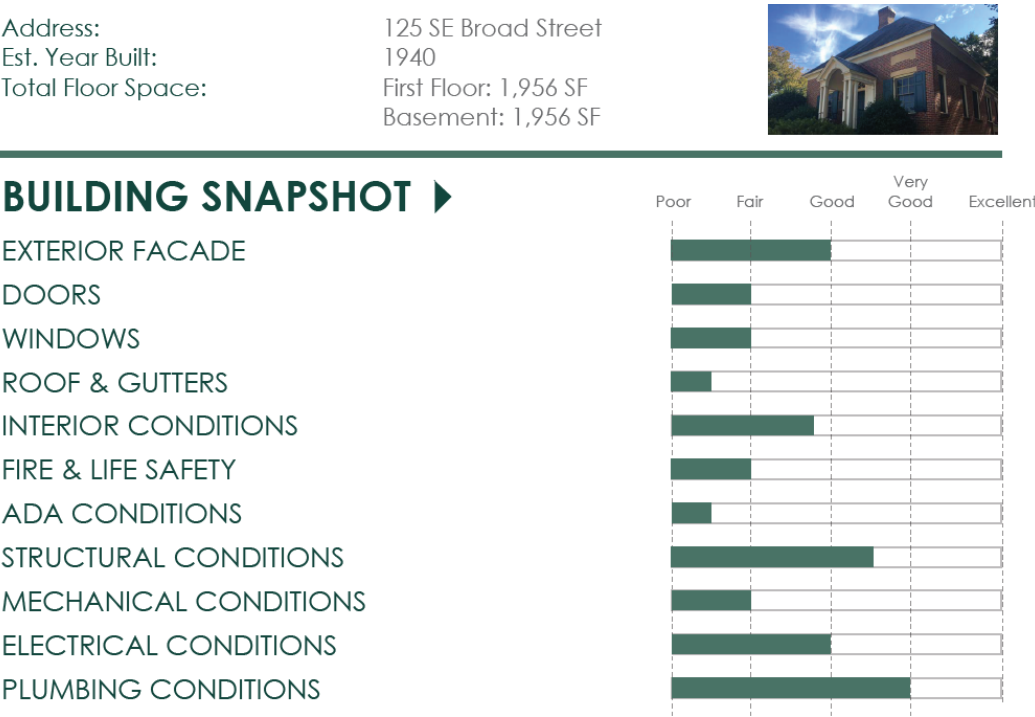
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Administration Building: This building was constructed around 1940 as a medical office and now houses the Town’s administration department, including human resources but excluding one assistant town manager and the communications specialist. While the interior has been updated more recently than the finance building, one of the main challenges is that the building is not accessible for disabled employees or visitors. Additionally, many offices are undersized and it is unclear where additional staff could be accommodated.

³ After the Town acquired Whitehall, Creech & Associates assessed the three facilities associated with that property. This assessment was added to the 2019 study and it was re-published with a date of August 25, 2021.
⁴ Page 1, 2021 study.

The 2019 assessment noted that the roof/gutters, ADA conditions, doors, windows, and mechanical conditions were in poor/fair condition. Other systems, as well as the interior and exterior façade, were rated fair/good. Since that time, the Town has invested approximately \$8k in updates to the electrical system identified in the assessment. There have been additional expenses due to continual HVAC failures and ceiling damage, which have emerged over the past five years.

The condition of the slate roof has continued to decline and was recently patched. The roof needs to be replaced and should be considered for FY 24-25, along with other needs, if the renovation project is not advanced.



BUILDING SNAPSHOT

EXTERIOR FACADE

DOORS

WINDOWS

ROOF & GUTTERS

INTERIOR CONDITIONS

FIRE & LIFE SAFETY

ADA CONDITIONS

STRUCTURAL CONDITIONS

MECHANICAL CONDITIONS

ELECTRICAL CONDITIONS

PLUMBING CONDITIONS

Poor

Fair

Good

Very Good

Excellent

System	Poor	Fair	Good	Very Good	Excellent
EXTERIOR FACADE	0	0.5	0.5	0	0
DOORS	0	0.5	0.5	0	0
WINDOWS	0	0.5	0.5	0	0
ROOF & GUTTERS	0.1	0.4	0.5	0	0
INTERIOR CONDITIONS	0	0.5	0.5	0	0
FIRE & LIFE SAFETY	0	0.5	0.5	0	0
ADA CONDITIONS	0.1	0.4	0.5	0	0
STRUCTURAL CONDITIONS	0	0.5	0.5	0	0
MECHANICAL CONDITIONS	0	0.5	0.5	0	0
ELECTRICAL CONDITIONS	0	0.5	0.5	0	0
PLUMBING CONDITIONS	0	0.5	0.5	0	0

C. Space Needs Analysis

In conjunction with the facilities assessment, Creech completed a space needs analysis to project the estimated growth in staff and services to meet the Town’s increasing population. Historic data from the previous 10 years was analyzed to forecast current and future needs. In 2019, it was estimated that the Town needed approximately 10% more space, forecasted to increase to about 185,000 square or 20% by 2039.

In order to accommodate the immediate space needs, the Town renovated the previous Public Works Annex to create the current Community Development Building at 801 SE Service Rd., which currently houses:

- Planning
- Inspections
- Engineering & Utilities

- Public Works Administration
- One Assistant Town Manager
- Communications/Public Information

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A second phase was envisioned to address deficiencies noted in the 2019 assessment and ensure the long-term use and preservation of the finance and administration buildings. Additionally, the interior of each will be reconfigured to accommodate some of the forecasted growth. This phase would include the following, with schematic designs and opinions of probable cost⁵ presented at the January 23rd Council meeting.

Finance Building Renovations: \$2,928,195.⁶ It is anticipated that the exterior façade will largely remain as is, with necessary repairs. Interior renovations would include:

- Back of house demolition and reconstruction to accommodate Finance & Utility Billing staff, Administration staff (with or without HR), and future growth. The schematic designs also include an office for the Town Attorney, although this was not identified in the 2019 assessment due to the arrangements with the previous Attorney.
- Repairs and cosmetic work, like paint and flooring, will be planned for the lobby and Boyd Room. These areas will largely remain in their current configuration to maintain the historic aesthetic and special features, like fireplaces, barrel ceiling, architectural trim, etc.
 - Note: the hope is that the existing display cabinets and window seats can be preserved and repainted (accounted for in the probable cost). If not, an add alternate of \$32,080 has been identified to build new cabinets and window seats to maintain this element.
- Conditioning and upfit of the 500-square-foot basement to accommodate on-site storage needs. This is an add alternate of approximately \$163k but would not need to be confirmed until the construction contract.

Administration Building Renovations: \$984,942.⁷ The exterior façade will largely remain as is, with necessary repairs. An accessible ramp or lift is planned for either the rear door or the entry off E. Pennsylvania Avenue, leaving the historic façade on SE Broad St. as is. Interior renovations would include:

- Demolition and reconstruction to accommodate one of the Town's departments. The specific department has not been confirmed, but might include the HR team, IT, or Parks and Recreation.
- Conditioning and upfit of the 1,956-square-foot basement to accommodate on-site storage needs. This is an add alternate of about \$733k but does not need to be selected until the construction contract.

D. Project History & Timeline

- 2019: Creech facilities assessment and space needs analysis completed.
- 2020: Town prepared architectural drawings to renovate the former Public Works Annex.
- 2021: The Town secured a \$1.25M installment loan for the Annex and began construction.
- 2022: The newly renovated Community Development building opened.
 - Planning & Inspections moved over from the finance building, leaving it approximately half vacant with the finance department and Town Attorney remaining in the building.
 - Engineering & Utilities moved over from 140 Memorial Park Court.
- 2022: Minor renovations were completed to 140 Memorial Park Court to repurpose it for IT, who moved in from their former space at the Library.
- June 14, 2022: Council adopted 2023-2033 Capital Improvement Program (CIP), identifying future

⁵ Pre-design cost estimate prepared 1/20/24 by 35° North

⁶ This estimate assumes a cost escalation factor of \$204,293 to the midpoint of construction in 2nd quarter 2025. If the construction timeline is extended, this number could increase.

⁷ Same note as #6, except the cost escalation factor is \$68,717.

renovations to the finance building and Fire Station #1.

- June 13, 2023: Council adopted FY 23-24 budget, allocating \$100k to develop schematic designs and cost estimates for the finance and administration buildings in addition to Fire Station #1.
 - The 2024-2034 CIP was also adopted and included renovation projects to the administration and finance buildings as well as Fire Station #1. The total capital cost was identified as TBD.
- August 16, 2023: The Town entered into a \$34,050 contract with Charlotte-based architectural firm CPL for the finance and administration buildings. This scope included surveying existing conditions, programming and schematic design, and pre-design opinions of probable cost.
- January 23, 2024: CPL presented the schematic designs and pre-design cost estimates to Council. This fulfilled the scope of the August 2023 contract.

E. LEED Certification

The professional fees to design either or both of these buildings, as well as the construction contract, are currently unknown. Professional fees would be based on:

- a. Additional construction cost of the project.
- b. GBCI (Green Building Certification Institute) fees associated with certification of retrofit interiors. The fee varies depending on the rating and square footage.
- c. Design team fees based on the level of design as well as the corresponding applications and documentation for GBCI verification and review.

To achieve LEED certification, a project earns points by adhering to prerequisites and credits that address carbon, energy, water, waste, transportation, materials, health and indoor environmental quality. Projects are awarded points and the target level is planned for as the design development phase begins: Certified (40-49 points); Silver (50-59 points); Gold (60-79 points); or Platinum (80+ points).

F. Town Hall Concept

Creech explored a Town Hall space at a very high level. Based on accommodating growth through 2039, they projected a facility of approximately 27,000 square feet to house a Council chambers, administration, planning, finance, and IT.

This programming needs to be revisited and reconfirmed to ensure 27,000 SF is still adequate. As an example, the 2019 study forecasted that planning & inspections staff would increase to 12 by 2033 and 14 by 2039. That team grew to 12 employees in 2023, which has been necessary to accommodate the workload associated with planning, development, and inspections. Similarly, the FY 23-24 authorized strength for IT (5 employees) is already at the forecast for 2028.

A pre-design high level cost estimate for the design and new construction of a 30,000 SF Town Hall would be around \$19 million, increasing to around \$25M for 40,000 SF. These cost estimates do not include land acquisition, sitework, and bidding conditions. The Town of Huntersville announced on February 20th that they had entered into a construction contract for a new 54,000-square-foot Town Hall for just under \$30 million or around \$555/SF for construction.

If the finance and/or administration buildings were sold, those proceeds could be credited to this project to help decrease the total cost. Those buildings have not been appraised, so sales prices are unknown.

Town Hall New Construction			
	proposed SF	30,000	40,000
Direct costs per SF	\$380	\$ 11,400,000	\$ 15,200,000
General Conditions	5.0%	\$ 570,000	\$ 760,000
Design Contingency	6.0%	\$ 684,000	\$ 912,000
Bonds & Insurance	2.5%	\$ 285,000	\$ 380,000
Current Bid Conditions Premium	10.0%	\$ 1,140,000	\$ 1,520,000
GC Contingency	4.0%	\$ 456,000	\$ 608,000
GC Profit	7.5%	\$ 855,000	\$ 1,140,000
CDs & construction procurement	10.0%	\$ 1,140,000	\$ 1,520,000
Construction contingency	20.0%	\$ 2,280,000	\$ 3,040,000
	<i>potential cost</i>	\$ 18,810,000	\$ 25,080,000
	<i>cost per SF</i>	\$ 627.00	\$ 836.00

Unknown costs to be added to above

Land acquisition (if any)

Bid conditions at time of release

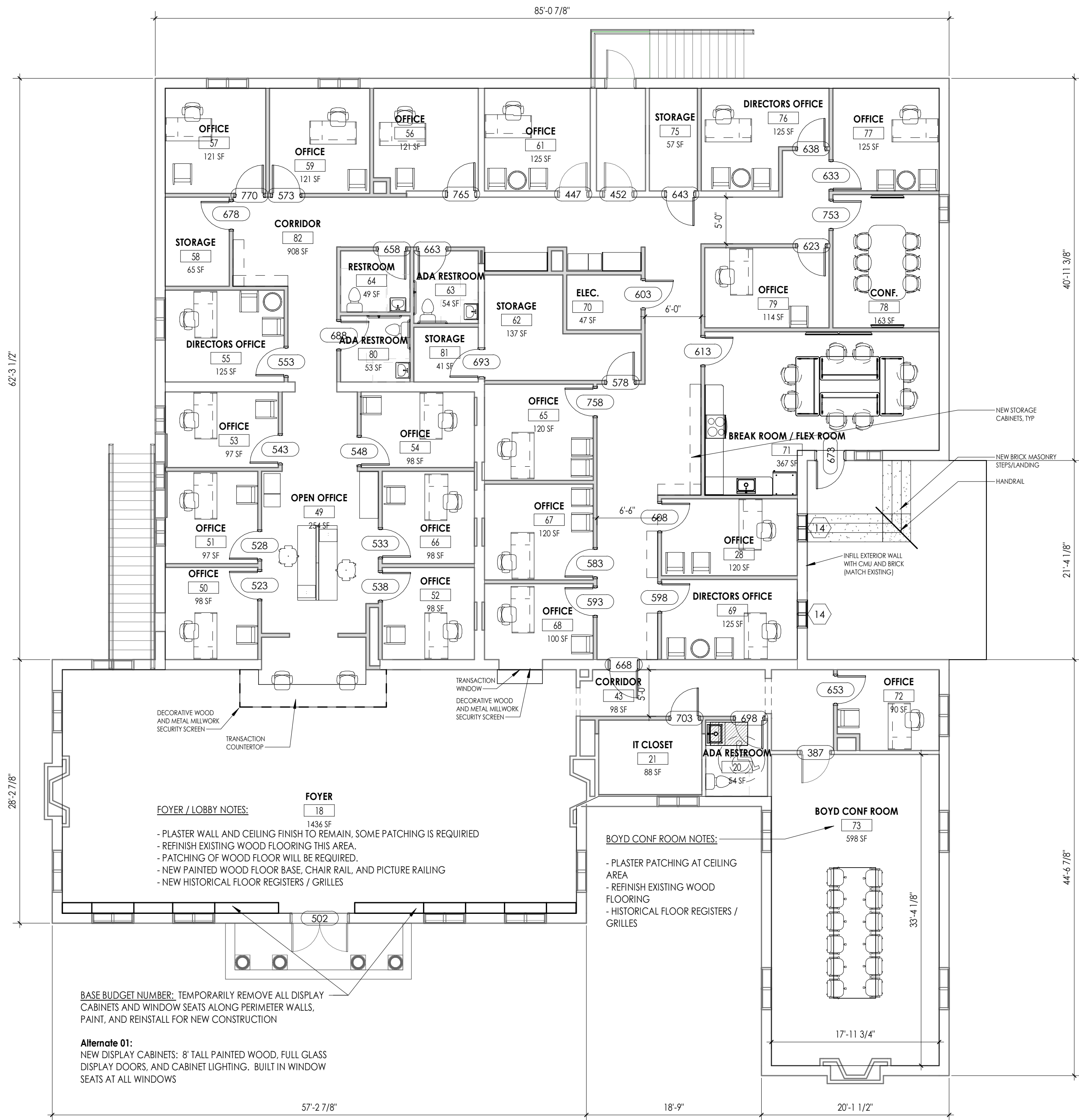
Unknown potential credits

Sale of admin and/or finance buildings

Pre-Design Cost Estimates for Building Renovations

	Option	SF	Design & Construction Procurement	Pre-Design Opinion of Probable Cost	Phasing Premium	Total	Cost per SF
Separate Design and Construction							
Finance Building w/ basement	1a	7,652	\$ 202,697	\$ 3,122,806	TBD	\$ 3,325,503	\$ 435
Admin Building w/ basement	1b	3,912	\$ 127,793	\$ 1,717,672	TBD	\$ 1,845,465	\$ 472
total		11,564	\$ 330,490	\$ 4,840,478	TBD	\$ 5,170,968	\$ 447
Simultaneous Design and Construction							
Finance & Admin Building w/ basements	1c	11,564	\$ 278,176	\$ 4,840,478	\$ -	\$ 5,118,654	\$ 443
cost savings from 1a + 1b		0	\$ (52,314)	\$ -	TBD	\$ (52,314)	\$ (5)
Simultaneous Design and Construction (no basement uplift in admin)							
Finance w/ basement	1c	7,652	\$ 278,176	\$ 3,122,806	\$ -	\$ 4,385,924	\$ 456
Admin w/out basement		1,956		\$ 984,942	\$ -		
total		9,608	\$ 278,176	\$ 4,107,748	\$ -	\$ 4,385,924	\$ 456
cost savings for removing admin basement		-1,956	\$ -	\$ (732,730)	TBD	\$ (732,730)	\$ 14

Cost Comparisons Between New Construction & Renovation			
	Square Footage (SF)	Total Estimate	Cost per SF
Town Hall New Construction 30k SF	30,000	\$ 18,810,000	\$ 627
Town Hall New Construction 40k SF	40,000	\$ 25,080,000	\$ 836
Renovation of both buildings simultaneously w/ basements	11,564	\$ 5,118,654	\$ 443
<i>difference from 30k SF new construction</i>	-18,436	\$ (13,691,346)	\$ (184)
<i>difference from 30k SF new construction</i>	-28,436	\$ (19,961,346)	\$ (393)



GENERAL DEMO NOTES

- ALL INTERIOR FINISHES TO BE DEMOLISHED INCLUDING BUT NOT LIMITED TO CEILINGS, WALL TRIM, FLOOR FINISHES UNLESS NOTED OTHERWISE

- DEMOLISH ALL WALLS AND DOORS SHOWN AS RED DASHED LINES

- SEE NARRATIVE FOR SYSTEMS DEMOLITION DESCRIPTION

ALLOWANCES

ALLOWANCE 01
NEW NARROW PLANK SOLID OAK WOOD FLOORING AT FOYER / LOBBY AREA (FOR UNKNOWN CONDITION OF WOOD FLOORING)

ALLOWANCE 02
FOYER AND BOYD CONFERENCE ROOM - \$65,000 - SPECIALITY LIGHTING CEILING/WALL FIXTURES AND ART LIGHTING

ALLOWANCE 03
FOYER - DECORATIVE DESK AND TRANSACTION WINDOW

ALLOWANCE 04
FURNITURE, FIXTURES, EQUIPMENT

ALLOWANCE 05
SECURITY / ACCESS CONTROLS

ALLOWANCE 06
DESIGN CONTINGENCY ALLOWANCE - 6%

ALLOWANCE 07
CONSTRUCTION & UNKNOWN CONDITIONS CONTINGENCY ALLOWANCE - 4%

ALLOWANCE 08
EXTERIOR INFORMATION KIOSK, PROVIDE POWER AND DATA FROM BUILDING TO SIGN

ALLOWANCE 09
FOYER AND BOYD CONFERENCE ROOM - FINISH CARPENTRY, HISTORIC FLOOR BASE, CHAIR RAIL, PICTURE RAIL

ALLOWANCE 10
ENVIRONMENTAL ASSESSMENT AND REMEDIATION FOR BOTH BUILDINGS

ALLOWANCE 11
FOYER / LOBBY AREA FURNITURE - \$18,000

ALTERNATES

ALTERNATE 01
8' TALL PAINTED WOOD MILLWORK W/ FULL GLASS DISPLAY DOORS & LIGHTING. BUILT IN WINDOW SEATS AT ALL WINDOWS

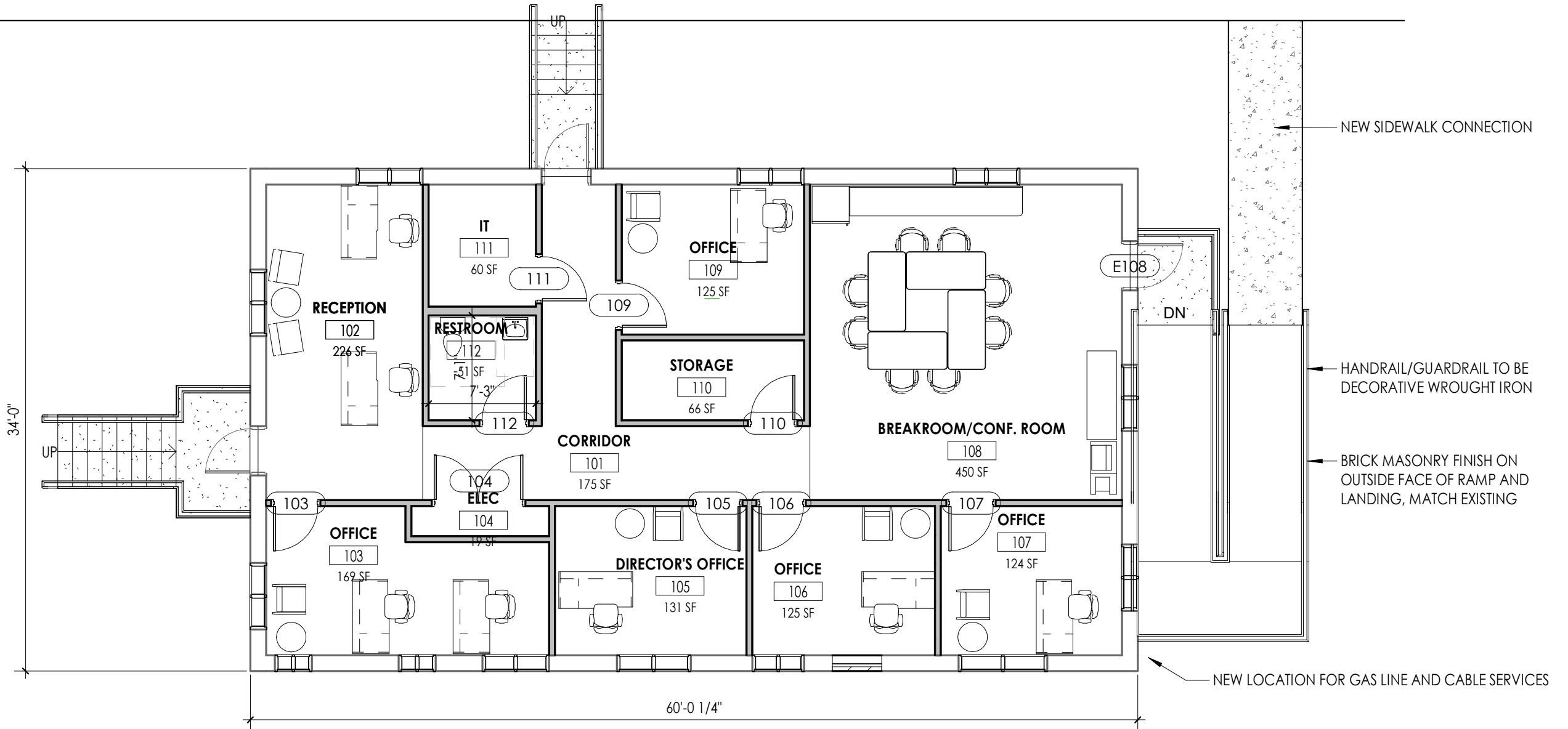
ALTERNATE 02
BASEMENT SCOPE OF BOTH BUILDINGS

FLOOR PLAN LEVEL 1 - FINANCE BUILDING

1/8" = 1'-0"

Main entry on SE Broad St.

E. Pennsylvania Ave.



FLOOR PLAN LEVEL 1 ADMINISTRATION BUILDING

1/8" = 1'-0"

Downtown Park

ADMIN & HR

Type	Quantity	Square Feet	Total
Overall - # of Employees (Org Charts)	10	N/A	10
Growth - # of Employees (Org Charts)	2	N/A	2
Manager - # of Employees (Org Charts)	1	N/A	1
Other Staff - # of Employees (Org Charts)	9	N/A	9
Overall - # of Employees (Revit Model)	N/A		0
Hybrid/Flexible # of Employees (2:1 Ratio)		0.5	0
Total Employees			12
Workroom		108	108
Exam Room		100	0
Lab		125	0
Miscellaneous		0	
Gym		7.5	0
Large Private Office	1	168	168
Small Private Office	7	100	700
Large Cubicle	4	125	500
Small Cubicle		75	0
Shared Small Private Office		140	0
Shared Large Cubicle		105	0
Shared Small Cubicle		50	0
Small Conference Room	2	150	300
Medium Conference Room	1	350	350
Large Conference Room		450	0
X-Large Conference Room		600	0
Training Room (per survey)		700	0
Board Room (per survey)		800	0
Breakroom	1	200	200
Storage (175 current + 10% growth)	1	195	195
Large Lobby		500	0
Medium Lobby		300	0
Small Lobby	2	150	300
Subtotal			2821
Circulation Factor of 20%		0.2	564.2
MEP & Janitor / Building Core 15%		0.25	705.25
Grand Total			4090.45

FINANCE & UTILITY

Type	Quantity	Square Feet	Total
Overall - # of Employees (Org Charts)	12	N/A	12
Growth - # of Employees (Org Charts)	2	N/A	2
Manager - # of Employees (Org Charts)	1	N/A	1
Other Staff - # of Employees (Org Charts)	11	N/A	11
Overall - # of Employees (Revit Model)	N/A		0
Hybrid/Flexible # of Employees (2:1 Ratio)		0.5	0
Total Employees			14
Workroom		108	108
Exam Room		100	0
Lab		125	0
Miscellaneous		0	
Gym		7.5	0
Large Private Office	1	168	168
Small Private Office	5	100	500
Large Cubicle	4	125	500
Small Cubicle	4	75	300
Shared Small Private Office		140	0
Shared Large Cubicle		105	0
Shared Small Cubicle		50	0
Small Conference Room		150	0
Medium Conference Room	1	350	350
Large Conference Room		450	0
X-Large Conference Room		600	0
Training Room		700	0
Board Room		800	0
Breakroom	1	260	260
Storage (880 current + 10% growth)	1	970	970
Large Lobby	1	500	500
Medium Lobby		300	0
Small Lobby		150	0
Subtotal			3656
Circulation Factor of 20%		0.2	731.2
MEP & Janitor / Building Core 15%		0.25	914
Grand Total			5301.2

PARKS & RECREATION

Type	Quantity	Square Feet	Total
Overall - # of Employees (Org Charts)	5	N/A	5
Growth - # of Employees (Org Charts)	1	N/A	1
Manager - # of Employees (Org Charts)	1	N/A	1
Other Staff - # of Employees (Org Charts)	4	N/A	4
Overall - # of Employees (Revit Model)	N/A		0
Hybrid/Flexible # of Employees (2:1 Ratio)		0.5	0
Total Employees			6
Workroom		108	108
Exam Room		100	0
Lab		125	0
Miscellaneous		0	
Gym		7.5	0
Large Private Office	1	168	168
Small Private Office	3	100	300
Large Cubicle	2	125	250
Small Cubicle	2	75	150
Shared Small Private Office		140	0
Shared Large Cubicle		105	0
Shared Small Cubicle		50	0
Small Conference Room		150	0
Medium Conference Room	1	350	0
Large Conference Room		450	0
X-Large Conference Room		600	0
Training Room (per survey)		700	0
Board Room (per survey)		800	0
Breakroom		450	0
Storage		0	0
Large Lobby		500	0
Medium Lobby		300	0
Small Lobby	1	150	150
Subtotal			1126
Circulation Factor of 20%		0.2	225.2
MEP & Janitor / Building Core 15%		0.25	281.5
Grand Total			1632.7

IT

Type	Quantity	Square Feet	Total
Overall - # of Employees (Org Charts)	6	N/A	6
Growth - # of Employees (Org Charts)	1	N/A	1
Manager - # of Employees (Org Charts)	1	N/A	1
Other Staff - # of Employees (Org Charts)	5	N/A	5
Overall - # of Employees (Revit Model)	N/A		0
Hybrid/Flexible # of Employees (2:1 Ratio)		0.5	0
Total Employees			7
Workroom (IT Workroom 22x14)	1	308	308
Exam Room		100	0
Lab		125	0
Miscellaneous (IT Local Closet)	1	120	
Gym		7.5	0
Large Private Office	1	168	168
Small Private Office	6	100	600
Large Cubicle		125	0
Small Cubicle		75	0
Shared Small Private Office		140	0
Shared Large Cubicle		105	0
Shared Small Cubicle		50	0
Small Conference Room	1	150	150
Medium Conference Room		350	0
Large Conference Room		450	0
X-Large Conference Room		600	0
Training Room (per survey)		700	0
Board Room (per survey)		800	0
Breakroom		450	0
Storage		0	0
Large Lobby		500	0
Medium Lobby		300	0
Small Lobby		150	0
Subtotal			1226
Circulation Factor of 20%		0.2	245.2
MEP & Janitor / Building Core 15%		0.25	306.5
Grand Total			1777.7

Huntersville Town Board Approves Construction Contract for New Town Hall

[Town of Huntersville Press Release: February 20, 2024](#)

The Huntersville Town Board of Commissioners voted Monday night to approve financing for and enter into a construction contract to build a new Town Hall. This decision marks a significant milestone in the Town's efforts to enhance its infrastructure, invest in its downtown area and better serve the needs of its residents.



The new Town Hall will bring together nearly all Town office employees into one building, fostering collaboration and efficiency. With current Town office facilities spread across multiple locations, this consolidation into one building will streamline operations, improve communication among departments and give residents more convenient access to Town staff and services. The new Town Hall will be located on N.C. 115, behind the current Huntersville Town Hall, and will be 54,000 square feet, which will allow room for future departmental growth.

"The construction of a new Town Hall is a crucial step forward for our community," said Mayor Christy Clark. "This modern facility will not only provide a more functional workspace for the Town's dedicated employees but also ensure that we can effectively meet the needs of our growing population. This shows our community that the Town is leading the way in investing in our downtown area, which is one of the priorities of this board. Our current office facilities are running out of room, and this new building will accommodate future growth while better connecting staff to each other, and connecting residents to staff and Town services."

The new Town Hall will feature improved meeting spaces and expanded office space, with room for more staff members to be added as the Town enhances the ways it serves its residents. The facility will house various departments, including Administration, Planning, Finance, Engineering, Parks and Recreation and others, and is expected to serve the needs of the Town for 50 years. This new building will not only improve departmental connectivity, but also enhance the overall experience for residents seeking assistance from or conducting business with the Town.

"Town employees make Huntersville run, and without their dedication and professionalism, nothing would get done," said Mayor Pro-Tem Jennifer Hunt. "We need to treat them like professionals and give them - and future employees - an appropriate place to work that doesn't shuffle them around from cubicle to cubicle like furniture. If someone is still skeptical of the need for a new Town Hall, I would encourage them to come to a board meeting when a topic of interest is on the agenda and see that residents are sitting in the lobby because there isn't

enough space. If we want people to be involved and engaged in the civic process, the current atmosphere is not conducive to that.”

The project is expected to be completed by late 2025 and will be paid for by limited obligation bonds. The interest rate for those bonds will be set by public sale as administered by the [Local Government Commission in March](#). The total cost of the project, based on the Guaranteed Maximum Price proposal presented and adopted [during the Feb. 5, 2024 Town Board meeting](#), will be \$29,997,055.

"We are looking forward to embarking on this important project that will shape the future of our Town and improve the ways we are able to serve our residents," said Town Manager Anthony Roberts. "The new Town Hall will bring our employees together and serve as a symbol of our commitment to providing exceptional services to our residents."

For more information about the new Town Hall project and updates on its progress, [please visit the Town Hall webpage on our website](#).





FACILITIES CONDITION ASSESSMENT



SOUTHERN PINES
North Carolina

TOWN OF SOUTHERN PINES

08.25.2021

CREECH & ASSOCIATES

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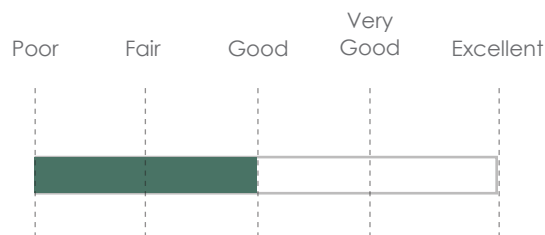
EXECUTIVE SUMMARY

In November of 2018, the Town of Southern Pines selected Creech & Associates to perform a facility condition assessment and a space needs assessment for staff and programs located in 14 buildings that serve the citizens. (Water plant is located outside of town.) These facilities represent over 140,000 square feet of conditioned space that serve the majority of core town services.

FACILITIES CONDITION ASSESSMENT

The conditions encountered span a century from the Police Department at 10 years of service to the Campbell House circa 1910. All of these buildings have been well maintained but age has created some deficiencies that were discovered during the assessment. Those items are highlighted in detail relative to each structure in the appendix.

The structural, plumbing, mechanical, and electrical systems were assessed by professional engineers in each respective specialty and some recommendations are given to inform cost. The major building components of the exterior and interior of both buildings are given a rating based on their condition from a 5-step system that spans from excellent to poor. The ranking system is as follows:



1	POOR	►	Must be addressed immediately to avoid further damage
2	FAIR	►	Must be addressed as part of next planned renovation work
3	GOOD	►	Satisfactory condition for some use with limited life span
4	VERY GOOD	►	Acceptable for standard use in renovation
5	EXCELLENT	►	Acceptable for use with the majority of life span available

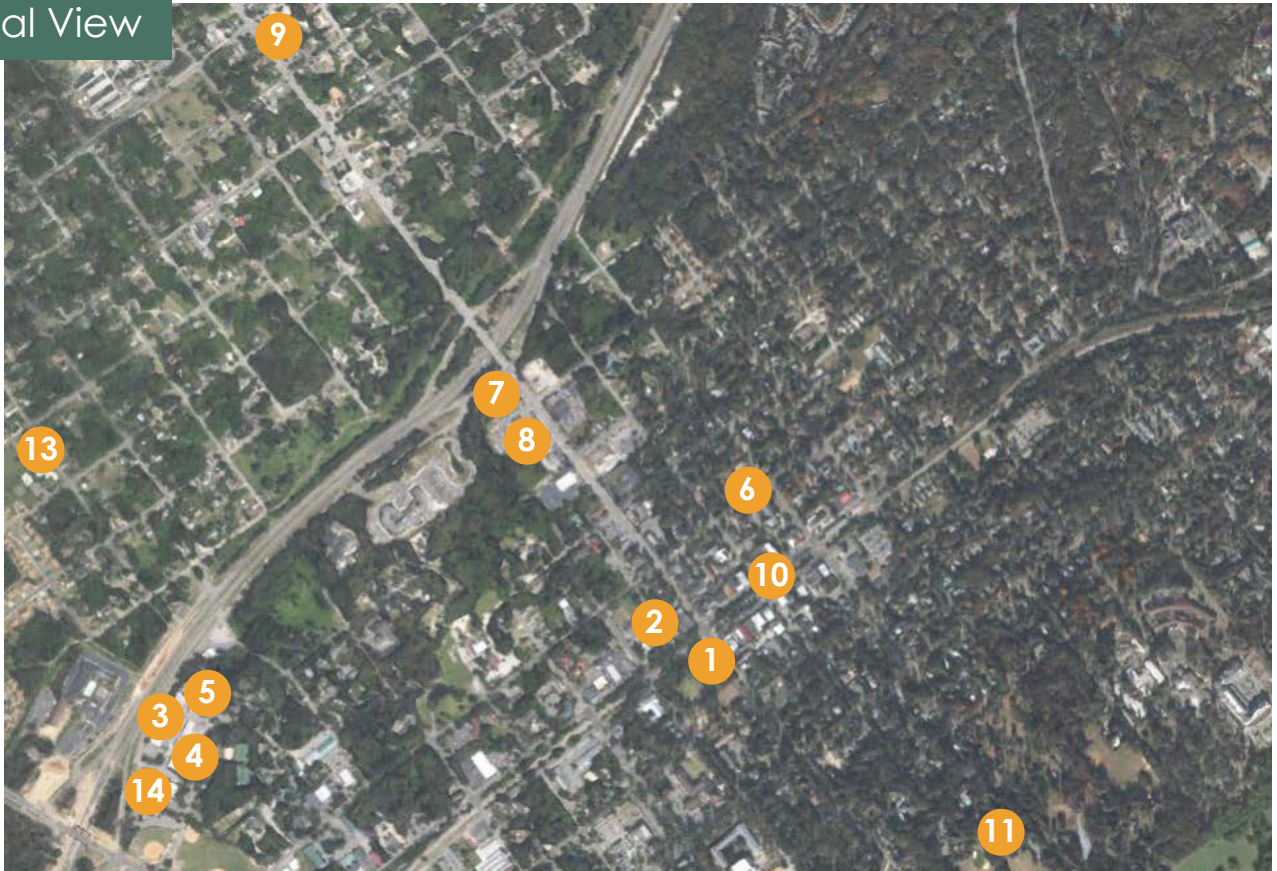
SPACE NEEDS ASSESSMENT

The scope of this analysis covers the spaces for 15 departments that reside within the 149,615 square feet of buildings assessed. Town staff was engaged through surveys and interviews to provide opportunities and constraints in the spaces where they work. Each department's needs are presented in 3 categories:

- Existing Area: Current footprint extracted from digital reproductions of existing drawings
- Current Area: Additional space required to serve the current needs
- Future Area: Additional space required to serve the future needs spanning 20 years

A system of growth metrics based on census and town data is utilized for projecting the rate of growth. Historic data from the previous 10 years is analyzed to forecast the needs for the next 20 years. Drafts of each report were vetted with the department heads and town leadership to verify the data capture and validity of each assessment. In comparison to the existing area of 153,071 square feet currently occupied, the current needs are 167,187 square feet (9% increase), and the 20 year assessed needs total 183,462 square feet (20% increase).

Aerial View



Core Facilities Included:

1. Administration Building
2. Planning and Finance Building
3. Public Works Annex
4. Public Works Offices
5. Fleet Maintenance Garage and PW "Yard"
6. Library
7. Fire Station #1
8. Police Department
9. Douglass Community Center
10. Train Station Downtown
11. Campbell House
12. Water Treatment Plant
13. Pool Park Facility - Bath House Only
14. Recreation Center/Boys and Girls Club
15. Whitehall - Residence
16. Whitehall - Barn
17. Whitehall - Detached Garage



Address: 125 SE Broad Street
 Est. Year Built: 1940
 Total Floor Space: First Floor: 1,956 SF
 Basement: 1,956 SF



BUILDING SNAPSHOT ►

EXTERIOR FACADE

DOORS

WINDOWS

ROOF & GUTTERS

INTERIOR CONDITIONS

FIRE & LIFE SAFETY

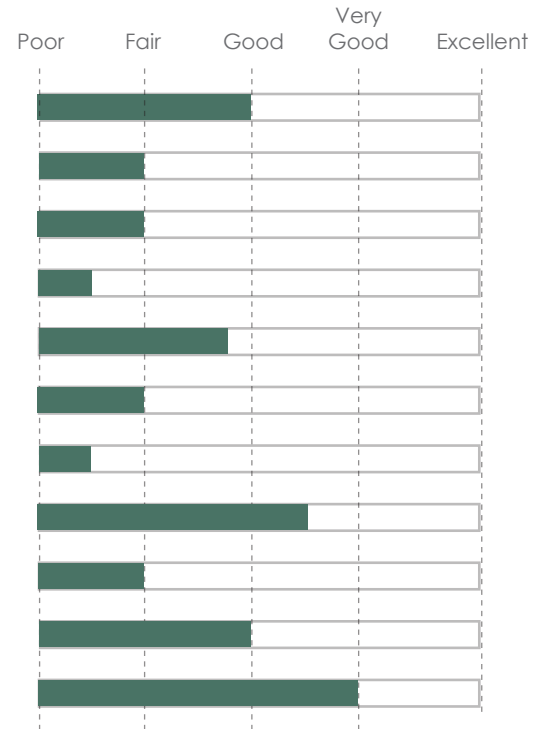
ADA CONDITIONS

STRUCTURAL CONDITIONS

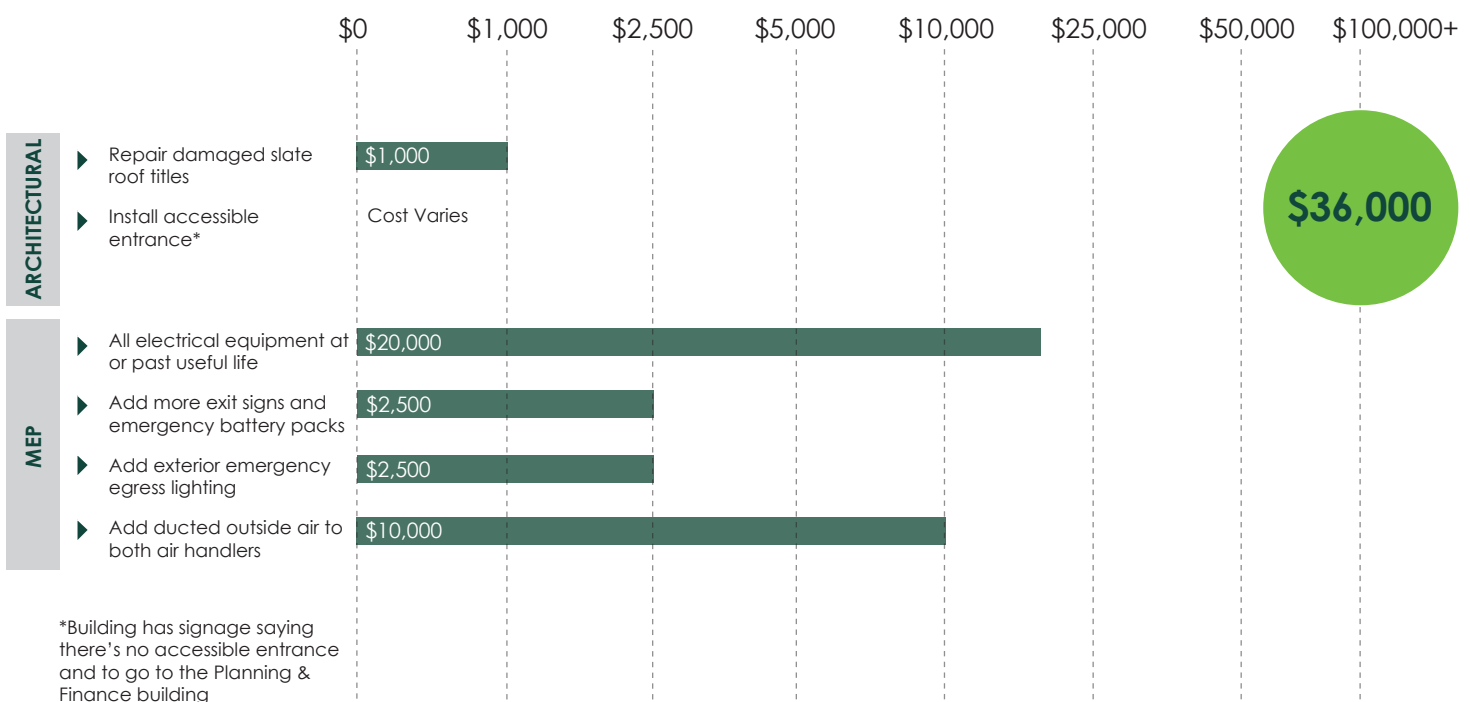
MECHANICAL CONDITIONS

ELECTRICAL CONDITIONS

PLUMBING CONDITIONS



IMMEDIATE NEEDS + COST ►



ADMINISTRATION BUILDING

1. EXTERIOR FACADE

The facade of the building consists of brick with concrete lintels over the windows. Concrete accents are present within the brick above the windows. Wood canopies/awnings are installed over the exterior doors. Eaves and fascias consist of painted wood.

#	DESCRIPTION	CONDITION
1.1	Brick/concrete lintels	GOOD
1.2	Brick/concrete lintels	GOOD
1.3	Brick/concrete lintels	GOOD

GENERAL NOTES

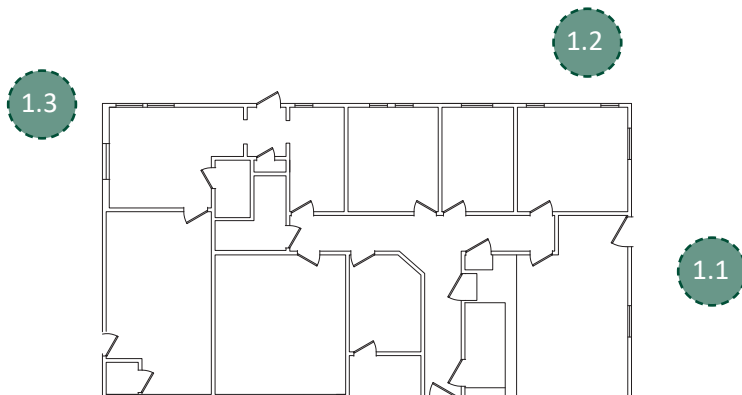
- 1.1 Bricks and mortar joints are in good condition relative to their age. Staining was observed around the canopies, wall bases, and window sills, and can be cleaned as part of general maintenance. See Item 1.5.
- 1.2 Similar conditions as noted above.
- 1.3 Similar conditions as noted above.



1.1 Northwest (front) elevation



1.2 Southwest elevation



First Floor Plan



1.3 Southeast elevation

ADMINISTRATION BUILDING

1. EXTERIOR FACADE



1.4 Northeast elevation



1.5 Typical staining on the brick

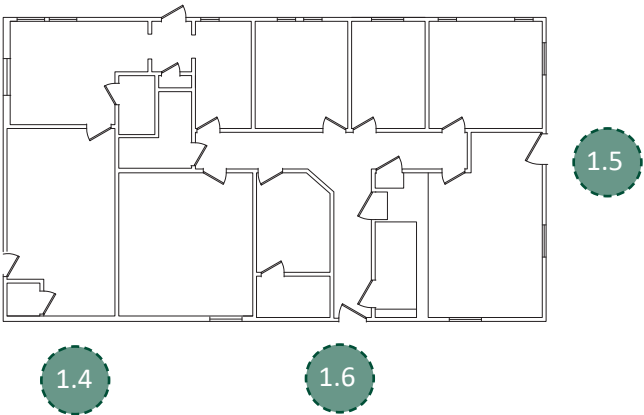
#	DESCRIPTION	CONDITION
1.4	Brick/concrete lintels	GOOD
1.5	Staining on brick	N/A
1.6	Canopies and trim	GOOD

GENERAL NOTES

- 1.4 Similar conditions as noted above.
- 1.5 Typical staining observed on the brick around the canopies, wall bases, and window sills.
- 1.6 Canopies and eaves/fascias are constructed of painted wood and were generally in good condition. Painting is typically need every 5 to 7 years depending on exposure.



1.6 Typical canopy and trim



First Floor Plan

ADMINISTRATION BUILDING

2. DOORS

Exterior doors are present for the main floor on each elevation. A exterior door is provided for basement access on the southwest elevation. The doors are constructed of wood and are set in wood frames.

#	DESCRIPTION	CONDITION
2.1	Main floor doors	GOOD
2.2	Basement door	GOOD
2.3	Paint	FAIR

GENERAL NOTES

- 2.1 Door slabs, frames, and hardware where in good condition.
- 2.2 Similar conditions as noted above.
- 2.3 The paint was in generally fair condition. Painting of the exterior doors is typically performed when the building exterior is painted.



2.1 Typical exterior main floor door



2.2 Basement door



First Floor Plan



2.3 Deteriorated painting on the front door

ADMINISTRATION BUILDING

3. WINDOWS

The windows of constructed of wood frames with single pane glass. Wooden shutters are present with the exception of the southwest elevation. Mesh screens are installed on the exterior of the windows.

#	DESCRIPTION	CONDITION
3.1	Window exteriors	FAIR
3.2	Window interiors	FAIR

GENERAL NOTES

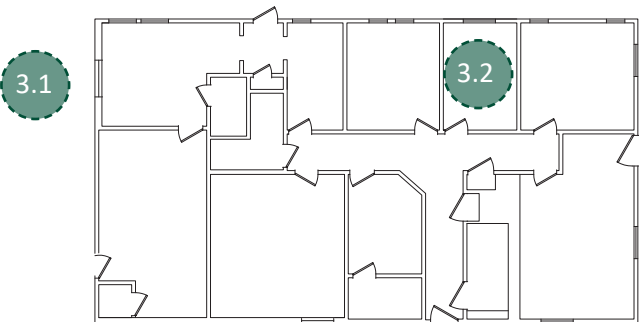
- 3.1
- The painted windows and shutters were generally in fair condition. Painting of the window exteriors is typically performed when the building exterior is painted.
- 3.2
- Painting of the window interiors is typically performed when the building interior is painted.



3.1 Typical exterior window



3.2 Typical interior view of the windows



First Floor Plan

ADMINISTRATION BUILDING

4. ROOF & GUTTERS

The main roof area has a high pitch and utilizes slate tiles. A small flat, metal roof section is present at the south corner. The building does not have gutters and downspouts.

#	DESCRIPTION	CONDITION
4.1	Slate tiles	FAIR
4.2	Slate tiles	FAIR
4.3	Slate tiles	FAIR
4.4	Metal roof	FAIR

GENERAL NOTES

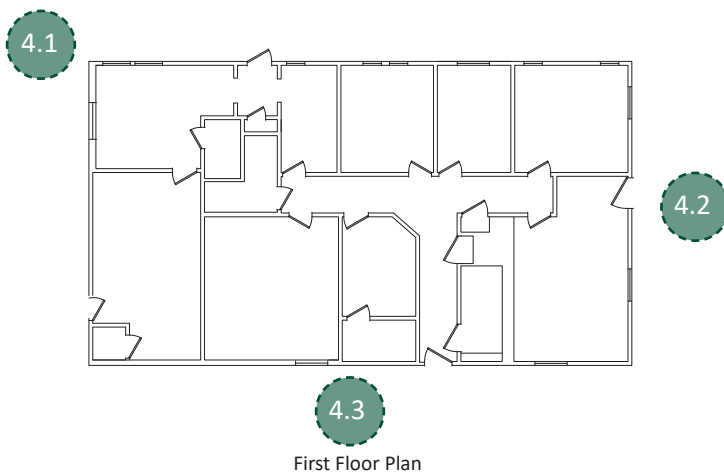
- 4.1 The slate roof is original to the building and was generally in fair condition considering it's age.
- 4.2 Extensive staining was observed on roof, in particular on the north facing elevations. Cleaning of the roof should be performed with caution given age.
- 4.3 Several missing tiles were observed. Maintenance personnel reported tiles are replaced as needed.
- 4.3 The metal roof appeared to be in fair condition.



4.1 Slate tile roof



4.2 Missing and damaged tiles



First Floor Plan



4.3 Missing slate tile

ADMINISTRATION BUILDING

5. INTERIORS

The building interior contains offices, a meeting room, corridors, restrooms, a kitchenette, and various closets. Finishes generally include carpet and laminate flooring, painted gypsum board walls, and suspended tile ceilings. Lighting is provided by fluorescent fixtures.

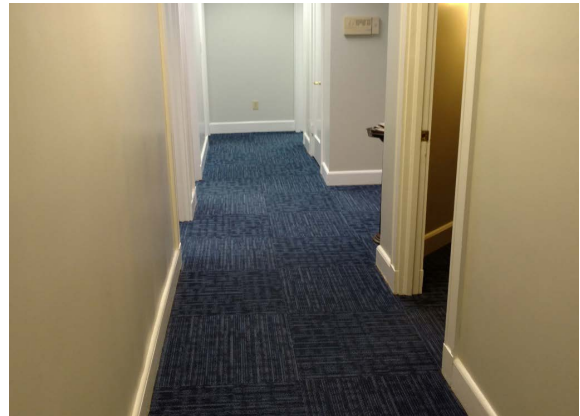
#	DESCRIPTION	CONDITION
5.1	Offices	GOOD
5.2	Meeting room	GOOD
5.3	Kitchen	GOOD

GENERAL NOTES

- 5.1 The office finishes were generally in good condition with normal wear and tear.
- 5.2 The corridor finishes similar to that above. Wood interior doors were in good condition.
- 5.3 Kitchen finishes include laminate flooring, painted gypsum board walls, and a suspended tile ceiling. Laminate cabinets and countertops are present. Appliances include a refrigerator, sink, and microwave and toaster oven. The finishes and appliances were in good condition with normal wear and tear.



5.1 Typical office



5.2 Central corridor



First Floor Plan



5.3 Kitchenette

ADMINISTRATION BUILDING

5. INTERIORS

#	DESCRIPTION	CONDITION
5.5	Restrooms	GOOD
5.6	Ceiling tiles	FAIR

GENERAL NOTES

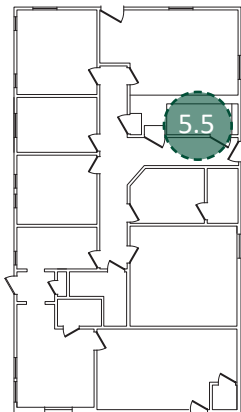
- 5.5 Bathroom finishes include laminate flooring, painted gypsum board walls, and suspended tile ceilings. Porcelain fixtures are provided. The finishes were generally in good condition.
- 5.6 Several stained ceiling tiles were observed. Personnel in the building reported the stained tiles were from various mechanical and rook leaks. If present, active leaks should be repaired. We recommend replacing the damaged ceiling tiles.
- 5.7 The building has an unfinished basement and is used for storage.



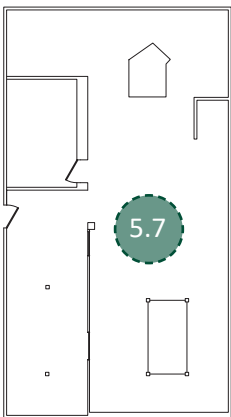
5.5 Bathroom



5.6 Stained ceiling tiles



First Floor Plan



Basement Plan



5.6 Basement

ADMINISTRATION BUILDING

6. FIRE & LIFE SAFETY

The fire and life safety systems observed include fire extinguishers, emergency exit signs and lighting, and security alarms and camera systems.

#	DESCRIPTION	CONDITION
6.1	Fire extinguishers	GOOD
6.2	Exit lights	GOOD
6.3	Security systems	GOOD

GENERAL NOTES

- 6.1 The fire extinguishers were observed throughout the building and the inspection tags were up to date.
- 6.2 Exit signs and lighting was observed on egress routes and they appeared to be in good condition.
- 6.3 The security alarm system was functional but dated. We recommend considering upgrading the system to a modern system. A security camera was observed in the receptionist office.



6.1 Fire extinguisher



6.2 Exit signs and lighting



First Floor Plan



6.3 Security system

ADMINISTRATION BUILDING

7. ADA

The building is not accessible to persons in wheelchairs due to the entrances. Signs are posted for stating this fact and directing individuals to the Planning and Finance building. Even though the building is not considered wheelchair accessible, building accessibility was considered for other disabilities.

#	DESCRIPTION	CONDITION
7.1	Sign	GOOD
7.2	Restrooms	GOOD
7.3	Interior	GOOD

GENERAL NOTES

- 7.1 Signage is provided informing individuals the building is not accessible. We recommend updated the signs to state the building is not wheelchair accessible.
- 7.2 The restrooms were observed to be accessible for individuals not in wheelchairs.
- 7.2 The interior was observed to be generally accessible for individuals not in wheelchairs.



7.1 Small sign posted at each entrance



7.2 Grab bars



First Floor Plan

ADMINISTRATION BUILDING

8. STRUCTURAL

The building utilizes brick masonry and wood framing. Brick masonry foundation walls were observed in the basement along with wood framing for the floor. Interior columns in the basement were wood posts on brick piers. Wooden trusses with wood slat roof decking was observed in the attic.

#	DESCRIPTION	CONDITION
8.1	Brick masonry	GOOD
8.2	Roof trusses	GOOD

GENERAL NOTES

- 8.1 The brick load bearing walls appeared to be in good condition and provides adequate support to the building.
- 8.2 Wood trusses support the roof and they appeared to provide adequate support.



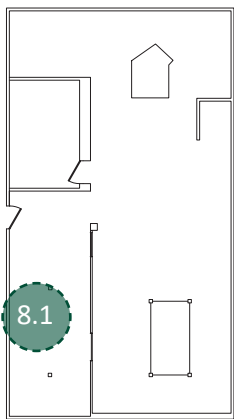
8.1 Brick walls and interior wood columns



8.2 Wood trusses in the attic



First Floor Plan



Basement Plan

ADMINISTRATION BUILDING

INFRASTRUCTURE ASSESSMENT AND FINDINGS

The Administration Building was built in 1940. The building appears to have been renovated since then.

ELECTRICAL SUMMARY

1. POWER

- Power is delivered to the site from Duke Energy via a combination of underground and overhead cabling to a meter bank. There are two meters for the building. The first meter feeds the Chamber. This meter feeds a 200A (240/120V) service panel on the outside of the building. This panel also feeds a sub-panel in the basement. Proper overcurrent protection is not installed for this sub-panel. The second meter feeds a small load center on the outside of the building for the Christmas Lights. Proper overcurrent protection is not installed for this load center. It is not known when the electrical equipment for this building was installed, but it appears to be about 25-30 years old, is in good condition and has a life expectancy of another 2-5 years. These panelboards do not have space for additional feeders. There is no surge protection device or digital metering on the main service.



Service and Panels

- The normal power system feeds approximately 2000 SF. For this size building, the average electrical use is typically between 3-4W/SF. Unfortunately, the max KW over the last year is not known for this facility. One year's worth of power bills were provided by the Owner but Peak Demand is not available on this service due to its small size.

ADMINISTRATION BUILDING

INFRASTRUCTURE ASSESSMENT AND FINDINGS

2. LIGHTING

- All portions of the building utilize fluorescent lighting, mainly 2x4's with acrylic lens. Some areas use downlights or parabolic fixtures. All of the building has T8 or T5 fixtures with electronic ballasts. There are currently no plans to upgrade to LED. There is not a lighting control system. Typical controls are manual. Interior lighting levels appear to be adequate.
- The building has standardized on LED exit signs. Some of the areas in the back of the building do not appear to have proper exit lighting coverage.
- Emergency egress lighting is provided in the building by emergency battery packs. Some of the areas in the back of the building do not appear to have proper emergency lighting coverage.



Typical Exit Sign and Battery Pack

- The exterior building lighting is just small decorative type A-bulb lights at each entrance. The exterior lighting is controlled through a combination of photocells and timeclocks. There does not appear to be any emergency egress lighting outside at the exterior exits as required by code.

ADMINISTRATION BUILDING

INFRASTRUCTURE ASSESSMENT AND FINDINGS

3. COMMUNICATIONS

- The main data equipment for the building is located in a storage room. This room is not adequately sized for what is installed in it. Cooling for the room does not appear to be adequate. Grounding for this room does not appear to be adequate.



Main Data Room

4. SECURITY

- A security system is installed in this building. It consists of a keypad, door/window sensors and motion detectors. Some CCTV cameras are installed within the building. This system does not currently have any maintenance issues.

NOTES

- Overall, electrical systems are well maintained. No maintenance issues were discussed by the staff on our visit.
- No electrical code violations were observed on our visit, other than what was mentioned above.
- Infrared scanning of the power equipment is not performed annually.
- An Arc Flash study has not been performed for the entire facility.
- This building does not have a lightning protection system.

ADMINISTRATION BUILDING

INFRASTRUCTURE ASSESSMENT AND FINDINGS

MECHANICAL SUMMARY

OVERVIEW

- The HVAC systems for this facility are Split System Direct Expansion (DX) equipment with gas heat.

1. AIR HANDLERS

- Air Handler #1 is located in the attic, the associated condensing unit is located on the ground. They were manufactured by Trane, provide approximately 1,600 CFM of conditioned air, and were built in 2009. Although there are no known issues with this system, it is well beyond its useful life of 15 years and should be scheduled for replacement.
- Air Handler #2 is located in the attic, the associated condensing unit is located on the ground. They were manufactured by Trane, provide approximately 1,600 CFM of conditioned air, and were built in 2009. Although there are no known issues with this system, it is well beyond its useful life of 15 years and should be scheduled for replacement.
- There is not any outside air ducted to either of the handlers.



Air Handler

2. PLUMBING

- There were no visible deficiencies for the plumbing fixtures which includes toilets, urinals and sinks. All plumbing fixtures appear to be fairly new.
- WH-1 is located in the basement and is manufactured by US/Craftmaster, Model #E30H6-45 100. The electric WH-1 was built in 2015, has a capacity of 30 gallons and 4500 WATTS, and has no known issues at this time. WH-1 still has about 11 years of useful life remaining. The water heaters provide domestic hot water for the manor and seem to be of adequate capacity.

ADMINISTRATION BUILDING

INFRASTRUCTURE ASSESSMENT AND FINDINGS



WH-1

3. FIRE PROTECTION

- The building is not sprinklered.

Address: 180 SW Broad Street
 Est. Year Built: 1939
 Total Floor Space: First Floor: 7,072 SF
 Basement: 580 SF



BUILDING SNAPSHOT ►

EXTERIOR FACADE

DOORS

WINDOWS

ROOF & GUTTERS

INTERIOR CONDITIONS

FIRE & LIFE SAFETY

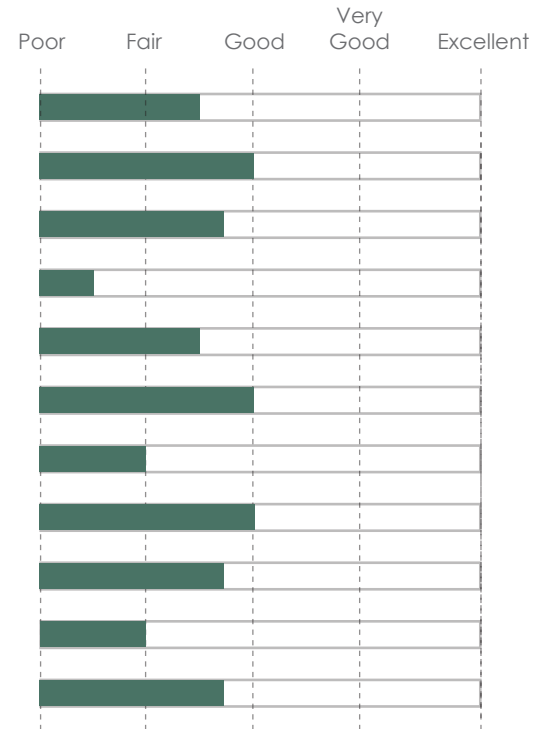
ADA CONDITIONS

STRUCTURAL CONDITIONS

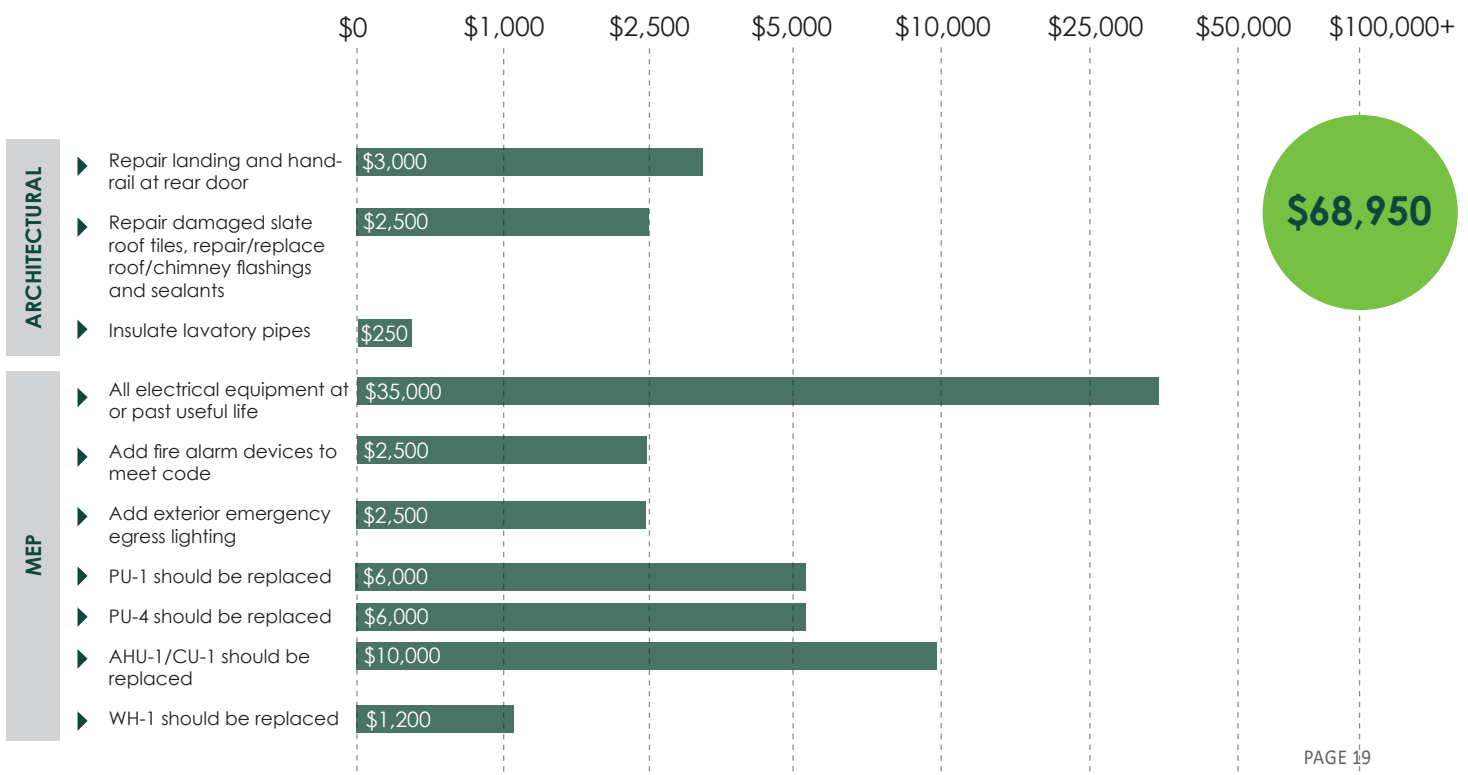
MECHANICAL CONDITIONS

ELECTRICAL CONDITIONS

PLUMBING CONDITIONS



IMMEDIATE NEEDS + COST ►



PLANNING & FINANCE BUILDING

1. EXTERIOR FACADE

Planning and Finance Building front elevation is primarily brick veneer with stucco/plaster below the windows. The other elevations contain brick veneer. An open porch is provided on the front elevation. Painted wood trim is provided around the porch.

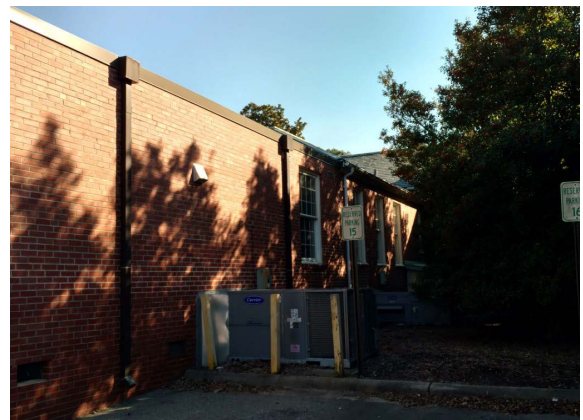
#	DESCRIPTION	CONDITION
1.1	Brick veneer	GOOD
1.2	Brick veneer	GOOD
1.3	Brick veneer	GOOD

GENERAL NOTES

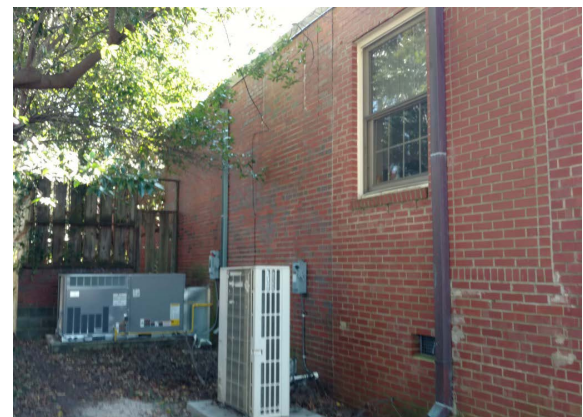
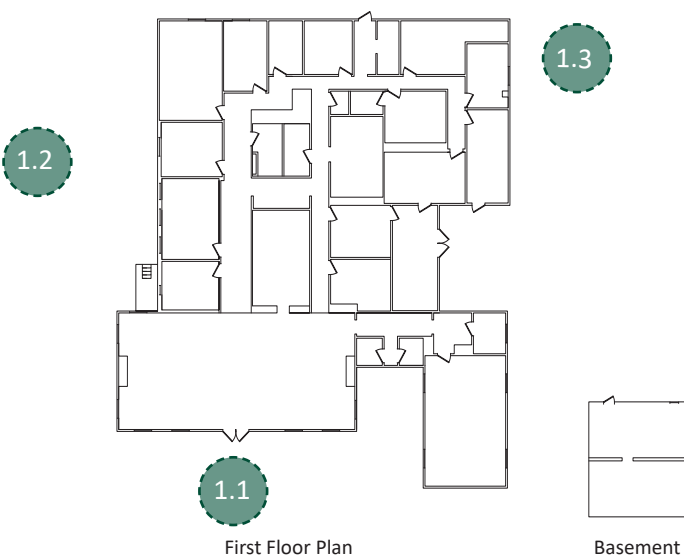
- 1.1 The front elevation contains brick veneer with stucco or plaster accents below the windows. Routine cleaning of the brick is recommended.
- 1.2 Left elevation contains brick veneer with conditions similar to that of 1.1
- 1.3 Right elevation contains brick veneer and a small wooden fence surrounding the patio. They were observed to be in overall good condition. Routine cleaning and painting of the fence is recommended.



1.1 Front elevation



1.2 Left elevation



1.3 Right elevation

PLANNING & FINANCE BUILDING

1. EXTERIOR FACADE



1.4 Rear elevation



1.5 Damage concrete landing and rail attachment

#	DESCRIPTION	CONDITION
1.4	Brick veneer	GOOD to FAIR overall
1.5	Concrete landing	FAIR to POOR
1.6	Deteriorated Bricks	FAIR

GENERAL NOTES

- 1.4 Brick veneer has some minor staining. Routine cleaning is recommended.
- 1.5 The concrete landing at the rear entrance is damaged and rail is not attached. We recommend repairing the landing to provide an adequate connection for the rail.
- 1.6 Chimney bricks show signs of deterioration in multiple locations.



1.6 Chimney



PLANNING & FINANCE BUILDING

2. DOORS

The main entrance utilizes a single-leaf wood door. A painted steel personnel door is provided on the rear elevation and a sliding glass door is provided at the patio area.

#	DESCRIPTION	CONDITION
2.1	Entrance door	GOOD
2.2	Personnel doors	GOOD
2.3	Sliding door	GOOD

GENERAL NOTES

- 2.1 The main entrance door is located on the southeast elevation. The door was observed to be in good condition.
- 2.2 Painted steel doors are provided at the rear entrances. The doors were in good condition.
- 2.3 A sliding glass door connects an office to the patio area. The door was in good condition.



2.1 Main entrance door



PLANNING & FINANCE BUILDING

3. WINDOWS

Wooden-framed windows with single-pane glass were observed around the building. Decorative arched windows are provided on the front elevation at the lobby. Typical wood windows are generally provided elsewhere.

#	DESCRIPTION	CONDITION
3.1	Lobby windows	GOOD
3.2	Office windows	GOOD/FAIR

GENERAL NOTES

- 3.1 Lobby windows were in good condition. Routine cleaning and painting is recommended.
- 3.2 The office windows were in overall good to fair condition. Some staining was observed on the windows which receive little direct sun. Routine cleaning is recommended for the staining. Painting of the windows is recommended when the trims and accents are painted.



3.1 Lobby windows



3.2 Office windows



PLANNING & FINANCE BUILDING

4. ROOF & GUTTERS

There are several types of roofs for the building. Single-ply membrane is used for the majority of the office space. Slate roof over the lobby and the Boyd room. Tiles were observed to be missing in several locations on the slate roof. A small metal roof is over the rear entrance. The metal covering was observed to be in good overall condition. The drains were observed to be clogged in several locations.

#	DESCRIPTION	CONDITION
4.1	General roof overview	FAIR
4.2	Ponding of the single-ply roof	FAIR
4.3	Clogged internal drains	FAIR

GENERAL NOTES

- 4.1 Slate roof was installed over the main lobby, a single-ply membrane over the office spaces, and metal is over the rear awning.
- 4.2 Multiple areas of ponding and staining were visible on the single-ply roof. The staining indicates that the ponding has been occurring over a period of time.
- 4.3 Clogged internal drains in several locations were observed. Routine cleaning is recommended.



4.1 General roof overview



4.2 Ponding and staining on single-ply roof



4.3 Clogged internal drain

PLANNING & FINANCE BUILDING

4. ROOF & GUTTERS

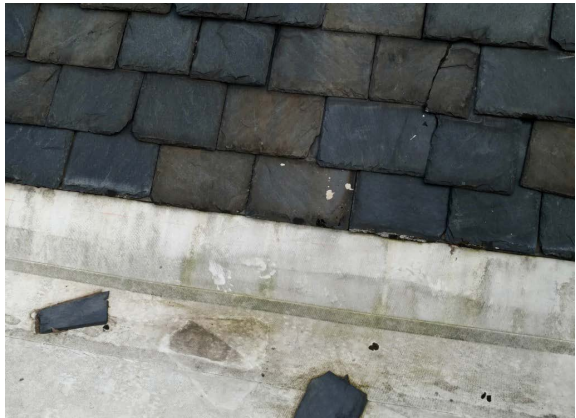
#	DESCRIPTION	CONDITION
4.4	Skylight area	FAIR
4.5	Slate tiles	FAIR
4.6	Slate tiles	FAIR

GENERAL NOTES

- 4.4
- Areas of severe ponding and deteriorated sealant around the skylight was observed.
- 4.5
- Deteriorated slate tiles observed in multiple
- 4.6
- locations. Repairing or replacing the tiles is recommended.



4.4 Skylights



4.5 Damaged slate tiles



4.6 Damaged slate tiles

PLANNING & FINANCE BUILDING

4. ROOF

#	DESCRIPTION	CONDITION
4.7	Ridge flashing	FAIR/POOR
4.8	Chimney flashing	FAIR/POOR

GENERAL NOTES

- 4.7 A copper ridge flashing is provided for slate roof ridges. Numerous holes from missing fasteners were observed. We recommend replacing the fasteners and sealing around them.
- 4.8 Deteriorated sealants were observed around the chimney flashings. We recommend replacing the deteriorated sealants.



4.7 Missing fasteners and holes in the copper ridge flashing



4.8 Chimney flashing



PLANNING & FINANCE BUILDING

5. INTERIORS

#	DESCRIPTION	CONDITION
5.1	Lobby finishes	GOOD/FAIR
5.2	Stained ceiling	FAIR
5.3	Storage finishes	GOOD/FAIR

GENERAL NOTES

- 5.1 The lobby finishes include carpet flooring, painted plaster walls and ceiling. They were in overall good condition.
- 5.2 Staining along the ceiling was observed around the chimney inside of the lobby. We recommend repairing after leak repairs have been performed.
- 5.3 Typical furnishes in the offices and meeting rooms include carpet flooring, painted gypsum board walls, and suspended tile ceilings.



5.1 Lobby finishes



5.2 Ceiling staining



First Floor Plan

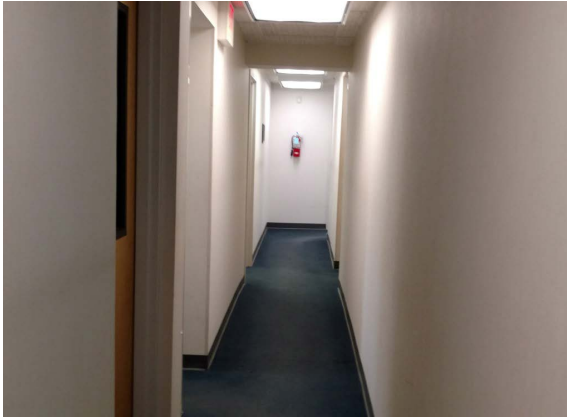
Basement



5.3 Meeting room

PLANNING & FINANCE BUILDING

5. INTERIORS



5.4 Corridor

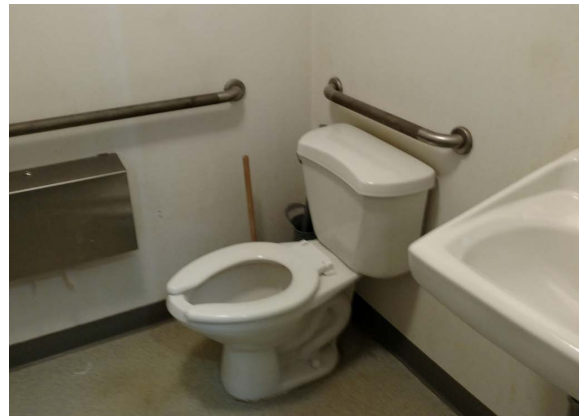


5.5 Kitchen / break-room

#	DESCRIPTION	CONDITION
5.4	Corridor finishes	FAIR
5.5	Break-room finishes	GOOD/FAIR
5.6	Restrooms	FAIR

GENERAL NOTES

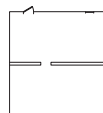
- 5.4 The corridor finishes are similar to office finishes. Worn carpet was observed in high traffic areas.
- 5.5 The break room finishes include vinyl tile flooring, painted gypsum board walls, and a suspended tile ceiling. They were in good to fair condition.
- 5.6 The restrooms include vinyl tile flooring, painted gypsum board walls, and a suspended tile ceiling. They were in fair condition.



Restrooms



First Floor Plan



Basement

PLANNING & FINANCE BUILDING

6. LIFE SAFETY

Fire and life safety systems were observed throughout the buildings. Those systems include fire extinguishers, horns, strobes, pull stations, and emergency lighting.

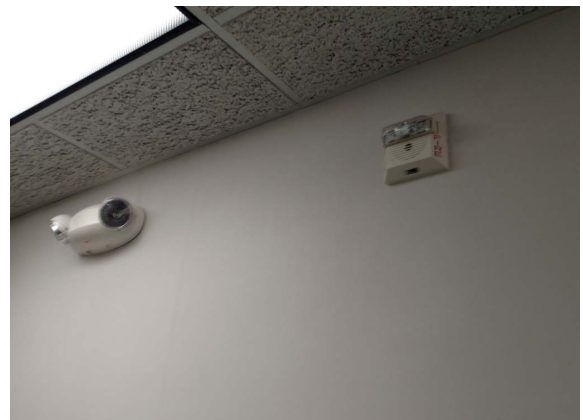
#	DESCRIPTION	CONDITION
6.1	Fire extinguisher	GOOD
6.2	Strobes and horns	GOOD
6.3	Smoke detector	GOOD

GENERAL NOTES

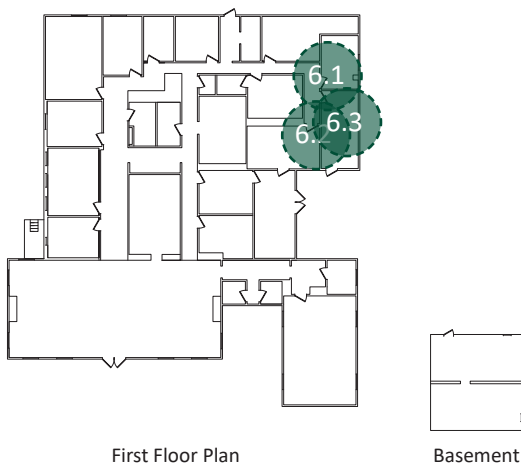
- 6.1 Fire extinguishers were observed to be in good condition. Recent inspection tags were observed.
- 6.2 Emergency lighting, horns and strobes were observed throughout the building. They appeared to be in good overall condition.
- 6.3 Smoke detectors were observed throughout the building. They appeared to be in good overall condition.



6.1 Fire extinguishers



6.2 Emergency systems



First Floor Plan

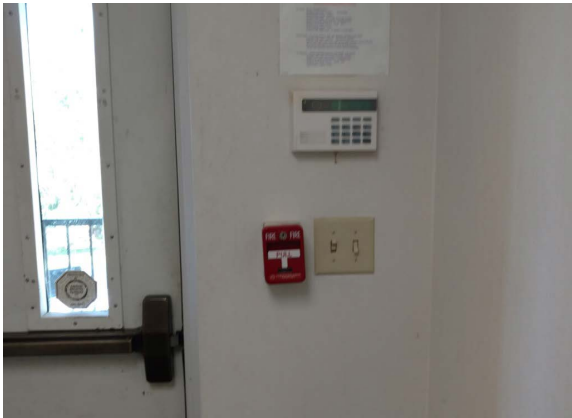
Basement



6.3 Smoke detectors

PLANNING & FINANCE BUILDING

6. FIRE AND LIFE SAFETY



6.4 Alarm system and pull station



6.5 Exit lighting

#	DESCRIPTION	CONDITION
6.4	Alarm system	GOOD
6.5	Exit lighting	GOOD

GENERAL NOTES

- 6.4 Alarm panel and pull station located at the rear entrance.
- 6.5 Exit lighting observed in appropriate locations.



PLANNING & FINANCE BUILDING

7. ADA



7.1 Grab bars



7.2 Piping under the sink

#	DESCRIPTION	CONDITION
7.1	Grab bars	GOOD
7.2	Pipe insulation	POOR

GENERAL NOTES

7.1 Grab bars were observed in appropriate locations.

7.2 Pipes under the sinks were not insulated.



First Floor Plan

Basement

PLANNING & FINANCE BUILDING

8. STRUCTURAL

The structure of the building includes brick masonry walls with wood framing for floor and roof.

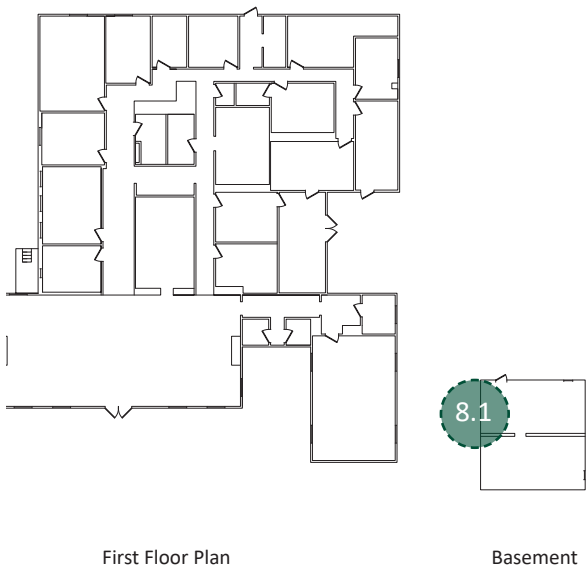
#	DESCRIPTION	CONDITION
8.1	Masonry walls	GOOD
8.2	Wood framing	GOOD

GENERAL NOTES

- 8.1
- Brick load bearing walls were observed in the basement space. They appeared to provide adequate support to the building.
- 8.2
- The wood framing appeared to be in good condition where visible.



8.1 Brick walls



PLANNING & FINANCE BUILDING

INFRASTRUCTURE ASSESSMENT AND FINDINGS

Planning and Finance Building was built in 1939. The building has been renovated since then.

ELECTRICAL SUMMARY

1. POWER

- Power is delivered to the site from Duke Energy via a combination of underground and overhead cabling to a 400A (240/120V) Main Panelboard in the Main Electrical Room in the basement. All of the electrical equipment installed in this building was installed in 1974 and is past its useful life expectancy. This panelboard does not have a main breaker and is utilizing the 6 disconnect rule. The panel currently has 6 circuit breakers and therefore does not have any room for additional feeders. The maximum power load seen by this service over the past year is 45.2kW. There is no surge protection device or digital metering on the main service.



Main Distribution Panel

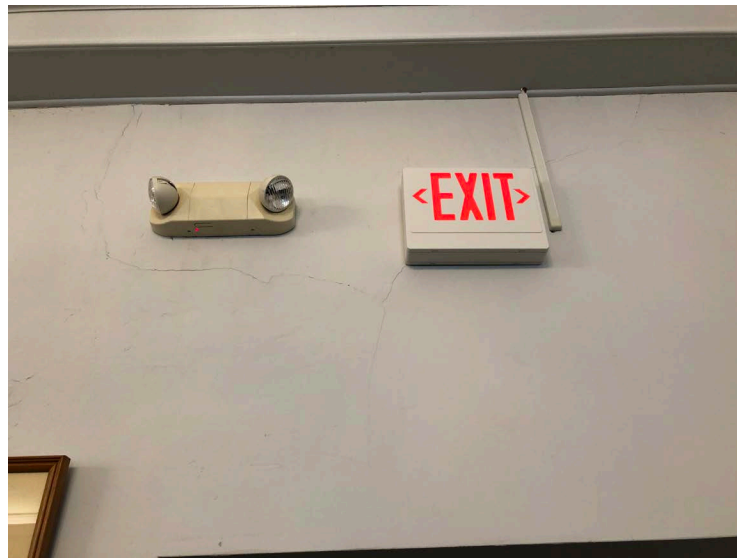
- The normal power system feeds approximately 8000 SF. For this size building, the average electrical use is typically between 5-6W/SF. This building's electrical usage is 5.7W/SF.

PLANNING & FINANCE BUILDING

INFRASTRUCTURE ASSESSMENT AND FINDINGS

2. LIGHTING

- All portions of the building utilize fluorescent lighting, mainly 2x4's with acrylic lens. Some areas use 1x4's and chandeliers. All of the building has T8 or T5 fixtures with electronic ballasts. The chandeliers have been upgraded to LED bulbs. There are currently no plans to upgrade to LED. There is not a lighting control system. Typical controls are manual. Interior lighting levels appear to be adequate.
- The building has standardized on LED exit signs. Locations of exit signs appear to meet current codes.
- Emergency egress lighting is provided by emergency battery packs. Locations of the emergency egress lighting appears to meet current codes.



Typical Exit Sign and Battery Pack

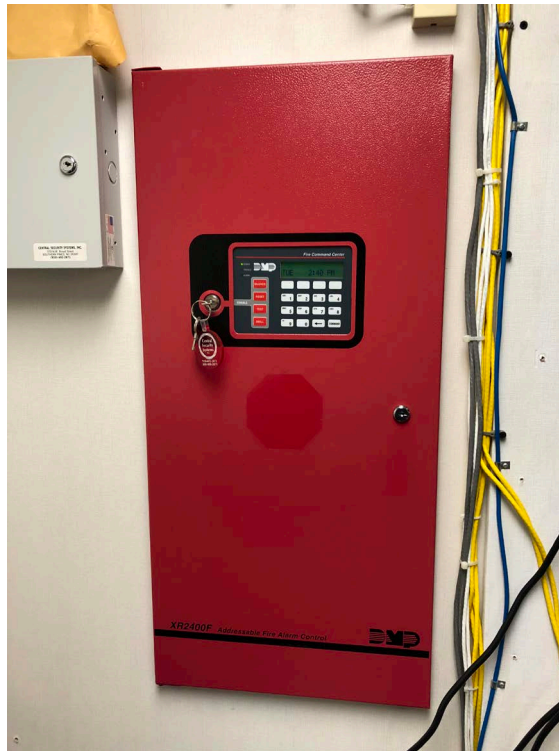
- The site lighting is most decorative pole lights. The decorative pole lights are owned and maintained by Duke Energy. There does not appear to be any emergency egress lighting outside at the exterior exits as required by code.

PLANNING & FINANCE BUILDING

INFRASTRUCTURE ASSESSMENT AND FINDINGS

3. FIRE ALARM

- The fire alarm system is a DMP XR2400F system that is addressable. The fire alarm system headend was installed 2009. The installation of the fire alarm system and locations of devices do not appear to meet the current codes. There are currently no maintenance issues with the fire alarm system.



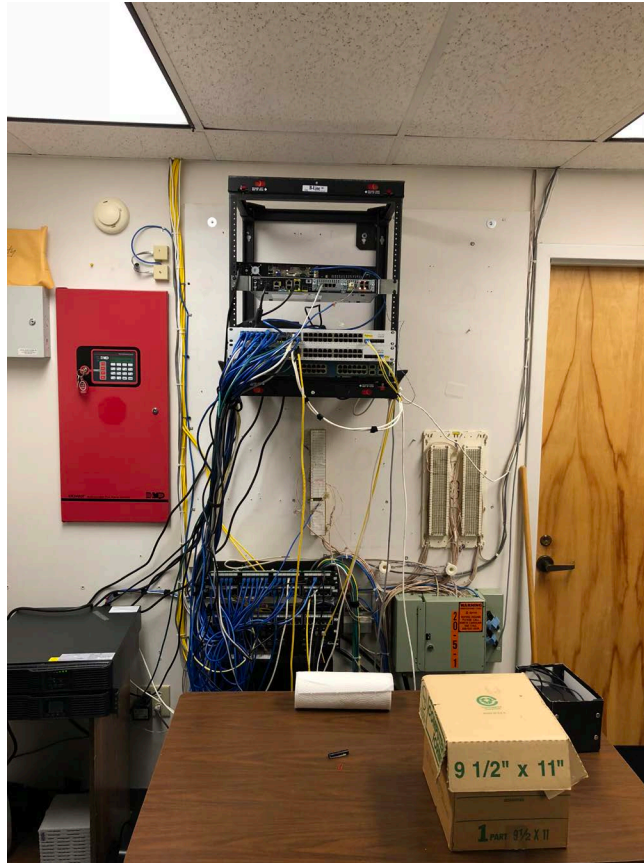
Main Fire Alarm Control Panel

PLANNING & FINANCE BUILDING

INFRASTRUCTURE ASSESSMENT AND FINDINGS

4. COMMUNICATIONS

- The main data room for the building is located in a storage room. This equipment should be installed in a dedicated room with adequate space, cooling and grounding.



Main Data Room

5. SECURITY

- A security system is installed in this building. It consists of a keypad, door/window sensors and motion detectors. Some CCTV cameras are installed within the building. There are currently no maintenance issues with the fire alarm system.

NOTES

- Overall, electrical systems are well maintained. No maintenance issues were discussed by the staff on our visit.
- No electrical code violations were observed on our visit, except as noted above.
- Infrared scanning of the power equipment is not performed annually.
- An Arc Flash study has not been performed for the entire facility.
- This building does not have a lightning protection system.

PLANNING & FINANCE BUILDING

INFRASTRUCTURE ASSESSMENT AND FINDINGS

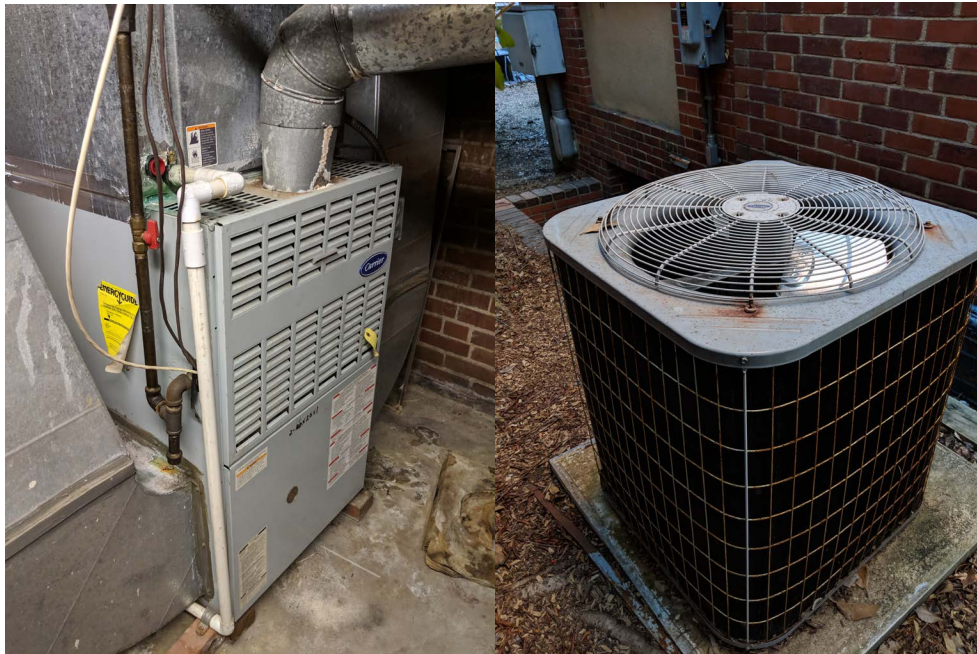
MECHANICAL SUMMARY

OVERVIEW

- The HVAC systems for this facility are a mixture of packaged gas fired, Direct Expansion (DX) equipment and DX Split Systems.

1. AIR HANDLERS

- Air Handler #1 is a gas furnace with a DX cooling coil located in the basement with its associated condensing unit located on the ground outside of the basement. It is manufactured by Carrier, provides approximately 2,000 CFM of conditioned air, and was built in 1996. The motor on the air handler has been replaced three times. The split system is beyond its statistical life of 15 years and should be scheduled for replacement.



Split System

2. PACKAGED DX EQUIPMENT

- PCU-1 is located on the ground and is ducted into the building. It is manufactured by Carrier, provides 1,200 CFM of conditioned air, and was built in 1996. The unit is controlled by a 7-day programmable thermostat. Although there are no known issues with this unit, it is beyond its useful statistical life and should be scheduled for replacement.
- PCU-2 is located on the ground and is ducted into the building. It is manufactured by Carrier, provides 2,400 CFM of conditioned air, and was built in 2017. The unit is controlled by a 7-day programmable thermostat. There are no known issues with this unit and it has approximately 13 years of useful life remaining.

PLANNING & FINANCE BUILDING

INFRASTRUCTURE ASSESSMENT AND FINDINGS

- PCU-3 is located on the ground and is ducted into the building. It is manufactured by Carrier, provides 2,400 CFM of conditioned air, and was built in 2018. The unit is controlled by a 7-day programmable thermostat. There are no known issues with this unit and it has approximately 14 years of useful life remaining.
- PCU-4 is located on the ground and is ducted into the building. It is manufactured by Carrier, provides 1,200 CFM of conditioned air, and was built in 1996. The unit is controlled by a 7-day programmable thermostat. Although there are no known issues with this unit, it is beyond its useful statistical life and should be scheduled for replacement.



Package Unit

PLANNING & FINANCE BUILDING

INFRASTRUCTURE ASSESSMENT AND FINDINGS

3. PLUMBING

- There were no visible deficiencies for the plumbing fixtures which includes toilets, urinals and sinks.
- WH-1 is located in the basement and is manufactured by A.O. Smith, Model #EES 40 913. WH-1 is a 40 gallon storage type heater built in 1996, has two 4.5 kw elements and has no known issues at this time. However, WH-1 should be replaced as it is well beyond its useful life. The water heater provides domestic hot water for the building and seem to be of adequate capacity.



Water Heater

4. FIRE PROTECTION

- The building is not sprinkled.



Town of Southern Pines

Finance and Parks and Recreation Buildings Renovation

Southern Pines, North Carolina

Reconciliation

Estimate #: 02023-0202.000

Schematic Design

1/10/2024

Prepared For:

CPL Architecture Engineering Planning



Introduction

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Estimate Introduction

Overview

This project consists of the renovation of the Finance Building and Parks and Recreation Building. Construction includes but is not limited to: removing existing walls, doors, floor, ceiling materials, and furnishings, and installing new furnishings, wall, floor, and ceiling finishes. Two of the existing restrooms will be ADA compliant with the appropriate components. New interior signage will be installed at each of the door entries. The cabinets and window seating in the Foyer will be refurbished and reinstalled in the Base Bid.

There are two (2) add alternates included in this report. Alternate 01 at the Finance Building includes the removal of the cabinets and window seating to be replaced with 8' tall painted wood millwork cabinets with full glass display doors and lighting and built-in window seating. Alternate 02 includes the basement scope for both Buildings. The architectural and structural costs for Alternate 02 are allowances based on parametric budgeting analysis.

The existing MEP systems are removed in both buildings. New DX type air handlers with natural gas reheat are provided with outside air, and a mini-split system in each IT room is included. New G90 insulated ductwork is provided with new grilles and registers, and the systems are multi-zone with thermostats to control temperature. The Parks and Recreation building has a dehumidifier in the basement in the base bid. In both buildings new LED lighting is provided, new receptacles, branch circuits, throughout. The telecom, CCTV, and security systems are provided by the Owner but the electrical contractor will provide cable tray, conduit chases, and wall rough-ins for the LV systems. A new addressable fire alarm system with notification is provided for both buildings and they both remain without sprinkler systems. The plumbing is upgraded in both buildings with new fixtures and apertures are provided. The domestic water system remains with modifications to the HW and CW lines to the new and relocated fixtures. The same considerations are provided for the sanitary sewer, vent piping, and natural gas systems.

Basis of Estimate

This statement of probable cost has been based on the following documentation received:

Documents	From	Dated
<u>Drawings</u>		
Layout Options	CPL Architecture Engineering Planning	12/4/2023
<u>Other</u>		
Narratives	CPL Architecture Engineering Planning	12/4/2023
Schematic Design Narrative		

Project Quantities

Wherever possible, this estimate has been based upon the actual measurement of different items of work. For the remaining items, parametric measurements were used in conjunction with references from other projects of a similar nature.

Basis for Unit Costs

Unit costs as contained herein are based on current bid prices in Southern Pines, North Carolina. All subcontractors' overhead and profit are included in each line item unit cost. This overhead and profit cover each subcontractor's cost for labor burden, materials and equipment sales taxes, field overhead, home office overhead, and profit. The general contractor's overhead and profit are shown separately on the estimate summaries.

Sources for Pricing

This estimate was prepared by a team of qualified cost consultants experienced in estimating construction costs at all stages of design. These consultants have used pricing data to reflect current conditions in Southern Pines, North Carolina. In some cases, quotes may have been solicited from outside sources to substantiate in-house pricing data.

Special Exclusions

The following items have been excluded from our estimate (unless noted otherwise within the detailed estimate assumptions):

- Land acquisition.
- AE fees.
- Project soft costs.
- Furniture, fixtures, and equipment.
- Owner provided equipment.
- Building permits.
- Department relocation costs / move in costs.

Project : **Finance and Parks and Recreation Buildings Renovation**
Location : **Southern Pines, North Carolina**
Owner : **Town of Southern Pines**
Stage: **Schematic Design**
Estimate #: **02023-0202.000**



Date : **1/10/2024**

Estimate Introduction

- Owner contingencies.
- Commissioning.

Items Affecting the Cost Estimate

Items which may change the estimated construction cost include, but are not limited to:

- Modifications to the scope of work included in this estimate
- Unforeseen concealed conditions
- Any specified item of equipment, material, or product that cannot be obtained from at least 3 different sources
- Any other non-competitive bid situations
- Bids delayed beyond the projected schedule

Executive Cost Summary

Approach

The following estimate is based on the Schematic Design Package made available by CPL Architecture Engineering Planning. With the in-progress nature of the documents issued, additional scope interpretation has been included to account for, as yet, incomplete design in the form of detailed assumptions, allowances, and design contingencies. All major scope assumptions, along with any deviations from the base design documents, have been outlined in the subsequent sections of this report.

Construction Cost Overview

The following table outlines the overall statement of probable cost. This is further broken down within the detailed cost summary and the subsequent individual costs for each trade section.

Description	SF	Total Cost	Total / Cost SF
Finance Building	7,800 SF	\$2,723,903	\$349.22 SF
Parks and Recreation Building	2,055 SF	\$916,225	\$445.85 SF
Sub-Total Construction Cost (Current \$)	9,855 SF	\$3,640,127	\$369.37 SF
Escalation to Construction Midpoint - 2nd Quarter, 2025			
Finance Building	7,800 SF	204,293	\$26.19 SF
Parks and Recreation Building	2,055 SF	68,717	\$33.44 SF
Total Construction Cost	9,855 SF	\$3,913,137	\$397.07 SF

Alternates

Alternate 01: 8' Tall Painted Wood Millwork and Built-in Window Seats
 Alternate 02: Basement for Both Buildings
 Alternate 02: Basement Scope of Finance Building
 Alternate 02: Basement Scope of Parks and Recreation Building

Total Construction Costs

ADD \$32,080
ADD \$895,260
 ADD \$162,530
 ADD \$732,730

The subsequent sections of this report breakdown the above costs into individual costs for each major section. Supporting back-up is provided to outline direct and indirect costs, key scope and project assumptions, project quantities, schedule and logistics overview, and supporting report appendices.

For questions regarding this report, please contact the following 35 North team members:

Teakia Sabb / tsabb@35n.com / 201.232.7414

Ron Deckman / rdeckman@35n.com / 717.574.0702

Construction Estimate Cost Summary (by CSI Division)

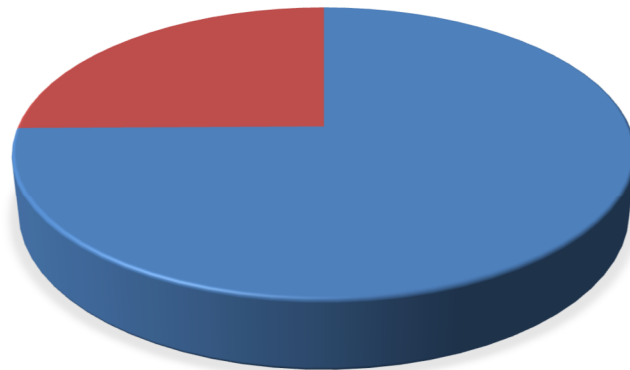
SYSTEM / SUBSYSTEM		Finance Building	Parks and Recreation Building	Total Cost	Total Cost / SF
		7,800 SF	2,055 SF		9,855 SF
1 General Requirements		\$132,150	\$44,450	\$176,600	\$17.92 / SF
2 Existing Conditions		\$82,270	\$20,100	\$102,370	\$10.39 / SF
3 Concrete			\$3,210	\$3,210	\$.33 / SF
4 Masonry		\$10,350	\$6,470	\$16,820	\$1.71 / SF
5 Metals		\$750	\$9,880	\$10,630	\$1.08 / SF
6 Wood, Plastics, and Composites		\$12,910	\$11,400	\$24,310	\$2.47 / SF
7 Thermal and Moisture Protection		\$36,800	\$6,000	\$42,800	\$4.34 / SF
8 Openings		\$51,210	\$13,510	\$64,720	\$6.57 / SF
9 Finishes		\$278,810	\$80,690	\$359,500	\$36.48 / SF
10 Specialties		\$61,400	\$28,770	\$90,170	\$9.15 / SF
11 Equipment			\$1,500	\$1,500	\$.15 / SF
12 Furnishings		\$84,260	\$23,250	\$107,510	\$10.91 / SF
22 Plumbing		\$196,440	\$87,450	\$283,890	\$28.81 / SF
23 Heating, Ventilating, and Air Conditioning		\$312,440	\$107,950	\$420,390	\$42.66 / SF
26 Electrical		\$562,210	\$179,620	\$741,830	\$75.27 / SF
27 Communications		\$88,000	\$24,000	\$112,000	\$11.36 / SF
28 Electronic Safety and Security		\$109,950	\$31,190	\$141,140	\$14.32 / SF
SUBTOTAL - DIRECT COSTS		\$2,019,950	\$679,440	\$2,699,390	\$273.91 / SF
General Conditions	5.00%	\$100,998	\$33,972	\$134,970	\$13.70 / SF
SUBTOTAL		\$2,120,948	\$713,412	\$2,834,360	\$287.61 / SF
Design Contingency	6.00%	\$121,197	\$40,766	\$161,963	\$16.43 / SF
SUBTOTAL		\$2,242,145	\$754,178	\$2,996,323	\$304.04 / SF
Phasing Premium	<i>Not Applicable</i>				
SUBTOTAL		\$2,242,145	\$754,178	\$2,996,323	\$304.04 / SF
Bonds and Insurance	2.50%	\$50,499	\$16,986	\$67,485	\$6.85 / SF
SUBTOTAL		\$2,292,643	\$771,164	\$3,063,808	\$310.89 / SF
Off Hours Work Premium	<i>Not Applicable</i>				
Current Bidding Conditions Premium	10.00%	\$201,995	\$67,944	\$269,939	\$27.39 / SF
General Contractor Contingency	4.00%	\$91,706	\$30,847	\$122,552	\$12.44 / SF
General Contractor Profit	6.00%	\$137,559	\$46,270	\$183,828	\$18.65 / SF
SUBTOTAL		\$2,723,903	\$916,225	\$3,640,127	\$369.37 / SF
Escalation to Construction Midpoint - 2nd Quarter, 2025	7.50%	\$204,293	\$68,717	\$273,010	\$27.70 / SF
TOTAL COST OF CONSTRUCTION		\$2,928,195	\$984,942	\$3,913,137	\$397.07 / SF

Construction Estimate Cost Summary (by CSI Division)



Construction Cost By Cost Center

Parks and Recreation Building, \$984,942 , 25%



Finance Building, \$2,928,195 , 75%

Project : **Finance and Parks and Recreation Buildings Renovation**
Location : **Southern Pines, North Carolina**
Owner : **Town of Southern Pines**
Stage: **Schematic Design**
Estimate #: **02023-0202.000**



Date : **1/10/2024**

Finance Building

Project : **Finance and Parks and Recreation Buildings Renovation**
Location : **Southern Pines, North Carolina**
Owner : **Town of Southern Pines**
Stage : **Schematic Design**
Floor Area : **7,800 GSF**

35°N

Date : **1/10/2024**
Estimate #: **2023-0202.000**

Construction Estimate Worksheet - Finance Building

CSI SECTION	QUANTITY	UNIT	\$ / UNIT	TOTAL
1 General Requirements				
General requirements are based on 7% of direct costs	7%	PRCNT	\$1,887,800.00	\$132,150
Allowances				
ALLOWANCE #6 - Design contingency allowance - 6%			<i>With Detail Summary</i>	
ALLOWANCE #7 - Construction & unknown conditions			<i>With Detail Summary</i>	
Allowances Within Divisions Below				
ALLOWANCE #1 - New Narrow Plank solid oak wood at Foyer			<i>With Division 9</i>	
ALLOWANCE #2 - Specialty lighting ceiling / wall			<i>With Division 26</i>	
ALLOWANCE #3 - Foyer - Decorative desk and window			<i>With Division 10</i>	
ALLOWANCE #4 - Furniture, fixtures, equipment			<i>With Divisions 11 and 12</i>	
ALLOWANCE #5A - Telecom and Audio Visual Systems			<i>With Division 27</i>	
ALLOWANCE #5B - Security System			<i>With Division 28</i>	
ALLOWANCE #8 - Exterior info kiosk			<i>With Division 10</i>	
ALLOWANCE #9 - Foyer and Boyd Conference Room - finishes			<i>With Division 9</i>	
ALLOWANCE #10 - Environmental assessment			<i>With Division 2</i>	
ALLOWANCE #11 -Furnishings			<i>With Division 12</i>	
Sub-Total - 1 General Requirements				\$132,150
2 Existing Conditions				
Demolition				
Brick steps removal, exterior	30	SF	\$35.00	\$1,050
Patio door removal, exterior, double sliding	1	EA	\$200.00	\$200
Brick walls removal, exterior				
For new door opening	35	SF	\$15.00	\$530
For new window opening	16	SF	\$15.00	\$240
Partition walls removal				
Chase walls, 3' thick	48	SF	\$2.00	\$100
Walls, 3" thick	4,752	SF	\$2.10	\$9,980
Walls, 6" thick	1,668	SF	\$2.20	\$3,670
Walls, 12" thick	156	SF	\$2.30	\$360
Doors removal, interior				
Existing doors, double	1	EA	\$100.00	\$100
Existing doors, single	18	EA	\$75.00	\$1,350
Restroom accessories removal - <i>Allowances</i>				
Accessories, group	2	EA	\$250.00	\$500
Accessories, individual	2	EA	\$150.00	\$300
Partitions, standard	4	EA	\$20.00	\$80
Floor finishes, Foyer				
Carpet removal	143	SY	\$3.00	\$430
Protect existing wood flooring	1,287	SF	\$4.00	\$5,150
Wood floor base removal	170	LF	\$5.00	\$850
Chair rail removal	170	LF	\$5.00	\$850
Picture railing removal	170	LF	\$5.00	\$850
Protect ceilings, patch for new construction, Foyer	1,442	SF	\$3.00	\$4,330
Storage cabinets removal	29	LF	\$20.00	\$580
Repaint cabinets	29	LF	\$30.00	\$870
Reinstall cabinets	29	LF	\$50.00	\$1,450
Floor base removal			<i>Included Above in Floor Base</i>	
Window seats removal	18	LF	\$30.00	\$540
Repaint seats	18	LF	\$75.00	\$1,350
Reinstall seats	18	LF	\$75.00	\$1,350
Floor base removal			<i>Included Above in Floor Base</i>	
Reception desks and counter removal	70	LF	\$15.00	\$1,050
Removal of existing furnishings - <i>Allowance</i>	7,800	SF	\$0.50	\$3,900

Project : **Finance and Parks and Recreation Buildings Renovation**
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Floor Area : **7,800 GSF**

35°N

Date : **1/10/2024**
Estimate #: **2023-0202.000**

Construction Estimate Worksheet - Finance Building

CSI SECTION	QUANTITY	UNIT	\$ / UNIT	TOTAL
Preparations and Repairs				
Protect and patch plaster ceilings, Foyer	994	SF	\$1.25	\$1,240
Protect wood walls, Foyer	107	LF	\$10.00	\$1,070
Protect Trim	107	LF	\$8.00	\$860
Protect floor finish	994	SF	\$2.00	\$1,990
Miscellaneous				
ALLOWANCE #10 - Environmental assessment	1	ALW	\$35,100.00	\$35,100
Sub-Total - 2 Existing Conditions				\$82,270
4 Masonry				
Brick Pavers				
Brick steps and landing	99	SF	\$70.00	\$6,930
Brick Veneer				
Infill exterior wall, and match existing				
Concrete masonry unit wall	60	SF	\$30.00	\$1,800
Brick wall	60	SF	\$27.00	\$1,620
Sub-Total - 4 Masonry				\$10,350
5 Metals				
Metals				
Handrail/guardrails, decorative wrought iron	6	LF	\$125.00	\$750
Sub-Total - 5 Metals				\$750
6 Wood, Plastics, and Composites				
Millwork and Carpentry				
Countertops, solid surface	13	LF	\$225.00	\$2,930
Drop-in sink			<i>With Division 22</i>	
Wall mounted cabinets, plastic laminate, 1'-3" deep	13	LF	\$400.00	\$5,200
Floor base cabinets, plastic laminate, 2'-0" deep	13	LF	\$200.00	\$2,600
Splash back strip	13	LF	\$75.00	\$980
Adjustable shelving - Allowance	13	LF	\$50.00	\$650
Foyer area			<i>With Division 10</i>	
Decorative wood and metal millwork security screen			<i>With Division 10</i>	
Transaction counter, 1'-6" wide			<i>With Division 10</i>	
Transaction counter, 2'-6" wide			<i>With Division 10</i>	
Miscellaneous Wood, Plastics, and Composites				
Painted wood, at new exterior windows	2	LOC	\$275.00	\$550
Sub-Total - 6 Wood, Plastics, and Composites				\$12,910
7 Thermal and Moisture Protection				
Waterproofing				
Insulate and waterproof basement area - Allowance	1,840	SF	\$20.00	\$36,800
Sub-Total - 7 Thermal and Moisture Protection				\$36,800
8 Openings				
Doors and Hardware				
Door, HM, exterior, pre-stained, solid wood, single	1	EA	\$1,350.00	\$1,350
Doors, HM, interior, pre-stained, solid core flush wood, single	35	EA	\$1,355.00	\$47,430

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Stage : **Schematic Design**
Floor Area : **7,800 GSF**

35°N

Date : **1/10/2024**
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Construction Estimate Worksheet - Finance Building

CSI SECTION	QUANTITY	UNIT	\$ / UNIT	TOTAL
Glazing				
Door full view and side lite	1	EA	\$125.00	\$130
1" tempered insulating low-e glass	3	EA	\$150.00	\$450
Simulated divider lights	2	EA	\$175.00	\$350
Interior windows, at Conference and Break areas	3	EA	\$200.00	\$600
Exterior windows, double hung, at previous patio door area	2	EA	\$275.00	\$550
Transaction window, at Foyer			<i>With Division 10</i>	
Hardware				
Access controls			<i>By Owner</i>	
Door opener, ADA	1	EA	\$350.00	\$350
Touch pads (in and out)			<i>By Owner</i>	
Sub-Total - 8 Openings				\$51,210

9 Finishes				
Partitions				
Wall chase studs, 3"	240	SF	\$4.90	\$1,180
Wall studs, 3"	6,888	SF	\$4.90	\$33,750
Wall studs, 6"	24	SF	\$7.75	\$190
Insulation, sound attenuation	7,152	SF	\$2.50	\$17,880
Floor Finishes				
Carpet tile	286	SY	\$45.00	\$12,860
Refinish wood flooring	2,010	SF	\$5.75	\$11,560
ALLOWANCE #1 - New Narrow Plank solid oak wood at Foyer			<i>Included Above</i>	
Luxury floor tile	2,222	SF	\$6.00	\$13,330
Porcelain tile	232	SF	\$12.00	\$2,780
Moisture mitigation	7,036	SF	\$4.00	\$28,140
Chair rail - <i>Allowance</i>	170	LF	\$25.00	\$4,250
Picture railing - <i>Allowance</i>	170	LF	\$25.00	\$4,250
Walls Finishes				
Gypsum wallboard, 5/8"	5,364	SF	\$6.75	\$36,210
Paint, epoxy walls	19,404	SF	\$2.80	\$54,330
New walls	5,364	SF	<i>Included Above</i>	
Existing walls	14,040	SF	<i>Included Above</i>	
Accent walls	275	SF	\$3.00	\$830
Tile wainscot	549	SF	\$7.00	\$3,840
Moisture mitigation	549	SF	\$5.00	\$2,750
Wall base, rubber	2,034	LF	\$3.00	\$6,100
Wall base, tile	122	LF	\$15.00	\$1,830
Ceiling Finishes				
Acoustical ceiling tile - ACT	5,621	SF	\$6.00	\$33,730
Soffit board ceiling	281	SF	\$17.50	\$4,920
Patch and rework ceiling - <i>Allowance</i>	2,050	SF	\$2.00	\$4,100
Miscellaneous				
ALLOWANCE #9 - Foyer and Boyd Conference Room - finishes			<i>Included Above</i>	
Sub-Total - 9 Finishes				\$278,810

10 Specialties				
Audio and Visual Displays				
AV screens and monitors			<i>With Division 27</i>	

Project : **Finance and Parks and Recreation Buildings Renovation**
Location : **Southern Pines, North Carolina**
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Stage : **Schematic Design**
Floor Area : **7,800 GSF**

35°N

Date : **1/10/2024**
Estimate #: **2023-0202.000**

Construction Estimate Worksheet - Finance Building

CSI SECTION	QUANTITY	UNIT	\$ / UNIT	TOTAL
Flat screens, at Foyer - <i>Allowance</i>			<i>With Division 27</i>	
Bracket mounts - <i>Allowance</i>	1	ALW	\$1,000.00	\$1,000
Signage				
Signs, interior, room doors, 8" x 8" number and braille signage	35	EA	\$100.00	\$3,500
Restroom Accessories				
ADA accessories - <i>Allowances</i>				
Mirrors	3	EA	\$300.00	\$900
Auto hand sanitizer dispensers	3	EA	\$75.00	\$230
Hands-free wall mounted soap dispensers	3	EA	\$75.00	\$230
Electric hand dryers	3	EA	\$100.00	\$300
Toilet tissue paper dispensers	3	EA	\$75.00	\$230
Sanitary napkin disposals	3	EA	\$75.00	\$230
Grab bars (assumed 3 per room)	9	EA	\$90.00	\$810
Standard accessories - <i>Allowances</i>				
Mirrors	1	EA	\$300.00	\$300
Auto hand sanitizer dispensers	1	EA	\$75.00	\$80
Hands-free wall mounted soap dispensers	1	EA	\$75.00	\$80
Electric hand dryers	1	EA	\$100.00	\$100
Toilet tissue paper dispensers	1	EA	\$75.00	\$80
Sanitary napkin disposals	1	EA	\$75.00	\$80
Grab bars (assumed 3 per room)	3	EA	\$90.00	\$270
Walk Off Mats				
At reinstalled exterior door	2	EA	\$300.00	\$600
Shelving and Storage				
Shelving and tables, along corridors - <i>Allowance</i>	1	ALW	\$2,500.00	\$2,500
Shelving and tables, Electrical Rooms - <i>Allowance</i>	1	ALW	\$750.00	\$750
Shelving and tables, IT Rooms - <i>Allowance</i>	1	ALW	\$750.00	\$750
Shelving and tables, Storage Rooms (62, 75, 81, 100, and miscellaneous) - <i>Allowance</i>	1	ALW	\$750.00	\$750
Shelving and tables, Vault - <i>Allowance</i>	1	ALW	\$750.00	\$750
Window Treatments				
Roller shades, double roll mounted with blackout shade, small	1	EA	\$1,000.00	\$1,000
Roller shades, double roll mounted with blackout shade, large	4	EA	\$650.00	\$2,600
Roller shades, 3% openness factor, small, 3'-0" wide	6	EA	\$200.00	\$1,200
Roller shades, 3% openness factor, small, 4'-6" wide	13	EA	\$250.00	\$3,250
Miscellaneous				
ALLOWANCE #3 - Foyer - Decorative desk and window				
Decorative wood and metal millwork security screen	32	LF	\$500.00	\$16,000
Transaction counter, 1'-6" wide	5	LF	\$275.00	\$1,380
Transaction counter, 2'-6" wide	19	LF	\$295.00	\$5,610
Glazing, transaction windows	24	LF	\$35.00	\$840
ALLOWANCE #8 - Exterior info kiosk	1	ALW	\$15,000.00	\$15,000
Sub-Total - 10 Specialties				\$61,400
11 Equipment				
Kitchen Equipment				
Refrigerator	1	EA	<i>By Owner</i>	
Microwave				
Stove	1	EA	<i>With Division 12</i>	
ALLOWANCE #4 - Furniture, fixtures, equipment				
Sub-Total - 11 Equipment				

Project : **Finance and Parks and Recreation Buildings Renovation**
Location : **Southern Pines, North Carolina**
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Stage : **Schematic Design**
Floor Area : **7,800 GSF**

35°N

Date : **1/10/2024**
Estimate #: **2023-0202.000**

Construction Estimate Worksheet - Finance Building

CSI SECTION	QUANTITY	UNIT	\$ / UNIT	TOTAL
12 Furnishings				
Furniture				
ALLOWANCE #11 -Furnishings for the Finance Building Lobby	1	ALW	\$18,000.00	\$18,000
Janitor accessories (mop rack, shelving) - <i>Allowance</i>	1	ALW	\$350.00	\$350
Chairs, Break/Flex room	8	EA	\$250.00	\$2,000
Chairs, guests	28	EA	\$225.00	\$6,300
Chairs, staff	22	EA	\$250.00	\$5,500
Desks, offices	20	EA	\$1,500.00	\$30,000
Storage cabinets, typical	35	LF	\$215.00	\$7,530
Table with 12 chairs, Conference Room	1	EA	\$3,500.00	\$3,500
Table with 6 chairs, Conference Room	1	EA	\$1,850.00	\$1,850
Table, round, coffee-life	5	EA	\$325.00	\$1,630
Tables, 6' long, Break/Flex room	4	EA	\$650.00	\$2,600
Open Office Space				
Tables/shelves, work spaces - <i>Allowance</i>	1	ALW	\$5,000.00	\$5,000
Sub-Total - 12 Furnishings				\$84,260
22 Plumbing				
Plumbing Demolition				
Shut-off main domestic water line	1	EA	\$320.00	\$320
Shut-off Main gas line	1	EA	\$345.00	\$350
Remove water closet, CW connection, and seal-off SS and Vent pipes	6	EA	\$480.00	\$2,880
Remove restroom sink, faucets, trap, and valves	12	EA	\$335.00	\$4,020
Remove service sink, faucets, trap, and valves	1	EA	\$460.00	\$460
Remove electric water heater	1	EA	\$375.00	\$380
Miscellaneous plumbing devices and piping	1	ALW	\$3,500.00	\$3,500
Plumbing Fixtures				
Water closet, high-efficiency, floor mounted, vitreous China	1	EA	\$2,365.00	\$2,370
Water closet, high-efficiency, floor mounted, vitreous China, ADA	3	EA	\$2,470.00	\$7,410
Wall hung lavatory, 20"x18" vitreous China with wrist blade handles	4	EA	\$1,489.00	\$5,960
Service sink mop basin and fixtures	1	EA	\$1,189.00	\$1,190
Break room sink, stainless steel with fixtures and p-trap	1	EA	\$1,845.00	\$1,850
Dual level ADA drinking fountain with bottle filling station	1	EA	\$3,160.00	\$3,160
Domestic Water				
Electric water heater, 36kW, 150psi, 80 gallon, auto thermostat, insulated	1	EA	\$12,760.00	\$12,760
Inline centrifugal recirculating pump (Grundfos TPE40)	1	EA	\$6,061.68	\$6,060
Hose bib, standard (without anti-siphon or freeze resistant)	2	EA	\$185.00	\$370
Regulators and reducing valves	1	ALW	\$6,000.00	\$6,000
Modifications to domestic water service entrance fittings and valves	1	ALW	\$7,500.00	\$7,500
CW copper piping, Type L with insulation	7,800	SF	\$2.32	\$18,100
HW copper piping, Type L with insulation	7,800	SF	\$2.10	\$16,380
Sanitary Waste and Vent				
Extend existing sanitary and vent piping to restroom water closets	7,800	SF	\$1.20	\$9,360
Extend existing sanitary and vent piping to restroom sinks	7,800	SF	\$0.75	\$5,850
Provide sanitary and vent piping to break room sink and mop sink	7,800	SF	\$1.40	\$10,920
Saw cut concrete flooring for sanitary and vent piping	1	ALW	\$4,500.00	\$4,500
Patch concrete flooring where saw cutting was performed	1	ALW	\$2,750.00	\$2,750
Modifications to the sanitary piping system	1	ALW	\$8,000.00	\$8,000
Natural Gas Piping				
Extend existing gas lines to new units	1	ALW	\$8,000.00	\$8,000

Project : **Finance and Parks and Recreation Buildings Renovation**
Location : **Southern Pines, North Carolina**
Owner : **Town of Southern Pines**
Stage : **Schematic Design**
Floor Area : **7,800 GSF**

35°N

Date : **1/10/2024**
Estimate #: **2023-0202.000**

Construction Estimate Worksheet - Finance Building

CSI SECTION	QUANTITY	UNIT	\$ / UNIT	TOTAL
Provide pressure regulator, gas cock, dirt leg, and union at equipment	5	EA	\$830.00	\$4,150
Modifications to the natural gas piping system	1	ALW	\$3,500.00	\$3,500
Miscellaneous				
Pressure test domestic HW and CW piping	7,800	SF	\$1.12	\$8,750
Pipe flushing sterilization for domestic HW and CW piping	7,800	SF	\$0.70	\$5,460
Pressure test sanitary and vent piping	7,800	SF	\$0.80	\$6,240
Sealing and caulking	1	LS	\$2,000.00	\$2,000
Core drilling	1	LS	\$1,200.00	\$1,200
Training and manufacturer support	1	LS	\$1,500.00	\$1,500
Plumbing Superintendent	120	HRS	\$110.30	\$13,240
Sub-Total - 22 Plumbing				\$196,440
23 Heating, Ventilating, and Air Conditioning				
HVAC Demolition				
Remove packaged air conditioning units and refrigerant lines	4	EA	\$780.00	\$3,120
Refrigerant safe disposal	1	LS	\$800.00	\$800
Disconnect supply and return duct and insulation	7,800	SF	\$1.45	\$11,310
Remove control devices and control wiring	7,800	SF	\$0.41	\$3,200
Hoisting and rigging to support demolition	7,800	EA	\$0.64	\$5,000
Air Distribution Equipment				
DOAS with DX cooling and gas reheat, exhaust fans, and ERV	1,000	CFM	\$18.60	\$18,600
Variable refrigerant multizone heat pump with ERV and outdoor heat pump	20	TON	\$2,235.00	\$44,700
Air handling unit, ducted	6	EA	\$3,350.00	\$20,100
Air handling unit, ductless	7	EA	\$2,980.00	\$20,860
Mini-split system (Mitsubishi)	2	TON	\$4,920.00	\$9,840
Restroom exhaust fan	4	EA	\$648.00	\$2,590
Air Distribution				
G90 supply and exhaust duct (1lb per square foot)	7,800	LBS	\$6.68	\$52,100
Insulation, 2" thick, 1lb density	4,680	SF	\$3.44	\$16,100
Grilles and diffusers	75	EA	\$270.00	\$20,250
Refrigerant Piping				
Copper line sets	7,800	SF	\$0.74	\$5,770
Valves and devices	7,800	SF	\$0.19	\$1,480
Refrigerant and charging	1	LS	\$1,500.00	\$1,500
Leak check	1	LS	\$500.00	\$500
Controls				
Central Controller	1	EA	\$5,200.00	\$5,200
Thermostat	15	EA	\$640.00	\$9,600
DX points	16	PTS	\$1,480.00	\$23,680
Miscellaneous				
Air balancing	7,800	SF	\$1.22	\$9,500
Set-up and check-out	1	LS	\$3,000.00	\$3,000
Sealing and caulking	1	LS	\$1,600.00	\$1,600
Core drilling	1	LS	\$1,000.00	\$1,000
Training and manufacturer support	1	LS	\$3,500.00	\$3,500
Mechanical Superintendent	160	HRS	\$109.60	\$17,540
Sub-Total - 23 Heating, Ventilating, and Air Conditioning				\$312,440
26 Electrical				

Project : **Finance and Parks and Recreation Buildings Renovation**
Location : **Southern Pines, North Carolina**
Owner : **Town of Southern Pines**
Stage : **Schematic Design**
Floor Area : **7,800 GSF**



Date : **1/10/2024**
Estimate #: **2023-0202.000**

Construction Estimate Worksheet - Finance Building

CSI SECTION	QUANTITY	UNIT	\$ / UNIT	TOTAL
Electrical Demolition				
Utility power shut-off at transformer			<i>By Utility</i>	
Remove existing electrical service	7,800	SF	\$1.28	\$10,000
Remove existing electrical panelboards	7,800	SF	\$0.74	\$5,770
Remove feeders	7,800	SF	\$1.02	\$7,960
Remove branch	7,800	SF	\$0.98	\$7,640
Remove light fixtures	7,800	SF	\$1.20	\$9,360
Remove devices	7,800	SF	\$0.46	\$3,590
Remove mechanical disconnect switches	7,800	SF	\$0.12	\$940
Clean-up exterior electrical panels and junction boxes	7,800	SF	\$0.32	\$2,500
Electrical Service				
167kVA 3-phase pole mounted transformer			<i>By Utility</i>	
Secondary Service (100-linear feet allowance per set)				
300kcmil, THHN, Cu conductors	1,440	LF	\$11.36	\$16,360
#2/0 THHN, Cu ground	360	LF	\$5.79	\$2,080
4" RMC and couplings	60	LF	\$69.88	\$4,190
4" PVC conduit	240	LF	\$26.18	\$6,280
4" steel sweep elbow	6	EA	\$486.00	\$2,920
Cable terminations	24	EA	\$26.45	\$630
Pole hardware for conduit attachment	3	SETS	\$360.00	\$1,080
Saw cutting and excavation for ductbank	80	LF	\$32.00	\$2,560
Concrete	5	CY	\$385.00	\$1,930
Backfill and surface restoration	80	LF	\$34.50	\$2,760
Distribution Equipment				
800A, 208/120V, 4-W, solid state MCB, TVSS, 42kAIC, service panelboard	1	EA	\$38,516.00	\$38,520
800A, 208/120V, CT cabinet, Nema 3R	1	EA	\$4,230.00	\$4,230
225A, 208/120V branch panelboards	3	EA	\$5,200.00	\$15,600
Panel Feeders				
2-1/2" EMT, fittings, and hangers (80-foot average per panelboard feeder)	240	LF	\$22.41	\$5,380
#4/0 THHN, Cu conductors	1,260	LF	\$8.69	\$10,950
#4 THHN CU ground	315	LF	\$2.48	\$780
Cable terminations	24	EA	\$22.60	\$540
Branch and Power Devices				
Branch power	7,800	SF	\$3.10	\$24,180
Branch Mechanical	7,800	SF	\$1.90	\$14,820
Branch Lighting	7,800	SF	\$2.45	\$19,110
20A, 120V duplex receptacle and wall rough-in to above ACT	142	EA	\$148.50	\$21,090
20A, 120V quad receptacle and wall rough-in to above ACT	4	EA	\$157.60	\$630
20A, 120V GFCI receptacle and wall rough-in to above ACT	6	EA	\$172.35	\$1,030
20A, 120V GFCI WP receptacle and roof penetration	2	EA	\$194.55	\$390
50A, 208V, simplex receptacle and wall rough-in to above ACT	1	EA	\$231.60	\$230
Combination power/data floor box and rough-in	6	EA	\$432.59	\$2,600
Power whip to open office furniture	4	EA	\$347.00	\$1,390
60A safety disconnect switch, Nema 3R	1	EA	\$578.40	\$580
30A safety disconnect switch, Nema 3R	4	EA	\$423.60	\$1,690
Motor rated switch	14	EA	\$178.49	\$2,500
Light Fixtures and Lighting Control				
Light Fixtures				
Conference Rooms - LED lay-in and LED round recessed	952	SF	\$12.80	\$12,190
Breakroom - LED lay-in	367	SF	\$9.75	\$3,580
Open Office - LED linear pendant	361	SF	\$10.90	\$3,930
Offices - LED direct/indirect lay-in	2,420	SF	\$10.05	\$24,320

Project : **Finance and Parks and Recreation Buildings Renovation**
Location : **Southern Pines, North Carolina**
Owner : **Town of Southern Pines**
Stage : **Schematic Design**
Floor Area : **7,800 GSF**

35°N

Date : **1/10/2024**
Estimate #: **2023-0202.000**

Construction Estimate Worksheet - Finance Building

CSI SECTION	QUANTITY	UNIT	\$ / UNIT	TOTAL
Corridors - LED lay-in	1,047	SF	\$9.70	\$10,160
Rest Rooms - LED lay-in	210	SF	\$9.80	\$2,060
Storage/Vault - LED lay-in	360	SF	\$9.45	\$3,400
IT / Electrical Room - LED Lay-in	135	SF	\$9.45	\$1,280
Exit, LED with rough-in	14	EA	\$289.70	\$4,060
EBU, LED 90-minute with rough-in	12	EA	\$336.40	\$4,040
Exterior door LED fixture	4	EA	\$382.70	\$1,530
ALLOWANCE #2 - Specialty lighting ceiling / wall	1	ALW	\$65,000.00	\$65,000
Foyer - Assume Speciality Lighing allowance will cover			<i>Included Above</i>	
General exterior LED lighting - <i>Allowance</i>	1	ALW	\$15,000.00	\$15,000
Lighting Control				
Switch motion sensor and wall rough-in to above ACT	22	EA	\$326.40	\$7,180
Ceiling motion sensor and rough-in	21	EA	\$356.25	\$7,480
Power packs	21	EA	\$84.26	\$1,770
Low voltage cabling	2,000	LF	\$1.38	\$2,760
Lighting control panel	1	EA	\$7,500.00	\$7,500
Low Voltage Raceways and Rough-ins				
3/4"x4"x8' painted plywood	4	EA	\$285.00	\$1,140
Cable tray in corridors	200	LF	\$38.60	\$7,720
Telephone / Data - wall rough-ins	74	EA	\$92.48	\$6,840
Telephone / Data Wi-Fi - ceiling rough-ins	12	EA	\$43.56	\$520
Security and Access Control rough-ins	6	EA	\$115.00	\$690
Audio Visual rough-ins	1	LS	\$1,200.00	\$1,200
Miscellaneous				
Grounding	7,800	SF	\$1.60	\$12,480
Short circuit study	7,800	SF	\$4.35	\$33,930
Arc Flash Study and labels	7,800	EA	\$2.15	\$16,770
Start-up and check-out	1	LS	\$3,500.00	\$3,500
Sealing and caulking	1	LS	\$2,500.00	\$2,500
Core drilling	1	LS	\$1,200.00	\$1,200
Rigging and hoisting	1	LS	\$3,000.00	\$3,000
Training and manufacturer support	1	LS	\$4,000.00	\$4,000
Electrical Superintendent	320	HRS	\$108.40	\$34,690
Sub-Total - 26 Electrical				\$562,210
27 Communications				
Telecom - Allowance 5A				
Rack, Patch Panels, Cat 6a Cabling and jacks, install, and certification	7,800	SF	\$6.15	\$48,000
Server and Telephone system equipment			<i>By Owner</i>	
Rough-ins, chases, cable tray			<i>In Division 26</i>	
Audio Visual - Allowance 5A				
Rack, A/V equipment, Monitors, Controlers, A/V Cabling and connections, install, and certification	7,800	SF	\$5.13	\$40,000
Rough-ins, chases, cable tray				
Sub-Total - 27 Communications				\$88,000
28 Electronic Safety and Security				
Fire Alarm System	7,800	SF	\$10.25	\$79,950
Addressable FACP with Notification Capability			<i>Included Above</i>	
Monitor			<i>Included Above</i>	
Modules			<i>Included Above</i>	
Fire alarm initiating devices			<i>Included Above</i>	
Fire alarm signaling devices			<i>Included Above</i>	
Duct smoke detectors			<i>Included Above</i>	

Project : Finance and Parks and Recreation Buildings Renovation
Location : Southern Pines, North Carolina
Owner : Town of Southern Pines
Stage : Schematic Design
Floor Area : 7,800 GSF



Date : 1/10/2024
Estimate #: 2023-0202.000

Construction Estimate Worksheet - Finance Building				
CSI SECTION	QUANTITY	UNIT	\$ / UNIT	TOTAL
Remote indicating test stations			Included Above	
Device wall and ceiling rough-ins			Included Above	
FA cabling in red conduit chases			Included Above	
Manufacturer support			Included Above	
System check-out			Included Above	
Training			Included Above	
Security - Allowance 5B				
Control Panel, devices, cameras, cabling, connections, and certification	7,800	SF	\$3.85	\$30,000
Rough-ins, chases, cable tray			In Division 26	
Sub-Total - 28 Electronic Safety and Security				\$109,950
Total Direct Cost - Finance Building				\$2,019,950

Project : **Finance and Parks and Recreation Buildings Renovation**
Location : **Southern Pines, North Carolina**
Owner : **Town of Southern Pines**
Stage: **Schematic Design**
Estimate #: **02023-0202.000**



Date : **1/10/2024**

Parks and Recreation Building

Project : **Finance and Parks and Recreation Buildings Renovation**
 Location : **Southern Pines, North Carolina**
 Owner : **Town of Southern Pines**
 Stage : **Schematic Design**
 Floor Area : **2,055 GSF**

35°N

Date : **1/10/2024**
 Estimate #: **2023-0202.000**

Construction Estimate Worksheet - Parks and Recreation Building

CSI SECTION

QUANTITY

UNIT

\$ / UNIT

TOTAL

1 General Requirements

General requirements are based on 7% of direct costs

7%

PRCNT

\$634,990.00

\$44,450

Allowances

ALLOWANCE #5A - Telecom and Audio Visual Systems

ALLOWANCE #5B - Security System

ALLOWANCE #6 - Design contingency allowance - 6%

ALLOWANCE #7 - Construction & unknown conditions

With Division 27

With Division 28

With Detail Summary

With Detail Summary

Allowances Within Divisions Below

ALLOWANCE #5 - Security and Access Control rough-ins

ALLOWANCE #10 - Environmental assessment

With Division 26

With Division 2

Sub-Total - 1 General Requirements

\$44,450

2 Existing Conditions

Demolition

Existing stair removal, exterior

32

SF

\$40.00

\$1,280

Landing

Included Above

Handrails

28

LF

\$15.00

\$420

Doors removal, interior

Reinstall flip swing door, exterior, single

1

EA

\$255.00

\$260

Remove existing doors, exterior, single

1

EA

\$75.00

\$80

Existing doors, single

14

EA

\$75.00

\$1,050

Partition walls removal

Walls, 3" thick

3,204

SF

\$2.10

\$6,730

Removal of existing furnishings - Allowance

2,055

SF

\$0.50

\$1,030

Miscellaneous

ALLOWANCE #10 - Environmental assessment

1

ALW

\$9,247.50

\$9,250

Sub-Total - 2 Existing Conditions

\$20,100

3 Concrete

Concrete Walkways

Landing, leading into building

36

SF

\$60.00

\$2,160

Sidewalk connection, 4" thick

105

SF

\$10.00

\$1,050

Ramp and landing

With Division 10

Sub-Total - 3 Concrete

\$3,210

4 Masonry

Brick Veneer

Infill exterior wall and match existing

Concrete masonry unit wall

30

SF

\$30.00

\$900

Project : **Finance and Parks and Recreation Buildings Renovation**
 Location : **Southern Pines, North Carolina**
 Owner : **Town of Southern Pines**
 Stage : **Schematic Design**
 Floor Area : **2,055 GSF**

35°N

Date : **1/10/2024**
 Estimate #: **2023-0202.000**

Construction Estimate Worksheet - Parks and Recreation Building

CSI SECTION	QUANTITY	UNIT	\$ / UNIT	TOTAL
Brick wall	30	SF	\$27.00	\$810
Brick wall, along ramp and landing area	136	SF	\$35.00	\$4,760
Sub-Total - 4 Masonry				\$6,470
5 Metals				
Metals				
Handrail/guardrails, decorative wrought iron	79	LF	\$125.00	\$9,880
Sub-Total - 5 Metals				\$9,880
6 Wood, Plastics, and Composites				
Millwork and Carpentry				
Countertops, solid surface	12	LF	\$225.00	\$2,700
Drop-in sink			<i>With Division 22</i>	
Wall mounted cabinets, plastic laminate, 1'-3" deep	12	LF	\$400.00	\$4,800
Floor base cabinets, plastic laminate, 2'-0" deep	12	LF	\$200.00	\$2,400
Splash back strip	12	LF	\$75.00	\$900
Adjustable shelving - Allowance	12	LF	\$50.00	\$600
Sub-Total - 6 Wood, Plastics, and Composites				\$11,400
7 Thermal and Moisture Protection				
Waterproofing				
Insulate and waterproof basement area - Allowance	300	SF	\$20.00	\$6,000
Sub-Total - 7 Thermal and Moisture Protection				\$6,000
8 Openings				
Doors and Hardware				
Doors, HM, interior, pre-stained, solid core flush wood, single	8	EA	\$1,350.00	\$10,800
Doors, HM, interior, pre-stained, solid core flush wood, double	1	EA	\$1,355.00	\$1,360
Glazing				
Door full view and side lite	8	EA	\$125.00	\$1,000
Hardware				
Access controls			<i>By Owner</i>	
Door opener, ADA	1	EA	\$350.00	\$350
Touch pads (in and out)			<i>By Owner</i>	
Sub-Total - 8 Openings				\$13,510
9 Finishes				
Partitions				
Wall chase studs, 3"			<i>Not Required</i>	
Wall studs, 3"	2,448	SF	\$4.90	\$12,000
Wall studs, 6"	84	SF	\$7.75	\$650
Insulation, sound attenuation	2,532	SF	\$2.50	\$6,330

Project : **Finance and Parks and Recreation Buildings Renovation**
Location : **Southern Pines, North Carolina**
Owner : **Town of Southern Pines**
Stage : **Schematic Design**
Floor Area : **2,055 GSF**



Date : **1/10/2024**
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Construction Estimate Worksheet - Parks and Recreation Building

CSI SECTION	QUANTITY	UNIT	\$ / UNIT	TOTAL
Floor Finishes				
Carpet tile	76	SF	\$45.00	\$3,410
Refinish wood flooring			<i>Not Required</i>	
Luxury floor tile	1,038	SF	\$6.00	\$6,230
Porcelain tile	55	SF	\$12.00	\$660
Moisture mitigation	1,775	SF	\$4.00	\$7,100
Walls Finishes				
Gypsum wallboard, 5/8"	1,899	SF	\$6.75	\$12,820
Paint, epoxy walls	5,454	SF	\$2.80	\$15,270
New walls	1,899	SF	<i>Included Above</i>	
Existing walls	3,555	SF	<i>Included Above</i>	
Accent walls	68	SF	\$3.00	\$200
Tile wainscot	135	SF	\$7.00	\$950
Moisture mitigation	135	SF	\$5.00	\$680
Wall base, rubber	576	LF	\$3.00	\$1,730
Wall base, tile	30	LF	\$15.00	\$450
Ceiling Finishes				
Acoustical ceiling tile - ACT	1,775	SF	\$6.00	\$10,650
Soffit board ceiling	89	SF	\$17.50	\$1,560
Patch and rework ceiling - Allowance			<i>Not Required</i>	
Sub-Total - 9 Finishes				\$80,690

10 Specialties

Audio and Visual Displays

AV screens and monitors			<i>With Division 27</i>	
Flat screens, at Reception			<i>With Division 27</i>	
Bracket mounts - Allowance	1	ALW	\$250.00	\$250

Ramp Access Into Building

Ramp, leading into building	174	SF	\$100.00	\$17,400
Landing	63	SF	\$75.00	\$4,730

Signage

Signs, interior, room doors, 8" x 8" number and braille signage	9	EA	\$100.00	\$900
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Restroom Accessories

Standard accessories - Allowance				
Mirrors	1	EA	\$300.00	\$300
Auto hand sanitizer dispensers	1	EA	\$75.00	\$80
Hands-free wall mounted soap dispensers	1	EA	\$75.00	\$80
Electric hand dryers	1	EA	\$100.00	\$100
Toilet tissue paper dispensers	1	EA	\$75.00	\$80
Sanitary napkin disposals	1	EA	\$75.00	\$80
Grab bars (assumed 3 per room)	3	EA	\$90.00	\$270

Walk Off Mats

At reinstalled exterior door	2	EA	\$300.00	\$600
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Project : **Finance and Parks and Recreation Buildings Renovation**
Location : **Southern Pines, North Carolina**
Owner : **Town of Southern Pines**
Stage : **Schematic Design**
Floor Area : **2,055 GSF**

35°N

Date : **1/10/2024**
Estimate #: **2023-0202.000**

Construction Estimate Worksheet - Parks and Recreation Building

CSI SECTION	QUANTITY	UNIT	\$ / UNIT	TOTAL
Window Treatments				
Roller shades, double roll mounted with blackout shade, small			<i>Not Required</i>	
Roller shades, double roll mounted with blackout shade, large	2	EA	\$650.00	\$1,300
Roller shades, 3% openness factor, small, 3'-0" wide	3	EA	\$200.00	\$600
Roller shades, 3% openness factor, small, 4'-6" wide	8	EA	\$250.00	\$2,000
Sub-Total - 10 Specialties				\$28,770
11 Equipment				
Office Equipment				
Copier/printer			<i>By Owner</i>	
Kitchen Equipment				
Refrigerator	1	EA	\$1,500.00	\$1,500
Sub-Total - 11 Equipment				\$1,500
12 Furnishings				
Furnishings in Spaces				
Chairs, Break/Flex room	8	EA	\$250.00	\$2,000
Chairs, guests	4	EA	\$225.00	\$900
Chairs, staff	8	EA	\$250.00	\$2,000
Chairs, single couch-like	2	EA	\$300.00	\$600
Desks, offices	8	EA	\$1,500.00	\$12,000
Table, round, coffee-life	6	EA	\$325.00	\$1,950
Tables, 6' long, Break/Flex room	1	EA	\$650.00	\$650
Table, break/conference room	21	LF	\$150.00	\$3,150
Sub-Total - 12 Furnishings				\$23,250
22 Plumbing				
Plumbing Demolition				
Shut-off main domestic water line	1	EA	\$320.00	\$320
Shut-off Main gas line	1	EA	\$345.00	\$350
Remove water closet, CW connection, and seal-off SS and Vent pipes	2	EA	\$480.00	\$960
Remove restroom sink, faucets, trap, and valves	2	EA	\$335.00	\$670
Remove service sink, faucets, trap, and valves	1	EA	\$460.00	\$460
Remove electric water heater	1	EA	\$375.00	\$380
Miscellaneous plumbing devices and piping	1	ALW	\$2,000.00	\$2,000
Plumbing Fixtures				
Water closet, high-efficiency, floor mounted, vitreous China, ADA	1	EA	\$2,470.00	\$2,470
Wall hung lavatory, 20"x18" vitreous China with wrist blade handles	1	EA	\$1,489.00	\$1,490
Service sink mop basin and fixtures	1	EA	\$1,189.00	\$1,190
Break room sink, stainless steel with fixtures and p-trap	1	EA	\$1,845.00	\$1,850
Dual level ADA drinking fountain with bottle filling station	1	EA	\$3,160.00	\$3,160

Project : **Finance and Parks and Recreation Buildings Renovation**
 Location : **Southern Pines, North Carolina**
 Owner : **Town of Southern Pines**
 Stage : **Schematic Design**
 Floor Area : **2,055 GSF**

35°N

Date : **1/10/2024**
 Estimate #: **2023-0202.000**

Construction Estimate Worksheet - Parks and Recreation Building

CSI SECTION	QUANTITY	UNIT	\$ / UNIT	TOTAL
Domestic Water				
Electric water heater, 9kW, 150psi, 50 gallon, auto thermostat, insulated	1	EA	\$7,456.00	\$7,460
Inline centrifugal recirculating pump (Grundfos TPE40)	1	EA	\$6,061.68	\$6,060
Hose bib, standard (without anti-siphon or freeze resistant)	2	EA	\$185.00	\$370
Regulators and reducing valves	1	ALW	\$3,000.00	\$3,000
Modifications to domestic water service entrance fittings and valves	1	ALW	\$4,000.00	\$4,000
CW copper piping, Type L with insulation	2,055	SF	\$2.45	\$5,030
HW copper piping, Type L with insulation	2,055	SF	\$2.30	\$4,730
Sanitary Waste and Vent				
Extend existing sanitary and vent piping to restroom water closets	2,055	SF	\$1.45	\$2,980
Extend existing sanitary and vent piping to restroom sinks	2,055	SF	\$0.95	\$1,950
Provide sanitary and vent piping to break room sink and mop sink	2,055	SF	\$1.65	\$3,390
Saw cut concrete flooring for sanitary and vent piping	1	ALW	\$2,500.00	\$2,500
Patch concrete flooring where saw cutting was performed	1	ALW	\$1,750.00	\$1,750
Modifications to the sanitary piping system	1	ALW	\$3,000.00	\$3,000
Natural Gas Piping				
Extend existing gas lines to new units	1	ALW	\$2,500.00	\$2,500
Provide pressure regulator, gas cock, dirt leg, and union at equipment	2	EA	\$830.00	\$1,660
Modifications to the natural gas piping system	1	ALW	\$3,000.00	\$3,000
Miscellaneous				
Pressure test domestic HW and CW piping	2,055	SF	\$1.22	\$2,500
Pipe flushing sterilization for domestic HW and CW piping	2,055	SF	\$0.85	\$1,750
Pressure test sanitary and vent piping	2,055	SF	\$0.95	\$1,950
Sealing and caulking	1	LS	\$1,250.00	\$1,250
Core drilling	1	LS	\$1,000.00	\$1,000
Training and manufacturer support	1	LS	\$1,500.00	\$1,500
Plumbing Superintendent	80	HRS	\$110.30	\$8,820

Sub-Total - 22 Plumbing

\$87,450

23 Heating, Ventilating, and Air Conditioning

HVAC Demolition

Remove split air conditioning systems with gas reheat and line sets	2	EA	\$780.00	\$1,560
Refrigerant safe disposal	1	LS	\$500.00	\$500
Disconnect supply and return duct and insulation	2,055	SF	\$1.45	\$2,980
Remove control devices and control wiring	2,055	SF	\$0.41	\$840
Hoisting and rigging to support demolition	2,055	EA	\$0.64	\$1,320

Air Distribution Equipment

High efficiency heat pump with gas auxiliary heat	5	TON	\$2,400.00	\$12,000
Mini-split system (Mitsubishi)	2	TON	\$4,920.00	\$9,840
Restroom exhaust fan	1	EA	\$648.00	\$650
Dehumidifier self contained, 6 lbs/hr, 150 CFM	1	EA	\$17,432.00	\$17,430

Air Distribution

G90 supply and exhaust duct (1lb per square foot)	2,055	LBS	\$6.68	\$13,730
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Project : **Finance and Parks and Recreation Buildings Renovation**
 Location : **Southern Pines, North Carolina**
 Owner : **Town of Southern Pines**
 Stage : **Schematic Design**
 Floor Area : **2,055 GSF**



Date : **1/10/2024**
 Estimate #: **2023-0202.000**

Construction Estimate Worksheet - Parks and Recreation Building

CSI SECTION	QUANTITY	UNIT	\$ / UNIT	TOTAL
Insulation, 2" thick, 1lb density	1,233	SF	\$3.44	\$4,240
Grilles and diffusers	22	EA	\$270.00	\$5,940
Roof mounted gravity air intake ventilator, 2,500CFM (includes roof work)	2	EA	\$2,230.00	\$4,460
Refrigerant Piping				
Copper line sets	2,055	SF	\$0.82	\$1,690
Valves and devices	2,055	SF	\$0.26	\$530
Refrigerant and charging	1	LS	\$650.00	\$650
Leak check	1	LS	\$500.00	\$500
Controls				
Central Controller	1	EA	\$3,000.00	\$3,000
Thermostat	2	EA	\$640.00	\$1,280
DX points	4	PTS	\$1,480.00	\$5,920
Miscellaneous				
Air balancing	2,055	SF	\$1.30	\$2,670
Set-up and check-out	1	LS	\$2,000.00	\$2,000
Sealing and caulking	1	LS	\$900.00	\$900
Core drilling	1	LS	\$800.00	\$800
Training and manufacturer support	1	LS	\$2,000.00	\$2,000
Mechanical Superintendent	96	HRS	\$109.60	\$10,520
Sub-Total - 23 Heating, Ventilating, and Air Conditioning				\$107,950

26 Electrical

Electrical Demolition

Utility power shut-off at transformer			<i>By Utility</i>	
Remove existing electrical service	2,055	SF	\$1.60	\$3,290
Remove existing electrical panelboards	2,055	SF	\$0.80	\$1,640
Remove feeders	2,055	SF	\$1.15	\$2,360
Remove branch	2,055	SF	\$1.10	\$2,260
Remove light fixtures	2,055	SF	\$1.45	\$2,980
Remove devices	2,055	SF	\$0.58	\$1,190
Remove mechanical disconnect switches	2,055	SF	\$0.20	\$410
Clean-up exterior electrical panels and junction boxes	2,055	SF	\$0.40	\$820

Electrical Service

100kVA 3-phase pole mounted transformer			<i>By Utility</i>	
Secondary Service (100-linear feet allowance per set)				
#3/0, THHN, Cu conductors	960	LF	\$7.02	\$6,740
#1/0 THHN, Cu ground	240	LF	\$4.68	\$1,120
4" RMC and couplings	40	LF	\$69.88	\$2,800
4" PVC conduit	120	LF	\$26.18	\$3,140
4" steel sweep elbow	4	EA	\$486.00	\$1,940
Cable terminations	24	EA	\$26.45	\$630
Pole hardware for conduit attachment	3	SETS	\$360.00	\$1,080
Saw cutting and excavation for ductbank	60	LF	\$32.00	\$1,920
Concrete	4	CY	\$385.00	\$1,540
Backfill and surface restoration	60	LF	\$34.50	\$2,070

Distribution Equipment

400A, 208/120V, 4-W, solid state MCB, TVSS, 42kAIC, service panelboard	1	EA	\$22,624.00	\$22,620
400A, 208/120V, CT cabinet, Nema 3R	1	EA	\$3,846.00	\$3,850
225A, 208/120V branch panelboard	1	EA	\$5,200.00	\$5,200

Project : **Finance and Parks and Recreation Buildings Renovation**
Location : **Southern Pines, North Carolina**
Owner : **Town of Southern Pines**
Stage : **Schematic Design**
Floor Area : **2,055 GSF**



Date : **1/10/2024**
Estimate #: **2023-0202.000**

Construction Estimate Worksheet - Parks and Recreation Building

CSI SECTION	QUANTITY	UNIT	\$ / UNIT	TOTAL
Panel Feeders				
2-1/2" EMT, fittings, and hangers (80-foot average per panelboard feeder)	80	LF	\$22.41	\$1,790
#4/0 THHN, Cu conductors	420	LF	\$8.69	\$3,650
#4 THHN CU ground	105	LF	\$2.48	\$260
Cable terminations	8	EA	\$22.60	\$180
Branch and Power Devices				
Branch power	2,055	SF	\$3.10	\$6,370
Branch Mechanical	2,055	SF	\$1.90	\$3,900
Branch Lighting	2,055	SF	\$2.45	\$5,030
20A, 120V duplex receptacle and wall rough-in to above ACT	41	EA	\$148.50	\$6,090
20A, 120V quad receptacle and wall rough-in to above ACT	3	EA	\$157.60	\$470
20A, 120V GFCI receptacle and wall rough-in to above ACT	2	EA	\$172.35	\$340
20A, 120V GFCI WP receptacle and roof penetration	2	EA	\$194.55	\$390
50A, 208V, simplex receptacle and wall rough-in to above ACT	1	EA	\$231.60	\$230
Combination power/data floor box and rough-in	4	EA	\$432.59	\$1,730
30A safety disconnect switch, Nema 3R	3	EA	\$423.60	\$1,270
Light Fixtures and Lighting Control				
Light Fixtures				
Reception - LED direct/indirect lay-in	226	SF	\$10.05	\$2,270
Breakroom - LED lay-in	450	SF	\$9.75	\$4,390
Offices - LED direct/indirect lay-in	674	SF	\$10.05	\$6,770
Corridors - LED lay-in	175	SF	\$9.70	\$1,700
Rest Room - LED lay-in	51	SF	\$9.80	\$500
Storage - LED lay-in	66	SF	\$9.45	\$620
IT / Electrical Room - LED Lay-in	79	SF	\$9.45	\$750
Exit, LED with rough-in	5	EA	\$289.70	\$1,450
EBU, LED 90-minute with rough-in	6	EA	\$336.40	\$2,020
Exterior door LED fixture	3	EA	\$382.70	\$1,150
General exterior LED lighting - <i>Allowance</i>	1	ALW	\$7,000.00	\$7,000
Lighting Control				
Switch motion sensor and wall rough-in to above ACT	7	EA	\$326.40	\$2,280
Ceiling motion sensor and rough-in	5	EA	\$356.25	\$1,780
Power packs	5	EA	\$84.26	\$420
Low voltage cabling	1,000	LF	\$1.38	\$1,380
Lighting control panel	1	EA	\$4,000.00	\$4,000
Low Voltage Raceways and Rough-ins				
3/4"x4"x8' painted plywood	3	EA	\$285.00	\$860
Cable tray in corridors	60	LF	\$38.60	\$2,320
Telephone / Data - wall rough-ins	22	EA	\$92.48	\$2,030
Telephone / Data Wi-Fi - ceiling rough-ins	6	EA	\$43.56	\$260
Security and Access Control rough-ins	3	EA	\$115.00	\$350
Audio Visual rough-ins	1	LS	\$800.00	\$800
Miscellaneous				
Grounding	2,055	SF	\$1.60	\$3,290
Short circuit study	2,055	SF	\$4.35	\$8,940
Arc Flash Study and labels	2,055	EA	\$2.15	\$4,420
Start-up and check-out	1	LS	\$2,500.00	\$2,500
Sealing and caulking	1	LS	\$1,500.00	\$1,500
Core drilling	1	LS	\$900.00	\$900
Training and manufacturer support	1	LS	\$3,000.00	\$3,000
Electrical Superintendent	80	HRS	\$108.40	\$8,670
Sub-Total - 26 Electrical				\$179,620

Project : **Finance and Parks and Recreation Buildings Renovation**
 Location : **Southern Pines, North Carolina**
 Owner : **Town of Southern Pines**
 Stage : **Schematic Design**
 Floor Area : **2,055 GSF**



Date : **1/10/2024**
 Estimate #: **2023-0202.000**

Construction Estimate Worksheet - Parks and Recreation Building

CSI SECTION

QUANTITY

UNIT

\$ / UNIT

TOTAL

27 Communications

Telecom - Allowance 5A

Rack, Patch Panels, Cat 6a Cabling and jacks, install, and certification
 Server and Telephone system equipment
 Rough-ins, chases, cable tray

2,055

SF

\$6.33
*By Owner
 In Division 26*

\$13,000

Audio Visual - Allowance 5A

Rack, A/V equipment, Monitors, Controllers, A/V Cabling and connections,
 install, and certification
 Rough-ins, chases, cable tray

2,055

SF

\$5.36

\$11,000

Sub-Total - 27 Communications

\$24,000

28 Electronic Safety and Security

Fire Alarm System

Addressable FACP with Notification Capability
 Monitor
 Modules
 Fire alarm initiating devices
 Fire alarm signaling devices
 Duct smoke detectors
 Remote indicating test stations
 Device wall and ceiling rough-ins
 FA cabling in red conduit chases
 Manufacturer support
 System check-out
 Training

2,055

SF

\$10.80
*Included Above
 Included Above
 Included Above
 Included Above
 Included Above
 Included Above
 Included Above
 Included Above
 Included Above
 Included Above*

\$22,190

Security - Allowance 5B

Control Panel, devices, cameras, cabling, connections, and certification
 Rough-ins, chases, cable tray

2,055

SF

\$4.38
In Division 26

\$9,000

Sub-Total - 28 Electronic Safety and Security

\$31,190

Total Direct Cost - Parks and Recreation Building

\$679,440

Project : **Finance and Parks and Recreation Buildings Renovation**
Location : **Southern Pines, North Carolina**
Owner : **Town of Southern Pines**
Stage: **Schematic Design**
Estimate #: **02023-0202.000**



Date : **1/10/2024**

Alternates

Project : **Finance and Parks and Recreation Buildings Renovation**
 Location : **Southern Pines, North Carolina**
 Owner : **Town of Southern Pines**
 Stage: **Schematic Design**
 Floor Area :

35°N

Date : **1/10/2024**
 Estimate #: **2023-0202.000**

Construction Estimate Worksheet - Alternates

CSI SECTION	QUANTITY	UNIT	\$ / UNIT	TOTAL
Alternate 01: 8' Tall Painted Wood Millwork and Built-in Window Seats				
General Requirements				
General requirements are based on 7% of direct costs	7%	PRCNT	\$19,090.00	\$1,340
Existing Conditions - Demolition				
Storage cabinets removal				
Repaint cabinets	(29)	LF	\$30.00	(\$870)
Reinstall cabinets	(29)	LF	\$50.00	(\$1,450)
Floor base removal	29	LF	\$5.00	\$150
Window seats removal				
Repaint seats	(18)	LF	\$75.00	(\$1,350)
Reinstall seats	(18)	LF	\$75.00	(\$1,350)
Floor base removal	18	LF	\$5.00	\$90
Display Cabinets and Seating				
Display cabinets	29	LF	\$550.00	\$15,950
8' tall painted wood millwork			Included Above	
Full glass display doors			Included Above	
Lighting			Included Above	
Floor base			Not Required	
Window seats, built-in	18	LF	\$250.00	\$4,500
Wall blocking - Allowance	18	LF	\$90.00	\$1,620
Painted seats	18	LF	\$75.00	\$1,350
Floor base	18	LF	\$25.00	\$450
Sub-Total - Alternate 01: 8' Tall Painted Wood Millwork and Built-in Window Seats				\$20,430
Indirect Cost, Subtotal	57%	PRCNT	\$20,430.00	\$11,650
Total Direct Cost - Alternate 01: 8' Tall Painted Wood Millwork and Built-in Window Seats				\$32,080

Project : **Finance and Parks and Recreation Buildings Renovation**
 Location : **Southern Pines, North Carolina**
 Owner : **Town of Southern Pines**
 Stage: **Schematic Design**
 Floor Area :

35°N

Date : **1/10/2024**
 Estimate #: **2023-0202.000**

Construction Estimate Worksheet - Alternates

CSI SECTION

QUANTITY

UNIT

\$ / UNIT

TOTAL

Alternate 02: Basement Scope of Finance Building

General Requirements

General requirements are based on 7% of direct costs

7%

PRCNT

\$96,750.00

\$6,770

Existing Conditions

Demolition items - *Allowance*

Finance Building

500

SF

\$10.00

\$5,000

Concrete

Finance Building

Not Required

Masonry

Masonry items - *Allowance*

Finance Building

500

SF

\$2.00

\$1,000

Metals

Metals items - *Allowance*

Finance Building

500

SF

\$6.50

\$3,250

Wood, Plastics, and Composites

Wood, plastic, and composite items - *Allowance*

Finance Building

500

SF

\$20.00

\$10,000

Thermal and Moisture Protection

Thermal and moisture protection items - *Allowance*

With Base Bid

Openings

Opening items - *Allowance*

Finance Building

500

SF

\$6.00

\$3,000

Finishes

Finishing items - *Allowance*

Finance Building

500

SF

\$30.00

\$15,000

Specialties

Specialties items - *Allowance*

Finance Building

500

SF

\$15.00

\$7,500

Equipment

Equipment items - *Allowance*

Finance Building

500

SF

\$3.00

\$1,500

Furnishings

Furnishings items - *Allowance*

Finance Building

500

SF

\$25.00

\$12,500

Plumbing

Finance Building

Not Required

Project : **Finance and Parks and Recreation Buildings Renovation**
 Location : **Southern Pines, North Carolina**
 Owner : **Town of Southern Pines**
 Stage: **Schematic Design**
 Floor Area :



Date : **1/10/2024**
 Estimate #: **2023-0202.000**

Construction Estimate Worksheet - Alternates

CSI SECTION	QUANTITY	UNIT	\$ / UNIT	TOTAL
HVAC				
Finance Building	500	SF	\$36.00	\$18,000
Electrical and LV Rough-ins				
Finance Building	500	SF	\$32.00	\$16,000
Fire Alarm				
Finance Building	500	SF	\$8.00	\$4,000
Sub-Total - Alternate 02: Basement Scope of Finance Building				\$103,520
Indirect Cost, Subtotal	57%	PRCNT	\$103,520.00	\$59,010
Total Direct Cost - Alternate 02: Basement Scope of Finance Building				\$162,530
Alternate 02: Basement Scope of Parks and Recreation Building				
General Requirements				
General requirements are based on 7% of direct costs	7%	PRCNT	\$436,180.00	\$30,530
Existing Conditions				
Demolition items - <i>Allowance</i>				
Parks and Recreation Building	1,840	SF	\$10.00	\$18,400
Concrete				
Parks and Recreation Building	6	CY	\$400.00	\$2,400
Masonry				
Masonry items - <i>Allowance</i>				
Parks and Recreation Building	1,840	SF	\$2.00	\$3,680
Metals				
Metals items - <i>Allowance</i>				
Parks and Recreation Building	1,840	SF	\$6.50	\$11,960
Wood, Plastics, and Composites				
Wood, plastic, and composite items - <i>Allowance</i>				
Parks and Recreation Building	1,840	SF	\$20.00	\$36,800
Thermal and Moisture Protection				
Thermal and moisture protection items - <i>Allowance</i>			<i>With Base Bid</i>	
Openings				
Opening items - <i>Allowance</i>				
Parks and Recreation Building	1,840	SF	\$6.00	\$11,040
Finishes				
Finishing items - <i>Allowance</i>				
Parks and Recreation Building	1,840	SF	\$30.00	\$55,200

Project : **Finance and Parks and Recreation Buildings Renovation**
 Location : **Southern Pines, North Carolina**
 Owner : **Town of Southern Pines**
 Stage: **Schematic Design**
 Floor Area :



Date : **1/10/2024**
 Estimate #: **2023-0202.000**

Construction Estimate Worksheet - Alternates

CSI SECTION	QUANTITY	UNIT	\$ / UNIT	TOTAL
Specialties				
Specialties items - <i>Allowance</i>				
Parks and Recreation Building	1,840	SF	\$15.00	\$27,600
Equipment				
Equipment items - <i>Allowance</i>				
Parks and Recreation Building	1,840	SF	\$3.00	\$5,520
Furnishings				
Furnishings items - <i>Allowance</i>				
Parks and Recreation Building	1,840	SF	\$25.00	\$46,000
Plumbing				
Parks and Recreation Building	1,840	SF	\$27.00	\$49,680
HVAC				
Parks and Recreation Building	1,840	SF	\$41.00	\$75,440
Electrical and LV Rough-ins				
Parks and Recreation Building	1,840	SF	\$41.00	\$75,440
Fire Alarm				
Parks and Recreation Building	1,840	SF	\$9.25	\$17,020
Sub-Total - Alternate 02: Basement Scope of Parks and Recreation Building				\$466,710
Indirect Cost, Subtotal	57%	PRCNT	\$466,710.00	\$266,020
Total Direct Cost - Alternate 02: Basement Scope of Parks and Recreation Building				\$732,730

Project : **Finance and Parks and Recreation Buildings Renovation**
Location : **Southern Pines, North Carolina**
Owner : **Town of Southern Pines**
Stage: **Schematic Design**
Estimate #: **02023-0202.000**



Date : **1/10/2024**

Estimate Appendices

Appendix 1: Scope Assumptions

Scope Assumptions

The following outlines key assumptions made for each CSI Division in developing this statement of probable cost:

- | | |
|--|---|
| 1 General Requirements | <ul style="list-style-type: none"> - General requirements calculated at 7% of Direct Cost. - The Design Contingency is 6%, provided by the Owner and reflected in the indirect costs on the Detail Summary page. - The construction and unknown conditions contingency allowance is 4%, provided by the Owner, and reflected in the indirect costs on the Detail Summary page. |
| 2 Existing Conditions | <ul style="list-style-type: none"> - The existing reception desk and counter in the Foyer of the Finance Building will be removed. - Allowances for environmental assessments in both buildings have been included. |
| 3 Concrete | <ul style="list-style-type: none"> - An allowance for a new floor slab in the Parks and Recreation basement has been included. |
| 4 Masonry | <ul style="list-style-type: none"> - Detailed in project scope. |
| 5 Metals | <ul style="list-style-type: none"> - Detailed in project scope. |
| 6 Wood, Plastics, and Composites | <ul style="list-style-type: none"> - Splash back strips will be installed along the counters. - Allowances for adjustable shelving in the cabinets have been included. |
| 7 Thermal and Moisture Protection | <ul style="list-style-type: none"> - Detailed in project scope. |
| 8 Openings | <ul style="list-style-type: none"> - A line item for floor moisture mitigation for all new floor areas has been included. - A line item for wall moisture mitigation for the tiled wall areas has been included. |
| 9 Finishes | <ul style="list-style-type: none"> - Allowances for chair and picture rails in the Foyer have been included. |
| 10 Specialties | <ul style="list-style-type: none"> - Allowances for shelving and tables in the corridors and utility rooms have been included. |
| 11 Equipment | <ul style="list-style-type: none"> - Copiers and microwaves are by Owner and not included in this report. |
| 12 Furnishings | <ul style="list-style-type: none"> - An allowance of \$18,000 has been provided by the Owner and included for the furnishings in the lobby of the Finance Building. |
| 21 Fire Suppression | <ul style="list-style-type: none"> - Fire Suppression is not in the scope of work. |
| 22 Plumbing | <ul style="list-style-type: none"> - Assumed that the existing water services are sufficient for both buildings. - Provided minimal new valving and backflow preventors for both services. - CW and HW piping remains except here it is extended to the new fixtures. - Provided closed cell glass insulation for CH and elastomeric for HW piping. - New CW and HW is Type L copper. - The existing sanitary and vent piping remains except where it is extended to new fixtures. - Cast iron pipe used for sanitary and vent piping. - Natural gas piping remains except where it is extended to new equipment. - New pressure regulators and valving provided. - Assumed commercial rated tank electric water heaters for both buildings. - Other details listed in the Worksheets. |
| 23 Heating, Ventilating, and Air Conditioning | <ul style="list-style-type: none"> - Assumed that the existing gas service has the capacity for the new system requirements. - All air handlers, heat pumps, split systems, ducted and non-ducted are DX type. - New air handling equipment provided are multi-zone type. - All new copper insulated line sets provided for new equipment. |

Appendix 1: Scope Assumptions

- Single ceiling exhaust fans, switch operated, provided in all restrooms.
- Disconnects for HVAC equipment provided and installed by Division 26.
- All duct is G90 and insulated with 2" thick 1lb density FSK backed insulation.
- Controls and thermostats provided and are not part of a BAS or multi-building control system.
- Air balancing provided for both buildings.
- Other details listed in the Worksheets.

26 Electrical

- Assumed that the utility transformers will be provided by the utility company.
- Assumed the utility company will connect the primary power to the transformers.
- Assumed that the utility transformers will be pole mounted.
- Assumed the secondaries will be underground and included excavation and restoration.
- All feeders and branch wiring provided in conduit and cabling is THHN copper.
- All lighting is LED and priced by location of fixtures.
- Assumed minimal exterior lighting, and provided a contactor and time clock.
- Interior lighting controls are low voltage ceiling mounted motion sensors or wall sensors.
- All new receptacles are 20A minimum rating.
- Low voltage rough-ins and cable tray provided in this division.
- Other details listed in the Worksheets.

27 Communications

- Telecom, CCTV, and Security systems and cabling are provided by the Owner.
- Conduit chases, wall, and ceiling rough-ins provided in Division 26.

28 Electronic Safety and Security

- Fire alarm systems are addressable with notification capability.
- Fire alarm system is based on Simplex-Grinnell for equipment and support.
- No provisions are made to connect both buildings or to connect them to a main hub.
- All cabling is in red EMT throughout the buildings.
- Rough-ins for walls and ceilings provided in this division by the electrical contractor.
- Testing and manufacturer support and engineering is included.

Appendix 2: Preconstruction RFI Log

RFI Log

The following table details the project RFI's collated during the preconstruction efforts to date:

RFI #	Date	From	RFI	Response		
				From	Date	Response
				CPL	12/20/2023	The Parks and Recreation building will need a new floor slab (1840 SQFT). (Information provided via email)
1	1/2/2024	35 North	Security/Access Controls Allowance: Can you provide more detail on how we should include this item for the buildings? The documents provided indicate that the Owner provides the equipment, cabling, installation, and set-up, and the contractor provides rough-ins only, and these items will be included in the base bid, as required.	CPL	1/3/2024	Please provide costs for the infrastructure rough-ins for all exterior doors at the Admin Building (3 total), and all exterior doors at the Finance Building plus 3 interior doors (6 total).
2	1/2/2024	35 North	Specialty Lighting Allowance of \$65,000: This is provided as a lump sum. It does not state how much is for the Admin building and how much is for the P&R building. Please advise how we should split the allowance?	CPL	1/3/2024	Specialty lighting is only in the Finance Building. No specialty lighting in the Admin Building.

The Galyon Depot

Historic Rehabilitation with Community Center Elements

On a nearly continual basis since the early 2000's - including a renovation under construction today - CPL has partnered with the City of Greensboro on the redevelopment of the historic 1928 Galyon Depot complex. Transformational renovations to this 1928 train station to convert back to a transportation center with community center elements include meeting and event spaces, a visitors center, bicycle patrol substation, and customer "bill-pay" area. With roughly \$40M worth of investment since. It has helped to spur a number of other projects in its immediate vicinity.

The Depot is located in a section of downtown Greensboro that, at the time CPL began its work, had not seen any new investment in decades. After the initial phase of development to create a multimodal transportation center, the neighborhood began to change as historic warehouse buildings were repurposed and new office space, apartments and other uses were created.

By the time the Depot design was updated for today's train travel, that redevelopment was across what is now known as the "Depot District." The last major redevelopment site - the former Greensboro News & Record property - is now under design as a mixed-use project, fulfilling the transformation spurred by the redevelopment of the Depot.

Project Location: Greensboro, NC

Project Owner: City of Greensboro

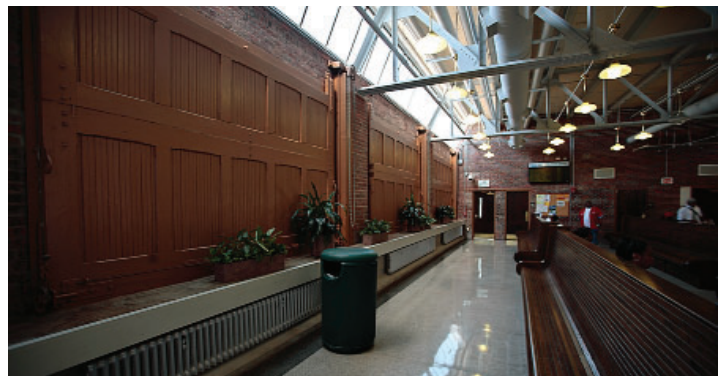
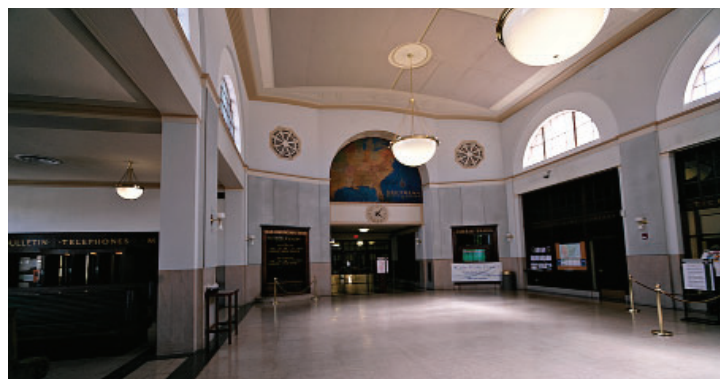
Client Reference: Butch Shumate, Facilities Manager
City of Greensboro, 514 Yanceyville Street, Greensboro, NC 27405
336.373.2489; butch.shumate@greensboro-nc.gov

Project Duration: 2005 - Ongoing (multiple projects)

Construction Cost: \$40M (various)

Design Fee: Various (multiple projects)

Services: Architecture, Interior Design, MEP Engineering, Structural Engineering



J. Douglas Galyon Depot Greensboro

Multi-Modal Transportation Facility

Renovation, Restoration, M/E/P/FP, & Interior Design

Location: Greensboro, NC

Client: Greensboro Transit Authority

Size: 69,254 sq.ft.

Completion Date: 2010

2020 Expected (renovation)

The Greensboro office of CPL (working as Moser Mayer Phoenix in conjunction with Wendel) undertook the restoration of the 1927 J. Douglas Galyon Depot; this project won top award in the 2006 Federal Highway Administration's Excellence in Highways contest in the Intermodal Transportation Facilities category.

Funded by ISTEA, this renovation maintains it's community functions as a depot, and is listed on the National Register of Historic Places. It was also designated by the Urban Land Institute as one of the 2008 Top Ten Transit Stations to Raise the Profile of Public Transportation in the Civic Landscape.

The facility now accommodates community and business events, AMTRAK, intercity transit, regional transit, and Greyhound service. CPL is currently working on the passenger renovation of this facility.



City of Asheville City Hall

Interior Upfit of Seventh and Eighth Floors

Location: Asheville, NC

Client: City of Asheville

Size: 19,000 sq.ft.

Total Cost: \$2.7 million

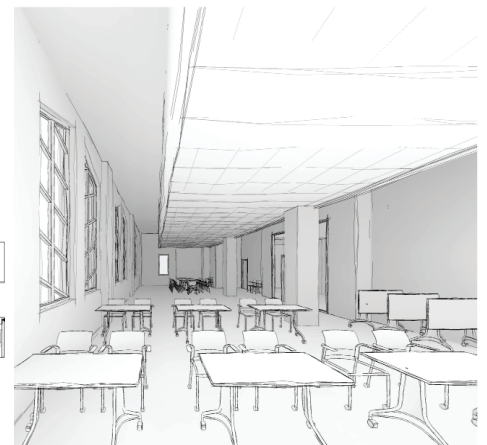
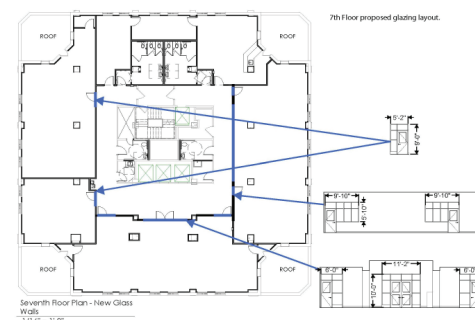
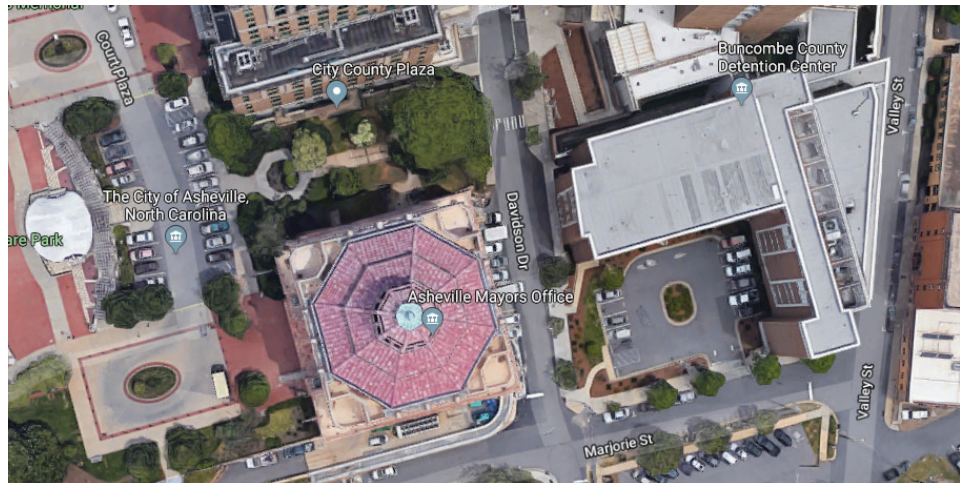
Completion Date: 2019

Reference: Walter Ear, P.E., Capital Projects Building Construction Program Manager; (828) 251-4053

CPL was hired by the City of Asheville, NC to upfit and remodel 19,000 sq.ft. of the existing seventh and eighth floors of their historic City Hall. This facility, built in 1926, is on the National Register of Historic Places.

The floors were designed to accommodate a variety of uses including multi-purpose meeting spaces, collaborative spaces for teams, office spaces and records and general storage. The project also brought the floors up to North Carolina State Building Code

An assessment and space needs analysis for the floors was prepared during the planning phase. CPL's team considered the City's current and anticipated needs, space utilization, furniture, office, storage, meeting, training, innovation and teaming space, records and general storage needs. An assessment was also conducted that included a series of meetings with City staff and interviews with City representatives. This was used to determine the most favorable use of the space.



City of Marion

Historic City Hall Adaptive Re-Use

Location: Marion, NC

Client: City of Marion

Completion Date: ongoing

Cost: \$2-3 million

Contact: Ms. Heather Cotton
Planning and Development Director
828.652.3551
hcotton@marion.org

The City of Marion contracted with CPL to perform an existing facilities assessment, programming, design, prepare construction drawings, cost estimating for the rehabilitation and future City use of the First National Bank Building located in the cities' Main Street Historic District. The building (circa 1903), was designated on the National Register of Historic Places on March 28, 1991.

The City of Marion purchased the building in February 2022 with the intent to transform the building into the location of a new city hall. The renovated building will house city administrative operations, including general administrative services, planning, building inspections, IT, and city council chambers

The First National Bank Building was originally constructed to serve as a bank, and continued to serve as a bank under various names until January 2022. The building, located at 2 South Main Street, dominates downtown Marion's streetscape and while only two stories in height, its tall Renaissance Revival style dome rises more than an additional story above the front corner of the building, drawing immediate attention.

The original red brick is now painted. The Neoclassical inspired building utilizes a balance of form and detail typical of this architectural style. Windows are simple 1-over-1 square double hung with transom lights above, except for the round arched windows which round the corner beneath the cupola. The octagonal dome features a round-arched colonnade at the drum.

In 1953, an extensive remodeling of the building was undertaken to modernized the storefronts, change windows on the north façade of the building and stucco the same portion of the building.

Construction will start in 2023.



Cherokee County

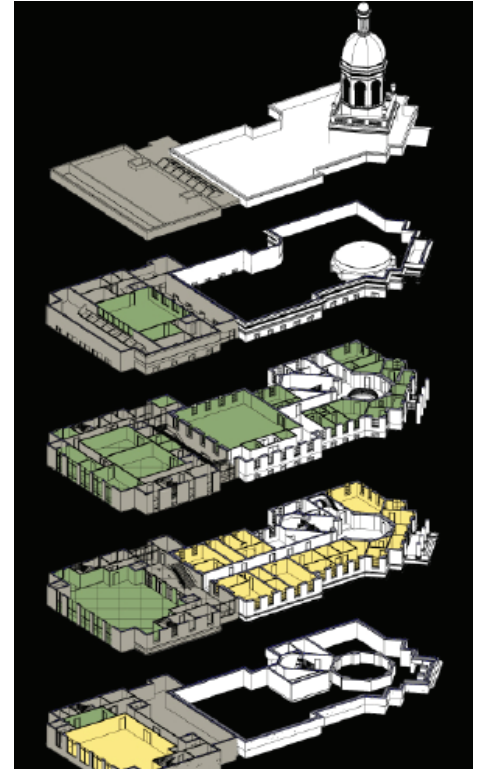
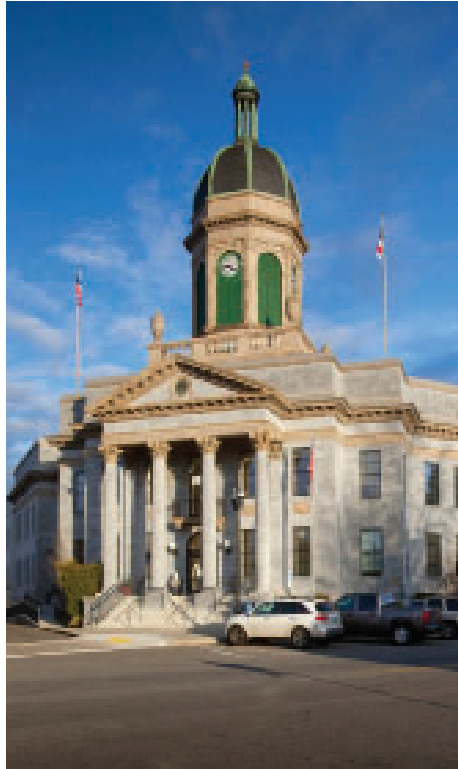
Historic Courthouse Expansion & Renovation

Location: Murphy, NC
Client: Cherokee County
Size: 19,730 sq. ft. (renovation)
23,670 sq. ft. (addition)
Total Cost: \$9 million
Completion Date: 2013
Reference: Randy Wiggins, County Manager; (828)837-5527

The Cherokee County Courthouse was built in 1927 and is listed on the National Register of Historic Places. This design-build project with Wells & West, Inc. consisted of renovations and additions to the renovation scope included approximately 19,000 square feet while the addition totaled approximately 23,000 square feet.

Site work included expanding the existing parking lot to accommodate a total of 50-60 new surface parking spaces. The demolition of the existing jail building provided necessary expansion space for parking. Window replacement and MEP system replacement were completed as well as ADA improvements to the existing courthouse.

As an extension of the Courthouse Expansion & Renovation project, CPL coordinated renovations to the exterior facade of the existing building and clock tower. Renovations included building protection during work, cleaning, terra cotta cornice cap, unused anchor removal, repointing marble with sealant, terra cotta repointing and patching, E.I.F.S. replacement for missing terra cotta units, painting steel uncovered during the work, crack injection and stone removal and replacement.



Above Right and Below - 3D Visual Design of Expansion



City of Saratoga Springs

Historic City Hall Restoration

Recipient of the American Public Works Association (APWA) Award for Small Cities/Rural Communities Project of the Year 2022

In August of 2018, the Saratoga Springs City Hall was struck by lightning causing a small fire and extensive water damage. The city was faced with the emergency repairs, hazardous material removal, a number of pending program issues as well as a desire to upgrade infrastructure within the building. CPL was engaged to provide an assessment of the facility and to provide a Concept Plan and Cost Projection to Restore and Renovate City Hall.

The Concept Plan proposed to:

- Repair areas gutted by fire/water damage;
- Re-plan the space assignments;
- Enable a significant expansion of the courts on the second floor;
- Provide a fully accessible facility with Handicapped Public and Staff Washrooms and a new elevator;
- Retrofit the building with a VRF heating and cooling system with air supply;
- Fully replace the building electrical and alarm systems damaged by the lightning surge;
- Re-engineer sprinkler system to restore reliable function;
- Renovation of all staff work areas to a contemporary work environment;
- Restoration of all public areas to historically relevant context.

CPL led the implementation of the renovation/restoration program to transform the 60,000 sq. ft. facility to a safe, accessible and welcoming environment for public service.

The \$12M construction program was accomplished in seven months, while keeping Department of Public safety offices in operation on the lowest levels of the building. The new facility will feature a fully rebuilt and acoustically improved Music Hall on the third level and a full restoration of the main entry hall.

Location: Saratoga Springs, NY

Client: City of Saratoga Springs

Completion Date: 2018

Cost: \$12 million

Contact: Michael Veitch,
DPW Business Manager,
518.587.3550 ext. 2556;
michael.veitch@saratoga-springs.org



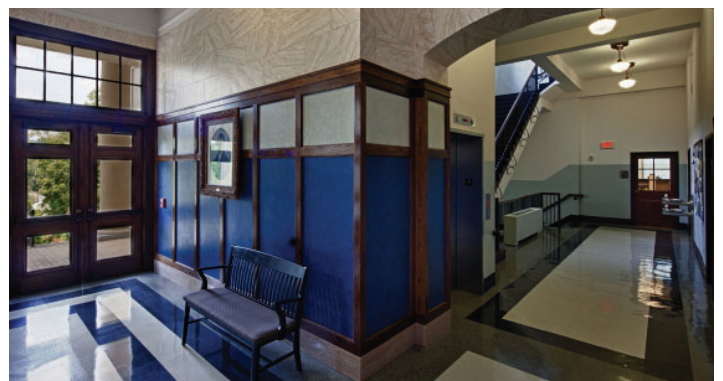
Emory & Henry College

Byars Hall & Wiley Hall Restoration

CPL began our work at Emory & Henry College with a detailed assessment of all buildings on the campus. The campus architecture ranges from historic buildings dating from the mid-1800's, to more contemporary buildings through the early 2000's. At the time of our assessments, the school was at a crossroads, transitioning its senior leadership and repositioning itself in the private higher education world. Given the generally high quality of the architecture of the existing building stock, the college decided to lead its physical transformation with the restoration, modernization and expansion of two of its oldest buildings: Byars Hall (circa 1860's) and Wiley Hall (circa early 1900's). Both buildings exist on the central campus, which is designated on the National Register of Historic Places.

Byars Hall houses the College's fine arts and music programs. The spaces for these programs needed to be updated, so CPL designed an infill addition that connected to the original building. The addition houses all of the spaces needing more contemporary spaces and systems. The existing building was re-purposed primarily as student life space: two historic literary society rooms were restored for student and college event use; art gallery spaces—one surrounding student social and study areas—were created; and locker areas for storing art supplies and instruments were developed.

Wiley Hall houses both administrative functions of the College and classrooms. The exterior of the building and the lobby were both restored to National Register standards. A new "one-stop" area for students to handle financial aid, registration, and other activities was created.



Location: Emory, VA

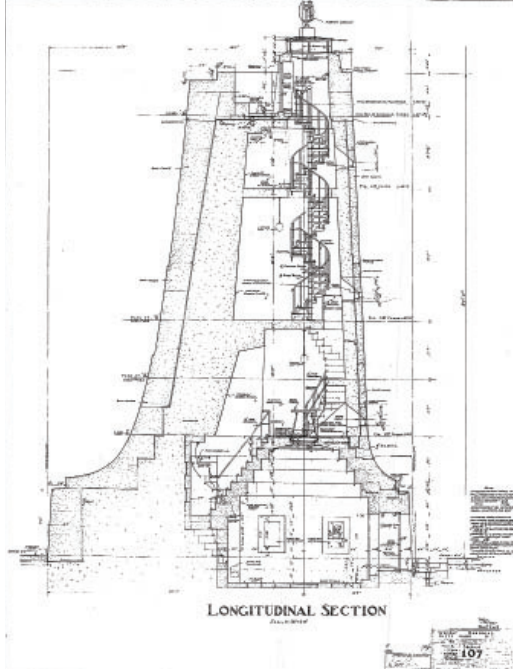
Client: Emory & Henry College

Completion Date: 2008, 2009

Reference: Raymond Hunt AIA, Executive Vice President, EDC,
(804) 897-0900, rhunt@edcweb.com

Wright Brothers National Memorial

Historic Building Restoration



Client: National Park Service

Location: Kill Devil Hills, NC

Size: 60 ft. (Height)

Completion Date: 2006

Reference: Karen Warlitner,
Executive Director, First Flight
Foundation, 252.491.5165
1903@firstflightfoundation.org

CPL Staff: Kenneth C. Mayer, Jr.,
FAIA, J. Alan Cox, AIA

Prior to the 100th anniversary celebration of the First Flight, CPL developed a relationship with the National Park Service and the Wright Brothers National Memorial in Kill Devil Hills, NC through the First Flight Centennial Foundation. CPL's first project for the Park Service was to design a new Visitor Center for the Wright Brothers site. An alternate design included expanding the original Visitor Center built in 1960 as one of the first projects of modern architecture to be constructed on NPS property. Visitors were to be inspired to high achievement by learning from the example of Wilbur and Orville Wright. Neither project was realized, and the focus changed to the upcoming Celebration in 2003.

A Centennial Pavilion was designed to house exhibitors participating in the celebration of the First Flight. This multi-purpose Pavilion was used after the celebration by the National Park Service. During this time CPL prepared drawings for the construction of a new Pilot Facility adjacent to the First Flight Airstrip. This building provided a place for pilots to prepare flight plans, check weather, and relax between their arrival and departure.

Two restoration programs were delivered for the Monument on the Park Site. The first included limited mortar replacement and cleaning of the exterior and the addition of a humidity control system. The second was a comprehensive restoration which included cleaning and mortar replacement inside and out, and repainting and finishing.

The monument commemorating the first flight in 1903 was erected in 1932 atop Big Kill Devil Hill where the Wright brothers conducted both guided flight experiments from 1900 through 1902 culminating in the first successful controlled powered flight on December 17, 1903.

To assist the NPS with maintaining the restored condition of the monument, a comprehensive maintenance program and manual was prepared, identifying the periodic inspections and corrective measures needed. The adverse effects of the salt-laden environment on the monument's materials and finishes caused deterioration much more quickly than other Park sites experience, so the manual was customized to prevent the need to perform another comprehensive repair for many years.

South Carolina State Museum

Windows to New Worlds Building Renovation & Expansion



Founded in 1973, the South Carolina State Museum is a dynamic institution reflecting the essence and diversity of South Carolina and is committed to the educational improvement of South Carolina's school children and visitors of all ages.

The museum's collections explore natural history, art, science and technology through the lens of South Carolina's history. The 'Windows to New Worlds' project positions the South Carolina State Museum on the cutting edge of science education. Its innovative combination of facilities and services creates a complex unique to South Carolina.

The project included additions of a 125-seat planetarium and observatory that house a historic 1926 Alvin Clark refracting telescope, which the museum acquired from Columbia University.

Renovations to the existing building included upgrading the current auditorium for 4D large format film theater presentations, a renovated gallery, exhibit, gift shop and ticketing areas.

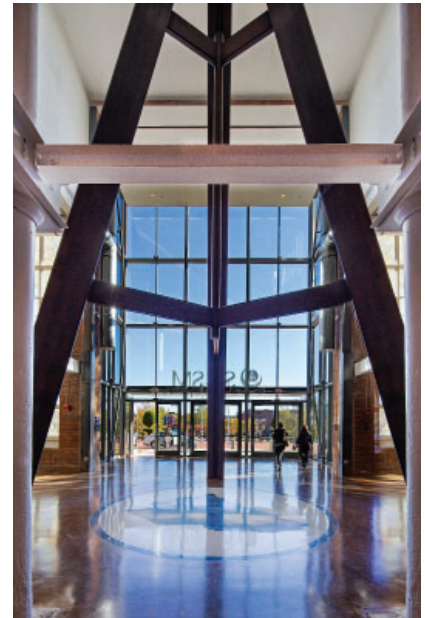


Client: South Carolina State Museum

Location: Columbia, SC

Total Cost: \$16 million

Area: 53,700 sq.ft. (renovation)
20,500 sq.ft. (new)



Completion Date: 2014

Contact: Amy Bartow-Melia
Executive Director, 803.898.4920

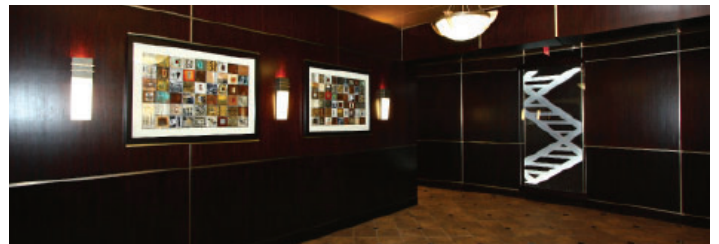
LabCorp Corporate Headquarters

Historic Building Restoration, Renovation, & Expansion

Formerly the Atlantic Bank & Trust Building, CPL (as MMPA) received a National Honor Award from the National Trust for Historic Preservation for the design of a multi-building downtown renovation project for LabCorp that included the careful restoration and renovation of this historic city landmark building.

The façade and interior of this circa 1929 building, which is listed on the National Register, was returned to its former stately elegance. Design work was performed in accordance with the Standards for rehabilitation set by the US Department of the Interior and the NC Department of Cultural Resources.

The building now serves as corporate headquarters to LabCorp, one of the largest independent clinical laboratories in the United States.



Client: LabCorp

Location: Burlington, NC

Completion Date: 1996

Reference: Gary Aherron, V-P Corporate Real Estate
(336) 436-6586, aherrog@labcorp.com
CPL Staff: Kenneth C. Mayer, Jr., FAIA

Local Government (NC) Comprehensive Facility Assessments and Master Planning

GUILFORD COUNTY

The County has selected CPL to conduct a county-wide facilities plan covering some 2.5 million s.f. of owned and leased space. The study will also include: documenting existing space utilization, developing a 15-year space needs projection for all county departments, recommending how to accommodate these needs projections, and incorporation into a 15-year capital plan. The work will be complete in 2023.

MONTGOMERY COUNTY

The County has selected CPL to develop a facilities plan covering approximately 150,000 s.f. of owned space. The study will also include: documenting existing space utilization, developing a 10-year space needs projection for all county departments, recommending how to accommodate these needs projections, and incorporation into a 10-year capital plan. The work will be complete in 2023.

ALAMANCE COUNTY

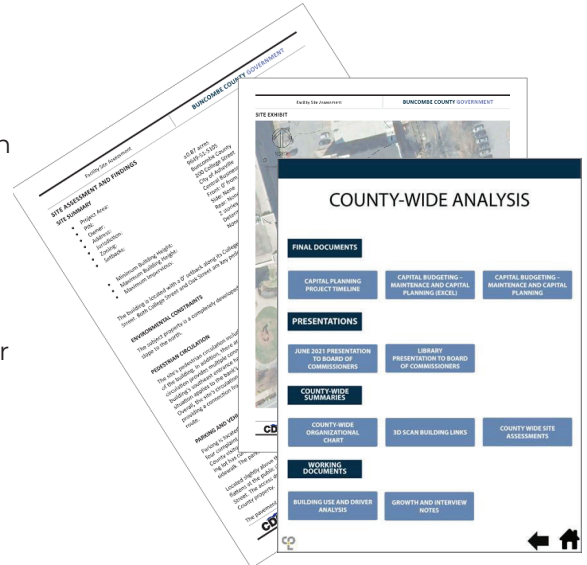
CPL began the County's facilities study with a comprehensive survey that was compiled by consulting with individual department heads and key stakeholders to verify current space utilization and document projected needs. We then examined and digitized record drawings for the County's facilities, and provided files for utilization within the County's Arc GIS program to include attributes including space allocation

BUNCOMBE COUNTY

CPL completed a county-wide Comprehensive Facilities Plan for Buncombe County. The county has approximately 2,000,000 s.f. across 38 buildings in their footprint; these include administrative, law enforcement, detention, public works, libraries and other owned and leased facilities. The process included building condition assessments including 3D photographic scanning and visual walk-throughs of each building, current and future state assessments for each county department anticipating needs caused by the rapid growth, and conceptual space planning overlaying future needs onto existing buildings to determine space utilization and potential efficiencies.

CITY OF MEBANE

CPL completed a city-wide Comprehensive Facilities Plan for Mebane, NC. The Facilities Plan process included conducting meetings prior to onsite review of buildings and sites to discuss known deferred maintenance or known facility deficiencies, documenting building current conditions pertaining to exterior envelope integrity, structural components, mechanical, electrical and plumbing infrastructure conditions, life safety and building code deficiencies and interior finishes, surveying departments to understand current use of space, current FTE's, future FTE growth, operating efficiencies, plus determining current space use of department.



CPL Staffing of these projects includes Kenneth C. Mayer, Jr., FAIA and Rachel Nilson, AIA



Rachel F. Nilson

AIA, NCARB

Principal

As a Principal in our Charlotte office, Rachel oversees complex renovation and new construction assignments spanning the Community and Higher Education market sectors. With over a decade of experience in the A/E industry, she leverages digital modeling and fundamental design principles to highlight every project's unique characteristics, and her approach is centered around sustainability and accessibility, with an emphasis on creating spaces that are inviting and inclusive. Rachel values the importance of building trust and consensus, and often organizes focus groups and community outreach efforts to propel projects forward with the public's support. A natural leader, her work is defined by design ingenuity and a profound ability to bring client visions to life through active listening and collaboration.

EDUCATION

Bachelor of Architecture, Minor in Sustainability Studies, Rensselaer Polytechnic Institute, School of Architecture, 2011

PROFESSIONAL REGISTRATION

Registered Architect: NC, SC

PROFESSIONAL AFFILIATIONS

- American Institute of Architects
- NCARB
- U.S. Green Building Council Member

City of Asheville, Asheville, NC

City Hall Renovation - 7th and 8th floors

Iredell County Government Center, Mooresville, NC

Government Center Renovation; Second Floor Sheriff's Office and Fourth Floor Department of Social Services from an old, repurposed hospital

City of Mebane, NC

Comprehensive Facility Master Plan for City operated buildings

Moore County New Recreation Center and Master Plan, Carthage, NC

Master Planning, Architectural Design and Interior Design

Town of Kernersville, NC

Community and Recreation Center

City of Newnan, Public Safety Complex (Police & Municipal Court), Newnan, GA

New police headquarters includes administrative and patrol offices, criminal investigation and evidence lab, class rooms, physical training room, secure storage, 160-seat courtroom, attorney suite, and sally port.

York County, Rock Hill, SC

- Coroner's Office Feasibility Study
- 236 Northpark Renovation - Sheriff's Office
- Library Restroom Renovations
- LETC Window Replacement
- Family Court Casework
- Library Fascia Replacement

City of Asheville, Asheville, NC

Downtown Transit Center renovations and Solar Array Addition

Guilford County, NC

Comprehensive Facility Plan, Assessment and Master Planning for approx. 2.5 million sq. ft. of County operated buildings

Buncombe County, Comprehensive Facility Plan, Asheville, NC

Comprehensive Facility Plan (assessment and master planning) for approx. 2 million sq. ft. with significant Library facilities planning.

Buncombe County, 35 Woodfin Advanced Planning, Asheville, NC

Advanced planning and schematic design for the renovation of a 90,000 sq. ft. county building to convert to house forward facing departments.



Kenneth C. Mayer, Jr.

FAIA, LEED AP

Practice Leader | Senior Vice President

Ken has over 41 years of experience working with higher education clients, including community colleges, private four-year colleges and large public universities. His design focus areas include: student centers, residence halls, student recreation areas, intercollegiate athletics, allied health teaching environments and master planning. Ken also served for eight years on the UNC at Greensboro Board of Trustees—including two years as Chair—and brings this “owner’s perspective” to his higher education work.

EDUCATION

- Bachelor of Environmental Design, North Carolina State University
- Bachelor of Architecture, North Carolina State University

PROFESSIONAL REGISTRATION

- Registered Architect: NC, SC, VA, NY, FL
- LEED Accredited Professional
- National Council of Architectural Registration Boards

PROFESSIONAL AFFILIATIONS

American Institute of Architects

COMMUNITY ACTIVITIES

Vice-chairman - Greensboro College Board of Trustees

City of Marion, Historic City Hall Adaptive Use, Marion, NC

Principal - performed an existing facilities assessment, programming, design, prepare construction drawings, cost estimating for the rehabilitation and future City use of the First National Bank Building located in the cities’ Main Street Historic District.

Cherokee County Historic Courthouse Expansion and Renovation, Murphy, NC

Gaylon Depot Historic Rehabilitation with Community Elements, Greensboro, NC

City of Greensboro, Kitchen Operations Building Fire Station # 11

Site Design, Civil Engineering, Architecture and MEP

City of Burlington Fire Station # 5 Burlington, NC

Site Design, Civil Engineering, Architecture and MEP

Emory & Henry College, Emory, VA

- Byars Hall Expansion and Renovation (LEED Silver)
- Wiley Hall Renovation (LEED Silver)
- Carriger Hall Building Assessment
- Campus Wide Facilities Audit

Wright Brothers National Memorial, Kill Devil Hills, NC

- New Pilot Facility: preparation of

drawings for the construction of a new pilot facility adjacent to the First Flight Airstrip. The building provides a place for pilots to prepare flight plans, check weather, and relax between their arrival and departure.

- Wright Brothers Monument Restoration: Restoration of historic monument constructed in 1932 commemorating the Wright Brothers first flight in 1903.

City of Greensboro Transit Authority, Greensboro, NC

- J. Douglas Gaylon Depot- Historic Restoration and Adaptive Reuse of a 1928 rail station.
- GTA Maintenance Operations Facility
- Intermodal Transportation Center Feasibility Study and Project Improvement Plan

LabCorp Corporate Headquarters (Formerly Atlantic Bank and Trust Bulding), Burlington, NC

Historic Building Restoration, Renovation, & Expansion everything else was renovated - including new carpet, wall finishes, interior doors, power and lighting.

Cherokee County Historic Courthouse Expansion and Renovation, Murphy, NC

Buncombe County Fleet Services Complex,

Two-phase project to house a nine bay Fleet Services garage, parts



Cheryl S. Graeub

RID, NCIDQ, LEED® AP, WELL AP

Senior Interior Designer

Cheryl has 16 years of experience in the conceptual design, programming and space planning for municipal facilities. She designs functional and welcoming interiors for community centers, courthouses and administrative buildings while ensuring expectations are met within the aesthetic. Cheryl's expertise is in defining and evaluating space utilization and developing strategies to efficiently accommodate future growth.

EDUCATION

Bachelor of Science, Interior Design,
Appalachian State University

PROFESSIONAL REGISTRATION

- Registered Interior Designer: NC, AL
- Licensed Interior Designer: GA
- National Council for Interior Design Qualification: Certified
- U.S. Green Building Council: LEED Accredited Professional
- International WELL Building Institute: WELL Accredited Professional

PROFESSIONAL AFFILIATIONS

International Interior Design Association

AWARDS

- American School & University - Outstanding Designs: Healthcare Facilities/Teaching Hospitals, Union Square Campus Building 1, 2017
- American School & University - Outstanding Designs: Student Center, Bridgewater College Kline Campus Center, 2020

Dawson County Fire Station Number 8, Jasper, GA

Master Planning, Programming, Concept Development, Site Design & Engineering Architecture, Interior Design

City of Jasper Fire Station Addition, Jasper, GA

Planning and Design for an addition to the existing fire station to provide additional space for triage, office and support space, and new public entry.

City of Archdale, NC

- New City Hall Building
- Police Station Renovations

Butts County, Jackson, NC

New Judicial Annex Building and Renovation

City of Greensboro, NC

- GTA Operations and Maintenance Facility and Administrative Offices
- Greensboro Coliseum Suites Renovations
- Steven Tanger Center for the Performing Arts
- Depot Renovations

City of Suwanee, GA

Municipal Courts and Police Renovation/Addition, Interior Design, Furniture, and Signage

Cobb County Courthouse Renovation and Sheriff's Lobby, Cobb County, GA

Renovation of existing courthouse and Sheriff's public corridor

Towns County Courthouse, GA

County Courthouse Renovation and Expansion

City of Lexington, Davidson County, NC

Lexington Police Training Facility

City of Greensboro, NC

- GTA Operations and Maintenance Facility and Administrative Offices
- Greensboro Coliseum Suites Renovations
- Steven Tanger Center for the Performing Arts
- Depot Renovations

Gwinnett County, GA

- OneStop Centerville Community Center
- Gwinnett Coalition Renovation
- Library Restroom Renovation
- Lenora Park Gym Renovation and Community Center

Buncombe County Fleet Services Complex,

Two-phase project to house a nine bay Fleet Services garage, parts storage, and training room in phase one. A phase two addition includes offices, storage, support spaces, and freestanding utility storage structures for the County's General Services and Grounds departments. Project is designed for LEED Gold equivalent and includes solar to meet the County's renewable energy and performance goals.



Bradley T. Norvell

AIA, NCARB, LEED AP BD+C

Architectural Team

With more than 15 years of experience, Brad is an Architect who manages project teams and works directly with clients on assignments of varying size and scope. His expertise in higher education, athletic and recreation facilities, and historic buildings enables him to serve as a specialty practice leader and craft strategic plans for success within the market. On any given day, you might find him working to enhance relationships with clients and external consultants, participating in internal finances management, providing guidance to project teams or supervising drawing and specifications development. Respected for his design aptitude and thorough understanding of industry best standards and techniques, Brad is an upright leader with inherent talents for fostering team camaraderie and advancing professional development.

EDUCATION

Bachelor of Science, Architecture,
University of Kentucky, School of
Architecture, College of Design

PROFESSIONAL REGISTRATION

- Registered Architect: NC, KY
- NCARB
- LEED AP BD+C

PROFESSIONAL AFFILIATIONS

American Institute of Architects (AIA)

City of Marion, Historic City Hall Adaptive Use, Marion, NC

Existing facilities assessment,
programming, design, prepare
construction drawings, cost
estimating for the rehabilitation and
future City use of the First National
Bank Building located in the cities'
Main Street Historic District.

Charlotte City Club Renovation, Charlotte, NC*

Comprehensive 78,000 sq. ft.
renovation and expansion to
revitalize the historic clubhouse and
enhanced the Charlotte Country
Club's reputation as a premier venue
for social gatherings and community
events. The renovation addressed
functional, structural, and aesthetic
aspects of the clubhouse, including
locker rooms and showers, kitchen
and banquet facilities, restoration
of original crystal chandeliers and
scones, new HVAC system, structural
repairs and improvements, and a
10,000 sq. ft. addition designed to
seamlessly blend with the original
structure while accomodating up to
300 guests.

First Health of the Carolinas New Cancer Center, Pinehurst, NC Town of Kernersville, NC

Community and Recreation Center

Buncombe County, Comprehensive Facility Plan, Asheville, NC

Comprehensive Facility Plan
(assessment and master planning) for
approx. 2 million sq. ft. with significant
Library facilities planning.

Barton College, Sports Performance Training Facility, Wilson, NC*

Project Architect for the renovation of
existing building to support all athletic
departments and the newly added
football team. Worked closely with
Sorinex who provided indoor sports
flooring and all training equipment.
Completion Date: 2019

Barton College, Residence Hall Renovation – Wenger Hall, Wilson, NC*

Project Architect for a six-story,
co-ed residence hall of the main
campus. Rooms are arranged into
suites of four, each suite sharing a
fully equipped bathroom area. All
rooms feature high-speed internet
access, cable television access, and
air conditioning. Residents enjoy a
comfortable lounge, study room,
balconies.

McCrary Ball Park Revitalization, Asheboro, NC

STARS Charter School Addition, Vass, NC

* Experience prior to CPL.



MEMO

To: Reagan Parsons, ICMA-CM, Town Manager
From: Jessica Roth, ICMA-CM, Assistant Town Manager
Date: February 23, 2024
Re: Local Resources for Homelessness and Community Members in Need

Overview

Cliff Brown from [TeamWORKZ](#) and other community members attended the January 23rd Council meeting to request the Town's support in helping local homeless people. Mayor Clement requested that Council further discuss this topic at the February 27th meeting. The purpose of this memo is to share some data and information staff has learned over the past month and a recommended approach for advancing further consideration.

Status Quo

It can be difficult to get accurate data on homeless people in a community, but a common source is the annual Point-In-Time (PIT) count that takes place on a single night across the country each January. This process is facilitated by the US Department of Housing & Urban Development. The [2023 PIT count](#) for all of Moore County was 46 people, 24 who were unsheltered and 22 sheltered in an emergency shelter or transitional housing; we have not received 2024 data yet.

Moore County Schools (MCS) also tracks the number of students who are "doubled up," generally defined as those living in shared housing with another family or friends due to various crises. MCS estimates there are 112 students who meet this definition; these individuals are not included in the PIT count.

It is recognized that there is a distinction between sheltered and unsheltered homeless and the services needed for each. Sheltered individuals are generally in some type of facility, such as a motel, shelter, or transitional housing. There are a number of organizations who provide transitional homes and other resources in Moore County, including [Tambra Place](#), [Family Promise](#), and others. We understand that [Camp Duncan](#) and the [Cameron Boys Camp](#) are also exploring opportunities to build homes for longer-term needs to serve youth.

Unsheltered homeless may stay in vehicles, encampments, or other locations. Encampment characteristics vary, but they are generally defined as a group living arrangement in a public location involving semi-permanent shelters and storage of possessions. While there are encampments near Southern Pines, Town staff is unaware of any encampments that are currently located within Town limits.

State and Federal Funding/Local Responsibility

In North Carolina, the role of human and social services is expressly assigned to the county governments. This was clarified nearly a century ago when the Social Security Act of 1935 was established. Following that federal act, the state designated the Department of Health and Human Services (DHHS) as the administrator for public assistance programs in North Carolina and assigned the counties with the primary responsibility for the non-federal share of these services. Federal funding is distributed to DHHS, who then distributes it to the counties. North Carolina municipalities are not part of this funding formula since they do not have responsibility for providing the services. More information on the Moore County Social Services department is available [online](#).

State law further mandates that organization providing social services is governed by a board with oversight authority, such as an appointed board of social services, a consolidated human services board, or the county board of commissioners. A municipal governing board is not assigned oversight authority for social services.

Town Assistance

The Town of Southern Pines has multiple partnerships or programs in place already that provide resources for community members in need. Some of these include:

- The Town partners with the [Sandhills/Moore Coalition for Human Care](#), leasing facilities on W. Pennsylvania Ave. This supports their mission to alleviate hunger and financial strain of struggling households in Moore County.
- The Town partners with the [Boys & Girls Club of the Sandhills](#), leasing the Recreation Center to at no cost. They provide affordable after school programs, summer camps, and other youth activities.
- In an effort to address food scarcity, the Town partners with the [Moore County Farmers Market](#) to bring locally grown and low-cost fresh foods to the community 1-2 times/week. These facilities are provided at no cost. Town staff also spearheaded “Fill the Freedge,” stocking the community fridge each of the 10 weeks in summer 2023.
- Our Parks & Recreation program offers [after-school programs and summer camps](#). While they are more expensive than the Boys & Girls Club, they are considered affordable and are 100% filled.
- The Southern Pines Public Library offers a variety of resources throughout the year. SPPL provides access to free internet (providing tokens for non-profits to give to clients) and hosts a significant [resource guide](#) for social services in the area. More information on their offerings is attached.
- [Martin Dog Park](#) includes a recently added “Canine Cubby.” Designed to function like a food pantry, the community-supported cubby helps pet owners in need by providing access to new or gently used pet supplies, toys, and food for their furry companions.

Next Steps

The Town routinely partners with the civil affairs program from Fort Liberty through hosting Operation Sluss-Tiller. This is a simulated military operation where students apply their civil affairs education and training to identify solutions for real world problems.

Following the January meeting, civil affairs leaders from Fort Liberty reached out to offer assistance to further analyze Moore County’s homeless situation and potential solutions. Staff met with the civil affairs leaders and will host the Operation Sluss-Tiller program over the last weekend in March and the first weekend in April. Fort Liberty provided similar assistance in Richmond County to study their homeless situation, confirm existing resources, identify gaps in services, and offer recommendations.

Council, staff, and leaders from local non-profit organizations, houses of worship, and other groups will be invited to meet with the civil affairs team over those two weekends. The Town will receive a report at the culmination of this exercise, which could provide invaluable information on the status quo and resource gaps in Southern Pines. Staff recommends that further discussion resume after the Operation Sluss-Tiller program concludes, so the data and recommendations from that process can be considered.



Background

The 2023 “Point in Time” count identifies 46 people as homeless in Moore County. The 2024 numbers are not yet available. Most who work with the homeless population state that the PIT counts represent only 50% of the total population.

Key Points

- Homelessness is generally defined by the Federal Register as “an individual or family who lacks a fixed, regular, and adequate nighttime residence.”
- There is a distinction between sheltered and unsheltered homelessness. Sheltered homeless may reside in shelters or transitional housing like motel.
- Not counted in the PIT count are individuals and families “doubled up” - staying with a family member, friend, and etc. Moore County Schools lists 112 students in this category.
- While it is hard to trend data because of the COVID pandemic when counts were skewed due not counting the unsheltered, the Moore County PIT count shows a decrease in homelessness from 53 in 2020 to 46 in 2023.
- Counties in North Carolina are funded by the state to provide human and social services. Municipalities do not receive funding from the federal or state governments to provide these services, including to the homeless.

Southern Pines’ Efforts

- The Town leases the buildings on W. Pennsylvania Avenue to the Sandhills/Moore Coalition for Human Care for \$1 annually.
- The Boys and Girls Club leases its facility at Memorial Park at no cost.
- The Library provides free services to the homeless and community members in need, including internet access, computers, and job search resources.
- Parks & Recreation has programs for after-school and summer camps, helping working parents by providing affordable child care.
- The Town provides space to the Moore County Farmers Market at no cost, helping to address food scarcity by providing fresh, low-cost, locally grown foods.

SOUTHERN PINES PUBLIC LIBRARY



2023-2024 Budget

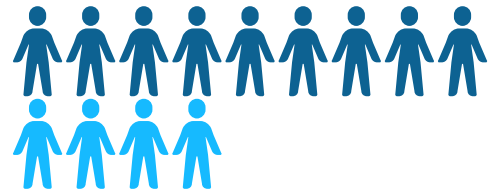
Prepared by:
Library Director Amanda Brown
Assistant Town Manager Jessica Roth



The Southern Pines Public Library is dedicated to opening avenues of discovery. Working with and for our community, we add value to the lives of all generations through dynamic programming, services, and resources found within the Library's physical and digital spaces.

FY 23-24 Budget

**Operating
\$275,115**



The remaining 74% of library expenditures are for employee salaries and benefits, which includes 9 full-time employees and 4 part-time employees.

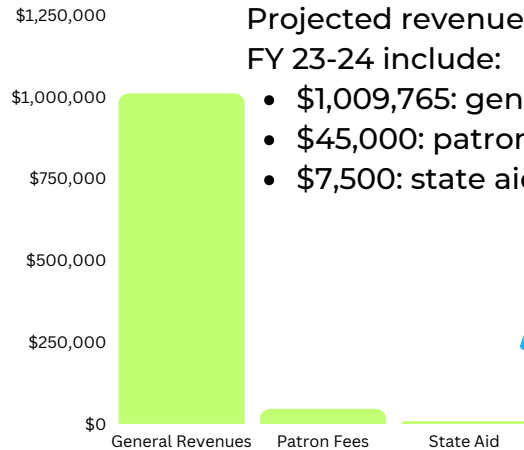
**Salaries & Benefits
\$787,150**

26% of library expenditures are for operations. Notable expenses include:

- \$100,000: books and materials
- \$55,200: building utilities
- \$48,700: contractual services - software, patron interface, etc.
- \$30,000: general supplies



The FY 23-24 library budget totals \$1,062,265, which is approximately \$7k less than the FY 22-23 budget of \$1,069,192.

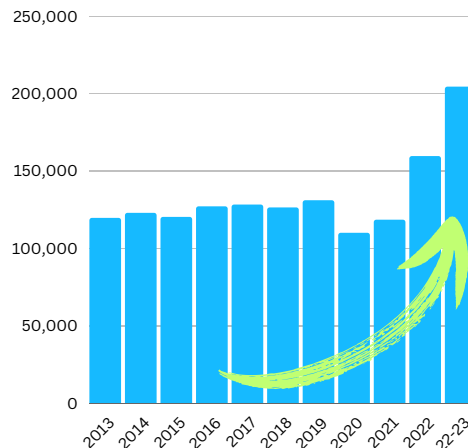


Projected revenue sources for FY 23-24 include:

- \$1,009,765: general revenues
- \$45,000: patron fees
- \$7,500: state aid

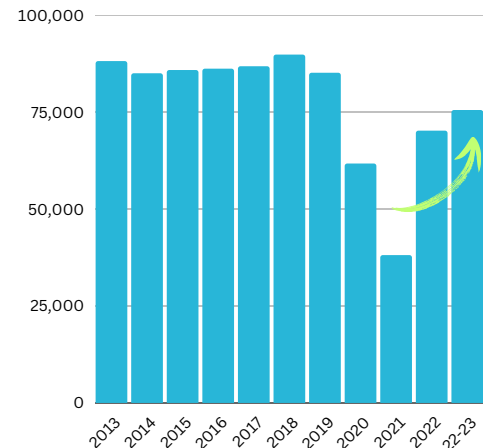


While late fines were eliminated in 2022, revenues from patron fees are expected to increase by \$5k or 12.5%.



circulation & material usage

Patrons are checking out and using our materials at unprecedented levels. Our patrons have accessed 56% more materials than in 2019, which held the previous record before the pandemic.



library attendance

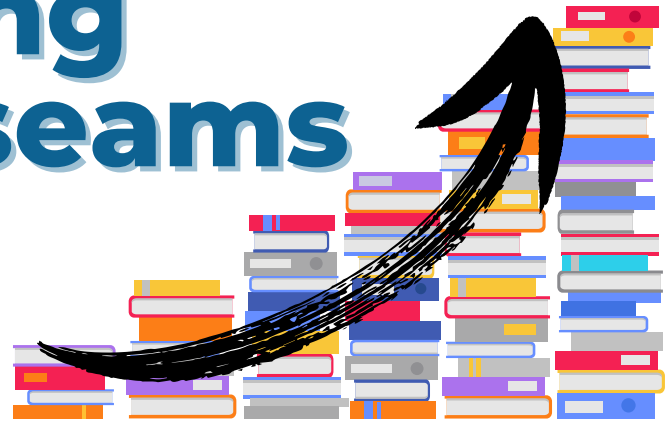
While the number of visitors to the building has not yet returned to pre-pandemic levels, attendance continues to rise. We have also enhanced our e-resources and user platforms, providing even more remote opportunities than before.

DID YOU KNOW?

eMaterials cost an average of \$49 per item. This is nearly 4 times the cost of physical materials, which average \$13 each.

While the demand for eMaterials continues to grow, we have maintained the same materials budget of \$100k each year. Staff closely analyzes the usage of various resources and titles, prioritizing those in greatest demand by our patrons.

SPPL is bursting at the (book) seams



The Southern Pines Public Library (SPPL) is a testament to the importance of library services to our community and the resilience of our team who keeps it thriving. The Town's library services came to a screeching halt at the beginning of the COVID-19 pandemic. The library building remained dark and staff members were sent home. SPPL staff adapted and sought innovative ways to serve patrons with virtual storytimes and book clubs and by expanding digital resources. When the library building re-opened to the public with new safety protocols and restrictions for in-person visits, patrons were eager to return the library and take advantage of our resources.

Southern Pines citizens and SPPL patrons rely on our library as an important community hub for learning, resources, entertainment, and connection. While some "brick and mortar" establishments, like movie theaters, have struggled to assert their value in the post-pandemic reality, SPPL has the opposite problem. Our metrics continue to increase in every way from pre-pandemic numbers - program participants, building visitors, and the number of resources that are utilized.

visitors



On average, more than 200 people visit SPPL each day. Our team served over 75,000 people in the library building over the last 12 months, an increase of almost 30% from the previous period.

programs



Our library team offered over 220 programs during the past 12 months, attended by almost 10,000 people. We saw an 83% increase in program attendance over the past year.

resource usage



We provided access to nearly 205,000 resources, either through circulation or in-library use. Stated another way, nearly 600 resources are used in some way each day by patrons.



LIBRARY

The metrics above are from March 2022 through February 2023. During that time, 204,320 resources were checked out or used, 75,510 people visited the library in person, and we offered a total of 223 programs to 9,666 participants.

Program participation has reached unprecedented levels. In May 2022, nearly 1,600 people participated in 64 different programs. In January 2023, our number of participants was 133% higher than January 2022.

We embrace place!

"Third places" play a unique role in strengthening our sense of community. Coined by sociologist Ray Oldenburg, "third place" is a nod to those spaces where people choose to spend time beyond their first places (home) and second places (work). They are where we gather to learn and grow together, build community, and share resources. Third places are accessible, neutral, and trusted spaces where societal inequalities can begin to be addressed. Connection is provided via both random and intentional in-person interactions, essential for seniors and other vulnerable populations who are at risk of being cut off socially. Third places allow for safe social interactions and community networks, helping with certain mental health issues, stabilizing communities, and improving social problems. They are an important physical place for younger Americans who often turn to virtual spaces instead.



Libraries are a critically valuable third place, a community space open to all. In a world that is continually changing, SPPL strives to be a stable institution that provides our community with tools for success, learning, discovery, and play. We provide a trusted, welcoming space where people can access information, find support, or try something new. Our staff is responsive to community needs, successfully carrying out functions well beyond lending out books. We help our community members figure out the complexities of life. We work with and for our community, as a friendly, trusted lifeline for the most vulnerable among us. We work every day to add value to the lives of all generations through dynamic programming, resources, and services.

“

Many residents need help navigating the ever-changing technological world to complete tasks such as job applications, classes, taxes, medical assessments, and more. SPPL provides a space where residents can learn technology through classes, one-to-one instruction, and demonstration videos.

”

WELCOME

“

Libraries are one of the last community spaces open to anyone. They are a trusted, welcoming space where people can access information, find support, or try something new. The Library is where societal inequalities can begin to be addressed.

”

“

Spanning early literacy programming, collaborating with schools, offering programs that add value to residents' lives, and encouraging an expansive love of reading and knowledge, SPPL seeks to support learning at every stage of life.

”

Community value through avenues of discovery

literacy and lifelong learning



Monthly STEAM Sundays & ATLAS events for school-aged children

Early childhood storytime and literacy programs

Teen Creative Writing Club

Free cards & library access for business owners

Summer fREADom program, with nearly 700 readers & community kickoff party

1st annual Pages of the Pines festival with local authors

Distributed 3 books each to 650 SPES students

Moore County Extension Service programming: Cooking with Herbs; Canning; Seed Saving

Pop Up reading parties

StoryWalk

Interlibrary loans - materials from across NC and US.

technology literacy and access



About half of our circulation has grown to eBooks, eMagazines, audiobooks, electronic databases and reference sources, DVDs and CDs

Renovated study/work rooms to enhance technology, allow patrons to attend virtual meetings, record video/audio

Patron Document station - over 1,000 documents/month

Free public WiFi in building and parking lot

Tea & Tech, technology drop-in sessions, and appointments

Online resource guides - legal topics, jobs & careers, homework help for kids, etc.

myLIBRO app launched September 2022

Social media reach of nearly 100K, with focus on Book Talk Tuesdays, library happenings, reading suggestions, etc.

versatile. user-friendly. welcoming space



Hosted CLRP drop-in sessions

Convened listening sessions on homelessness

NCWorks resource clinics for job seekers

Friend to Friend programs on teen dating safety and human trafficking signs

Partnered with The Pillars of Hope for school supply drive & Back2School event

Teen Days of Service

AARP tax help sessions

Programs at Station #82, DCC, Whitehall, Pool Park

Community Volunteer Fair

Launched Seed Saving Library

Health programs: Medicare, MS, Aging Outreach Services

Crafting with adults & kids

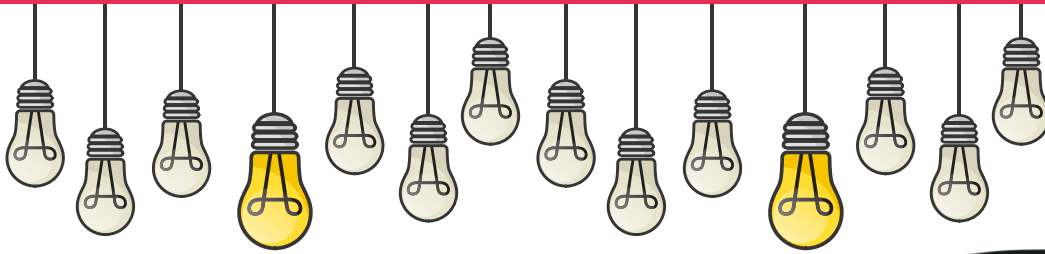
Paws on Parade with Caring Hearts for Canines



The Southern Pines Public Library is committed to:

- Communicating clearly
- Inspiring all
- Welcoming the community with compassion
- Encouraging discovery, delight, and play

resilience : an ability to recover from or adjust easily to misfortune or change



On Monday, December 5, we opened the library as a warming and charging spot in Southern Pines. The Haney room at the Police Station had been opened up the day before, and the response was so strong, we needed another space. Since the library does run a full building generator, we were going to give it a go and open up on Monday. I asked for volunteers from the staff to come in and help figure it out, and every staff member responded that they would be there.

So Monday morning, that's what we did. Everyone showed up. Our creative people organized putting out kids activities, games, and puzzles. Some of us drove to Hoke County to get supplies like water, coffee, hot cocoa, and snacks. Others pulled chairs out of closets and moved them to be near outlets. At our normal time, we opened. We weren't sure what to expect, but the extremely long line of people waiting wasn't it. People just kept streaming in. They were cold and hungry and tired and upset and desperately wanted to know what was going on and when it would be resolved. While we didn't have answers, the library staff did what they could to make people feel welcome and at ease.

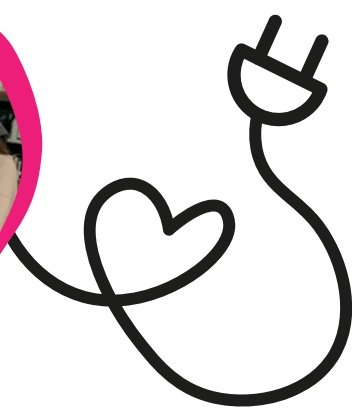
Throughout the day, we watched our resilient community members make it work. People warmed up. They charged their phones. They made new friends, caught up on the news, entertained bored children, did their business payroll, kept up with schoolwork and finals due that week, and wrote articles to keep the rest of us up to date on what was happening. They were amazing, that day and the following days. By the time the power came back on Wednesday, people were so used to being with us and making it work, we had to ask them to go home so our staff, many of who also were without power all week, could also go home and get showers, shop for replacement groceries, do laundry, and generally get things in order for a "normal" day Thursday.

It was amazing to be able to serve both with my coworkers, who met the challenges thrown at them that week with such empathy and compassion, and this resilient community. Beyond a sense of a united spirit, more good things came out of the crisis. There were so many donations of food, water, coffee, cups, wipes, etc. dropped off to us that we couldn't give them all away during the outage. Afterwards, we coordinated with Team Workz to pick them up and they were able get the supplies to people experiencing homelessness in our community.

Following the attacks on the power grid in December, nearly all Moore County residents and business were without power for close to four days. We opened the Southern Pines Public Library as a shelter of sorts, where people could come for warmth, charging, snacks, and fellowship. In their own words, Library Director Amanda Brown and Southern Pines resident and mom, Kate Shinkwin, share their experiences being at the Library during that time.



Amanda Brown
Library Director



With the blackout in early December. I, like most, found myself cold, and out of sorts as the monotony of the weekly routine came to a crashing stop.

Schools closed, work closed, no electricity to catch up on the household chores like laundry and dishes, I found myself at home with my husband and two young children who kept asking "why?". "Why is it so cold inside?", "Why can't we go see our friends at school?", "Why don't the lights work?", "Why are we throwing out all of our snacks and food?".

As a parent, I found myself scrambling to give an age appropriate answer: a balance between giving them enough information to understand and be flexible with the situation at hand and not too much to alarm them. Hoping to keep their blissful ignorance away from the harsh reality of this unthinkable act for as long as possible.

When checking in with friends, I was told about the Southern Pines Library planning to open up as a safe haven during the day. Promises of warmth, snacks, and electricity lured us in. From the outside, I hoped it could recharge our devices and occupy the kids enough to keep us all sane.

Upon entering, we were greeted by the smiles of the librarians, welcoming us and giving us a quick rundown of all the spaces and activities they carefully curated. Letting us know we could help ourselves to anything we wanted or needed and that they'd be available for any questions we had. Like us, they probably were stressed, unshowered, and frustrated with the situations, but from their faces and cheerful dispositions, you would never know.

We found a space to charge our electronics and lights, and then began to explore the space; a common area with hot coffee, tea, snacks and some holiday art activities for the kids. We saw teenagers playing board games and neighbors becoming new friends. We saw tables strewn with a variety of coloring activities and learning opportunities and books being read. We saw local, small business owners doing their best to manually work on payroll and crisis manage their businesses, while their own children buzzed around playfully.

We returned every day after that. My kids would wake up each morning asking when the library would open and if we could go again. Each day was new, each day had more, each day was bliss. It was there in those walls that we were loved and cared for by the librarians and our community. In those hours, we could forget about the chaos and uncertainty and just be present and grateful for all that we did have; an overflowing gratitude for the solace the library provided us.

grateful
♥

Kate Shinkwin
Southern Pines resident



bliss : to reach a state of perfect happiness, typically so as to be oblivious of everything else

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AN ORDINANCE TO PROVIDE FOR THE CONTROL OF~~CHAPTER 154: SOIL EROSION~~
COTROL AND SEDIMENTATION.

NOW, THEREFORM BE IT ORDAINED by the Town Council of the Town ~~NOW,~~
~~THEREFORE, BE IT ORDAINED~~ by the Town Council of the Town of Southern Pines hereby
adopts the following ordinance—

- ~~—154.01— Title~~
- ~~—154.02— Purpose~~
- ~~—154.03— Definitions~~
- ~~—154.04— Scope and exclusions~~
- ~~—154.05— Mandatory standards for land-disturbing activity~~
- ~~—154.06— Erosion and sedimentation control plans~~
- ~~—154.07— Tracts less than 30,000 square feet~~
- ~~—154.08— Basic control objectives~~
- ~~—154.09— Design and performance standards~~
- ~~—154.10— Storm water outlet protection~~
- ~~—154.11— Borrow and waste areas~~
- ~~—154.12— Access and haul roads~~
- ~~—154.13— Operations in lakes or natural watercourses~~
- ~~—154.14— Responsibility for maintenance~~
- ~~—154.15— Additional measures~~
- ~~—154.16— Plan appeals~~
- ~~—154.17— Inspections and investigations~~
- ~~—154.18— Injunctive relief~~
- ~~—154.19— Building permits and stop work orders~~
- ~~—154.20— Restoration after non-compliance~~
- ~~-~~
- ~~—154.99— Penalty~~

§ 154.01 TITLE.

This chapter may be cited as the “Town of Southern Pines Soil Erosion and Sedimentation Control Ordinance” ~~Chapter~~.

(1989 Code, § 154.01) (Ord. 1185, passed 6-14-2005)

§ 154.02 PURPOSE.

This chapter is adopted for the purposes of:

(A) Regulating certain land-disturbing activity to control accelerated erosion and sedimentation in order to prevent the pollution of water and other damage to lakes, watercourses, and other public and private property by sedimentation; and

(B) Establishing procedures through which these purposes can be fulfilled.

(1989 Code, § 154.02) (Ord. 1185, passed 6-14-2005)

§ 154.03 DEFINITIONS.

As used in For the purpose of this ordinancechapter, unless the context clearly indicates otherwisechapter, the following definitions shall apply: unless the context indicates or requires a different meaning.

ACCELERATED EROSION ~~.-~~ Any increase over the rate of natural erosion as a result of land-disturbing activity.

ACT ~~.-~~ The North Carolina Sedimentation Pollution Control Act of 1973 and all rules and orders adopted pursuant to it.

ADEQUATE EROSION CONTROL MEASURE, STRUCTURE, OR DEVICE ~~.-~~ One which controls the soil material within the land area under responsible control of the ~~Person~~ ~~person~~ conducting the land-disturbing activity.

AFFILIATE ~~.-~~ A ~~Person~~ ~~person~~ that directly, or indirectly through one ~~1~~ or more intermediaries, controls, is controlled by, or is under common control of another ~~Person~~ ~~person~~.

APPROVING AUTHORITY ~~-~~ The Division or other State or a local government agency that has been delegated erosion and sedimentation plan review responsibilities in accordance with the provisions of the Act.

BEING CONDUCTED ~~.-~~ ~~Means~~ a land-disturbing activity has been initiated and ~~permanent stabilization of the site has not~~ deemed complete by the Approving Authority ~~been completed.~~

BORROW ~~:-~~ Fill material ~~that~~which is required for on-site construction ~~that~~and is obtained from other locations.

BUFFER ZONE ~~:-~~ The strip of land adjacent to a lake or natural watercourse.

CHANNEL ~~:-~~ A natural or man-made depression, drainageway or low area with a path or course where a stream of water is collected and runs, is conveyed or is directed through, during rainfall events.

COASTAL COUNTIES ~~-~~ means the following counties: Beaufort, Bertie, Brunswick, Camden, Carteret, Chowan, Craven, Currituck, Dare, Gates, Hertford, Hyde, New Hanover, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Tyrrell and Washington.

COMMISSION ~~:-~~ The North Carolina Sedimentation Control Commission.

COMPLETION OF CONSTRUCTION OR DEVELOPMENT ~~- No. Means that no~~ further land-disturbing activity is required on a phase of a project except that which is necessary for establishing a permanent ground cover.

DEPARTMENT ~~:-~~ The North Carolina Department of ~~Environmental Quality~~Environment and Natural Resources.

DIRECTOR ~~:-~~ The Director of the Division of ~~Energy Mineral and~~ Land Resources of the Department of ~~Environmental Quality. Environment and Natural Resources.~~

DISCHARGE POINT OR POINT OF DISCHARGE ~~:-~~ That point ~~whereat which~~ stormwater runoff leaves a tract of land ~~where a land-disturbing activity has occurred or enters a lake or natural watercourse.~~

ENERGY DISSIPATOR ~~:-~~ A structure or a shaped channel section with mechanical armoring placed at the outlet of pipes or conduits to receive and break down the energy from high velocity flow.

EROSION ~~:-~~ The wearing away of land surface by the action of wind, water, gravity, or any combination thereof.

GRADING PERMIT ~~:-~~ The approval document allowing land-disturbing activity to be initiated.

GROUND COVER ~~:-~~ Any natural vegetative growth or other material which renders the soil surface stable against accelerated erosion.

HIGH QUALITY WATERS ~~:-~~ Those classified as in 15A NCAC 2B.02240101(e) (5) ~~General Procedures~~, which is ~~herein~~ incorporated ~~herein~~ by reference ~~including subsequent to include further~~ amendments and additions. ~~pursuant to G.S. § 150B-21.6.~~

HIGH QUALITY WATERS (HQW) ZONES ~~:-~~ For the Coastal Counties, areas within 575 feet of high-quality waters; and for the remainder of the state, areas within 1 mile and draining to HQW's.

LAKE OR NATURAL WATERCOURSE ~~Any stream, river, brook, swamp, sound, bay, creek, run, branch, canal, waterway, estuary, and any reservoir, lake or pond, natural or impounded, in which sediment may be moved or carried in suspension, and which could be damaged by accumulation of sediment.~~

LAND-DISTURBING ACTIVITY ~~Any use of the land by any Person~~person in residential, industrial, educational, institutional, or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation.

LOCAL GOVERNMENT ~~Any county, incorporated village, town~~Town, or city, or any combination of counties, incorporated villages, ~~towns~~Towns, and cities, acting through a joint program pursuant to the provisions of the Act.

NATURAL EROSION ~~The wearing away of the earth's surface by water, wind or other natural agents under natural environmental conditions undisturbed by man.~~

PARENT ~~An affiliate that directly, or indirectly through 1 or more intermediaries, controls another Person~~person.

PERMIT ~~The certificate allowing land-disturbing activities to be initiated.~~

PERSON ~~Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, or other legal entity.~~

PERSON CONDUCTING LAND-DISTURBING ACTIVITY ~~Any Person~~person who may be held responsible for a violation unless expressly provided otherwise by this chapter, the Act, or any order adopted pursuant to this chapter or the Act.

PERSON WHO VIOLATES OR VIOLATOR ~~as RESPONSIBLE FOR THE VIOLATION. As used in this chapter, and G.S. § 113A-64, means:~~ any landowner

~~—(1) The developer or other Person~~person who has ~~or holds himself or herself out as having~~ financial or operational control over the land-disturbing activity; or who

~~—(2) The landowner or person in possession or control of the land that~~ has directly or indirectly allowed the ~~land-disturbing~~ activity, ~~and who has or benefitted from it or~~ failed to comply with ~~a duty imposed by~~ any provision of ~~this chapter,~~ the Act, the rules of this Chapter or any order or local ordinance adopted pursuant to ~~this chapter or~~ the Act as it imposes duty upon that Person.

~~—PHASE OF GRADING. One of 2 types of grading, rough or fine.~~

PLAN ~~An erosion and sedimentation control plan.~~

SEDIMENT ~~Solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin.~~

SEDIMENTATION ~~:-~~ The process by which sediment resulting from accelerated erosion has been or is being transported off the site of the land-disturbing activity or into a lake or natural watercourse.

SILTATION ~~:-~~ Sediment resulting from accelerated erosion which is settleable or removable by properly designed, constructed, and maintained control measures; and which has been transported from its point of origin within the site of a land-disturbing activity; and which has been deposited, or is in suspension in water.

STORM DRAINAGE FACILITIES ~~:-~~ The system of inlets, conduits, channels, ditches and appurtenances which serve to collect and convey storm water through and from a given drainage area.

STORM DRAINAGE PLAN ~~:-~~ A plan for storm drainage facilities as required by the Town's Unified Development Ordinance.

~~STORMWATER~~STORM WATER RUNOFF ~~:-~~ The ~~runoff~~~~surface flow~~ of water resulting from precipitation in any form, ~~and occurring immediately after rainfall or melting.~~

SUBSIDIARY ~~:-~~ An affiliate that is directly, or indirectly through ~~one~~~~+~~ or more intermediaries, controlled by another ~~Person~~~~person~~.

TEN-YEAR STORM ~~– A rainfall. The storm water runoff resulting from precipitation~~ of an intensity ~~that, based on historical data, is predicted by a method acceptable to the Approving Authority~~~~expected~~ to be equaled or exceeded, on the average, once in ~~ten~~~~10~~ years; and of a duration ~~that~~~~which~~ will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.

TOWN ~~:-~~ The Town of Southern Pines, a municipal corporation in the State of North Carolina.

TRACT ~~:-~~ All contiguous land and bodies of water being disturbed or to be disturbed as a unit, regardless of ownership.

TWENTY-FIVE YEAR STORM ~~– A rainfall. The storm water runoff resulting from precipitation~~ of an intensity ~~that, based on historical data, is predicted by a method acceptable to the Approving Authority~~~~expected~~ to be equaled or exceeded, on the average, once in 25 years, and of a duration ~~that~~~~which~~ will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.

UNCOVERED ~~:-~~ The removal of ground cover from, on, or above the soil surface.

UNDERTAKEN ~~:-~~ The initiating of any activity, or phase of activity, which results or will result in a change in the ground cover or topography of a tract of land.

VELOCITY ~~:-~~ The ~~speed~~~~average velocity~~ of flow through ~~at~~~~the~~ cross section ~~perpendicular to the direction~~ of the main channel at the peak flow of the storm of interest ~~but not exceeding bank full. The cross section of the main channel shall be that area defined by the geometry of the channel plus the area of flow below the flood height defined by vertical lines at~~

~~the main channel banks. Overload flows, are not to be included for the purpose of computing velocity of flow.~~

~~**WASTE**:- Surplus material resulting from on-site land-disturbing activities, and being disposed of at other locations.~~

~~—WORKING DAYS. Days exclusive of Saturday, Sunday and legal holidays during which weather conditions or soil conditions permit land-disturbing activity to be undertaken.~~

(1989 Code, § 154.03) (Ord. 1185, passed 6-14-2005)

§ 154.04 SCOPE AND EXCLUSIONS.

(A) *Geographical scope of regulated land-disturbing activity.*—This shall apply to land-disturbing ~~activity~~activities undertaken by any person within the territorial jurisdiction corporate limits of the Town and to their its extraterritorial jurisdiction of the Town as allowed by agreement between local governments, the extend of annexation or other appropriate legal instrument or law. zoning jurisdiction area, with the following exclusions.

(B) *Exclusions from regulated land-disturbing activity.*—Notwithstanding the general applicability of this chapter to all land-disturbing activity, this chapter shall not apply to the following types of land-disturbing activity:

(1) ~~Activities~~An activity, including the production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, breeding and grazing of livestock, poultry, and all other forms of agriculture undertaken on agricultural land for the production of plants and animals useful to man, including, but not limited to:

- (a) Forage and sod crops, grain and feed crops, tobacco, cotton and peanuts;
- (b) Dairy animals and dairy products;
- (c) Poultry and poultry products;
- (d) Livestock, including beef cattle, llamas, sheep, swine, horses, ponies, mules and goats;
- (e) Bees and apiary products; and
- (f) Fur producing animals.

(g) Mulch, ornamental plants, and other horticultural products. For purposes of this section, “mulch” means substances composed primarily of plant remains or mixtures of such substances.

(2) An activity undertaken on forest land for the production and harvesting of timber and timber products and conducted in accordance with standards defined by the best

~~management practices set out in~~ Forest Practice Guidelines Related to Water Quality (Best Management Practices), as adopted by the North Carolina Department of Agriculture and Consumer Services. If ~~the land-~~disturbing activity undertaken on forest land for the production and harvesting of timber and timber products is not conducted in accordance with standards defined by the Forest Practice Guidelines Related to Water Quality, the provisions of this chapter shall apply to such~~the~~ activity and any related land-~~disturbing~~ activity on the tract.

(3) An activity for which a permit is required under the Mining Act of 1971, G.S. Chapter 74, Article 7.

(4) A land disturbing activity over which the state has exclusive regulatory jurisdiction as provided in G.S. § 113A-56(a).

(5) An activity which is essential to protect human life during an emergency.

(6) Activities undertaken to restore the wetland functions of converted wetlands to provided compensatory mitigation to offset impacts permitted under Section 404 of the Clean water Act.

(7) Activities undertaken pursuant to Natural Resources Conservation Service standards to restore the wetlands functions of converted wetlands as defined in Title 7 Code of Federal Regulations § 12.2

(C) *Plan approval requirement for land-disturbing activity.* No ~~Person~~person shall undertake any land disturbing activity subject to this chapter without first obtaining a Pplan approval ~~thereof~~ from the Town.

(D) *Protection of property.* Persons conducting land-disturbing activity shall take all reasonable measures to protect all public and private property from damage caused by the activity.

(E) *More restrictive rules shall apply.* Whenever conflicts exist between federal, state, or local laws, ordinances, or rules, the more restrictive provision shall apply.

(F) *Plan Approval Exceptions.* Notwithstanding the general requirement to obtain a Pplan approval prior to undertaking land-disturbing activity, a Plan approval shall not be required for land-disturbing activity that does not exceed ~~—sq. feet~~one (1) acre in surface area. In determining the area, lands under one or diverse ownership being developed as a unit will be aggregated.

(1989 Code, § 154.04) (Ord. 1185, passed 6-14-2005)

§ 154.05 MANDATORY STANDARDS FOR LAND-DISTURBING ACTIVITY.

No land-disturbing activity subject to the control of this chapter shall be undertaken except in accordance with the following mandatory standards:

(A) Buffer Zone

1. Standard Bufferzone. No land-disturbing activity during periods of construction or improvement to land shall be permitted in proximity to a lake or natural watercourse unless a buffer zone is provided along the margin of the watercourse of sufficient width to confine visible siltation within the 25% of the buffer zone nearest the land-disturbing activity.
 - a. ~~—(1)—Projects on, over or under water.~~ This subdivision shall not apply to land-disturbing activity in connection with the construction of facilities to be located on, over, or under a lake or natural water course.
 - b. ~~—(2)—Buffer measurement.~~ Unless otherwise provided, the width of a buffer zone is measured horizontally from the edge of the water to the nearest edge of the disturbed area, with the 25% of the strip nearer the land-disturbing activity containing natural or artificial means of confining visible siltation.

(B) *Graded slopes and fills*. The angle for graded slopes and fills shall be no greater than the angle which can be retained by vegetative cover or other adequate erosion control devices or structures, ~~generally not to exceed a 3:1 slope.~~ In any event, slopes ~~greater than 10% (or 10:1)~~ left exposed will must, within 21 calendar days of completion of any phase of grading, be planted or otherwise provided with temporary or permanent ground cover, devices, or structures sufficient to restrain erosion. The angle for graded slopes and fills must be demonstrated to be stable. Stable is the condition where the soil remains in its original configuration, with or without mechanical constraints.

(C) *Fill material*. Materials being used as fill shall be consistent with those described in 15A NCAC 13B .0562 unless~~Unless a permit from the site is permitted by the Department's~~Department's Division of Waste Management to operate as a landfill. ~~Not all is on file for the official site, acceptable fill material shall be free of organic or other degradable materials described in Section .0562 may be suitable to meet geotechnical considerations of the fill activity, masonry, concrete and should be evaluated accordingly. brick in sizes exceeding 12 inches, and any materials which would cause the site to be regulated as a landfill by the State of North Carolina.~~

(D) *Ground cover*. Whenever land-disturbing activity ~~that will disturb more than~~ sq. feet is undertaken on a tract, the ~~Person~~person conducting the land-disturbing activity shall install erosion and sedimentation control devices and practices that are sufficient to retain the sediment generated by the land-disturbing activity within the boundaries of the tract during construction upon and development of ~~said~~the tract, and shall plant or otherwise provide a permanent ground cover sufficient to restrain erosion after completion of construction or development. Except as provided in § 154.05~~(-154.05)~~(B) above and § 154.09~~(-154.09)~~(B)(5), provisions for a ground cover sufficient to restrain erosion must be accomplished within ~~15 working days or~~ 90 calendar days following completion of construction or development, ~~whichever period is shorter.~~

(E) Prior plan approval required. No Person shall initiate any land-disturbing activity on a tract if more than one acre is to be uncovered unless, 30 or more days prior to initiating the activity, a plan for the activity is filed with and approved by the Town.

The Town of Southern Pines shall forward to the Director of the Division of Water Resources a copy of each plan for land disturbing activity that involves the utilization of ditches for the purpose of de-watering or lowering the water table of the tract.

(F) *Minimum requirements for tracts less than one (1) acre.* For residential and commercial construction projects on sites or tracts that disturb less than 1 acre in surface area, the Town requires that the minimum erosion control measures, as outlined in this section unless otherwise approved.

(1) The minimum required erosion control practices and measures to be placed on an individual residential or commercial construction site that is less than one (1) acre in surface area are:

(a) Shall follow the mandatory standards § 154.05 A through D;

(b) Silt fencing shall be installed on all lower elevation perimeters;

(c) A construction entrance shall be installed; and

(d) Seeding and/or ground stabilization.

(2) The site must comply with the Town's Soil Erosion and Sedimentation Control Chapter by installing and maintaining all required controls measures. The only land disturbing activity to take place before the erosion control measures are completed is the removal of trees necessary to install the erosion control measures.

(3) If it is determined that a significant risk of accelerated erosion or off-site sedimentation may occur as a result of the land-disturbing activity, the Town may require the preparation and approval of a plan and that a grading permit be secured for land-disturbing activity of areas less than one (1) acre.

(4) *Inspection procedure.* The Building Inspector shall notify the Erosion Control Inspector of the scheduled footing inspection at the site. If the erosion control measures are not installed by the scheduled footing inspection, the deadline for placement of these minimum erosion control measures shall be the date at which the Building Inspector returns for the foundation inspection. If, at the time of the foundation inspection or any subsequent inspection, the Erosion Control Inspector observes any erosion control problems on the site including failure to install erosion control measures, a written notice of violation will be issued in accordance with § 154.17(C). The foundation inspection or any subsequent inspection approval will not be rendered until all control measures are in place and functioning.

(5) *Final inspections.* When all construction on the project is complete, the Erosion Control Inspector will evaluate the site and all permanent erosion control features and off-site impacts to other properties. If found to be in compliance, the Building Inspector will be advised, giving approval for the certificate of occupancy.

(1989 Code, § 154.07) (Ord. 1185, passed 6-14-2005)

~~—(E) *Prior plan approval.* No ~~Person~~person shall initiate any land-disturbing activity on a tract if more than 30,000 square feet is to be uncovered unless, 30 or more days prior to initiating the activity, a plan for the activity is filed with and approved by the Town. In determining the area, lands under 1 or diverse ownership being developed as a unit will be aggregated. The Town of Southern Pines shall forward to the Director of the Division of Water Quality a copy of each plan for land disturbing activity that involves the utilization of ditches for the purpose of de-watering or lowering the water table of the tract.~~

~~—(F) *Tracts less than 30,000 square feet residential and commercial.*~~

~~—(1) When the disturbed surface area on a tract of land is less than 30,000 square feet, the Town requires that the minimum erosion control measures, as outlined in §154.07(A), be installed at the site, unless otherwise approved.~~

~~—(2) A Soil Erosion and Sedimentation Control Compliance Form, indicating the minimum control measures to be installed at the site, will have to be completed before a building permit can be issued.~~

~~—(G) The land disturbing activity shall be conducted in accordance with the approved erosion and sedimentation control plan.~~

~~(1989 Code, § 154.05) (Ord. 1185, passed 6-14-2005)~~

§ 154.06 EROSION AND SEDIMENTATION CONTROL PLANS.

(A) *Plan submission.* ~~A plan shall be prepared for all land disturbing activities subject to this chapter whenever the proposed activity will disturb ~~is to be undertaken on a tract comprising more than 30,000 square feet~~ one acre on a tract, and if more than 30,000 square feet is to be uncovered.~~ Three copies of the plan shall be filed with the Town at least 30 days prior to commencement of the proposed activity.

(B) *Financial responsibility and ownership.* Plans may be disapproved unless accompanied by an authorized statement of financial responsibility and documentation of property ownership. This statement shall be signed by the ~~Person~~person financially responsible for the land disturbing activity or his or her attorney in fact. The statement shall include the mailing and street addresses of the principal place of business of (1) the ~~Person~~person financially responsible, (2) the owner of the land, and (3) any registered agents. If the ~~Person~~person financially responsible is not a resident of North Carolina, a North Carolina agent must be designated in the statement for the purpose of receiving notice of compliance or non-compliance with the plan, the Act, this chapter, or rules or orders adopted or issued pursuant to this chapter. Except as provided in subsections (C) or (I) of this section, if the applicant is not the owner of the land to be disturbed, the draft erosion and sedimentation control plan must include the owner's written consent for the applicant ~~application~~ to submit a draft ~~an~~ erosion and sedimentation control plan and to conduct the anticipated land ~~-~~disturbing activity.

~~(C)~~ If the applicant is not the owner of the land to be disturbed and the anticipated land-disturbing activity involves the construction of utility lines for the provision of water, sewer, gas, telecommunications, or electrical service, the draft erosion and sedimentation control plan may be submitted without the written consent of the owner of the land, so long as the owner of the land has been provided prior notice of the project.

~~(D)-(E)~~ Plan review processing fee. A non-refundable plan review processing fee, based on the number of acres or any part thereof, of land to be disturbed, including off-site borrow and waste areas, and set in accordance with the Town's fee schedule, is required to be paid at the same time as a soil erosion and sedimentation control plan is initially submitted for review and approval. Each plan shall be deemed incomplete until the plan review processing fee is paid.

~~(ED)~~ Environmental policy act document. Any plan submitted for a land disturbing activity for which an environmental document is required by the North Carolina Environmental Policy Act (G.S. §§-113A-1, et seq.) shall be deemed incomplete until a complete environmental document is available for review. The Town shall promptly notify the Person~~person~~ submitting the plan that the 30~~-~~day time limit for review of the plan pursuant to this chapter shall not begin until a complete environmental document is available for review.

~~(FE)~~ Content. The plan required by this section shall contain, ~~but is not limited to,~~ architectural and engineering drawings, maps, assumptions, calculations and narrative statements, as needed to adequately describe the proposed development of the tract and the measures planned to comply with the requirements of this chapter. Plan content may vary to meet the needs of specific site requirements. Detailed guidelines for plan preparation may be obtained from the Town, on request.

~~(GF)~~ Timeline for decisions on plans.

(1) The Town will review each complete Plan submitted to the Town and within 30 days of receipt thereof will notify the Person~~person~~ submitting the plan that it has been approved, approved with modifications, ~~approved with performance reservations,~~ or disapproved. Failure to approve, approve with modifications, or disapprove a complete Plan within 30 days of receipt shall be deemed approval.

(2) The Town will review each revised plan submitted to ~~them~~the Town and within 15 days of receipt thereof will notify the Person~~person~~ submitting the plan that it has been approved, approved with modifications, ~~approved with performance reservations,~~ or disapproved. Failure to approve, approve with modifications, or disapprove a revised plan within 15 days of receipt shall be deemed approval.

~~(HG)~~ Approval. The Town shall only approve a plan upon determining that it complies with all applicable State~~state~~ and local regulations for erosion and sedimentation control. Approval assumes the applicant's compliance with the federal and state water quality laws, regulations and rules. The Town shall condition approval of plans upon the applicant's compliance with the federal and state water quality laws, regulations and rules. The Town

may establish an expiration date, not to exceed three (3) years for plan approved under this chapter whereby no land-disturbing activity has been undertaken.

(IH) *Disapproval for content.* The Town may disapprove a plan or draft plan based on its content. A disapproval based upon a plan's content must specifically state in writing the reasons for disapproval.

(II) *Other disapprovals.*

(1) The Town ~~shall~~may disapprove an erosion and sedimentation control~~a plan or draft plans~~ if implementation of the plan would result in a violation of the rules adopted by the Environmental Management Commission to protect riparian buffers along surface waters. The Town may disapprove an erosion and sedimentation control a plan or disapprove a transfer of a plan under subsection (K) of this section upon ~~a~~ finding that an applicant, or a parent, subsidiary, or other affiliate of the applicant:

(a) Is conducting or has conducted land-disturbing activity without an approved plan, or has received notice of violation of a plan previously approved by the Commission or a local government pursuant to the Act and has not complied with the notice within the time specified in the notice;

(b) Has failed to pay a civil penalty assessed pursuant to ~~this Article~~the Act or a local ordinance adopted pursuant to ~~this Article~~the Act by the time the payment is due;

(c) Has been convicted of a misdemeanor pursuant to G.S. § 113A-64(b) or any criminal provision of a local ordinance adopted pursuant to ~~this Article~~the Act; or

(d) Has failed to substantially comply with ~~State~~state rules or local ordinances and regulations adopted pursuant to ~~this Article~~the Act.

(2) ~~For purposes of this division (I), an applicant's record may be considered for only the 2 years prior to the application date.~~

~~—(3)—~~In the event that an erosion and sedimentation control plan or transfer of a plan is disapproved by the Town pursuant to subsection (J) of this section~~division (I)~~, the Town shall so notify the Director of the Division of Energy Mineral, and Land Resources~~disapproval~~ within 10 days of the disapproval. The Town shall advise the applicant or proposed transferee and the Director in writing as to the specific reasons that the plan was disapproved. Notwithstanding the provisions of Section 16(a), the applicant may appeal the local government's disapproval of the plan directly to the Commission.

(3) For purposes of this subsection (J), an applicant's record may be considered for only the 2 years prior to the application date.

(K) Transfer of Plans. The Town administering an erosion and sedimentation control program may transfer an erosion and sedimentation control plan approved pursuant to this section without the consent of the plan holder to a successor-owner as provided in this subsection.

(1) The Town may transfer a plan if all of the following conditions are met:

(a) The successor-owner of the property submits to the local government a written request for the transfer of the plan and an authorized statement of the financial responsibility and documentation of property ownership.

(b) The Town finds all of the following:

- The plan holder is one of the following:

i. A natural Person who is deceased

ii. A partnership, limited liability corporation, corporation, or any other business association that has been dissolved.

iii. A Person who has been lawfully and finally divested of title to the property on which the permitted activity is occurring or will occur.

iv. A Person who has sold the property on which the permitted activity is occurring or will occur.

- The successor-owner holds title to the property on which the permitted activity is occurring or will occur.

- The successor-owner is the sole claimant of the right to engage in the permitted activity.

- There will be no substantial change in the permitted activity.

(2) The plan holder shall comply with all terms and conditions of the plan until such time as the plan is transferred.

(3) The successor-owner shall comply with all terms and conditions of the plan once the plan has been transferred.

(4) Notwithstanding changes to law made after the original issuance of the plan, the Town may not impose new or different terms and conditions in the plan without the prior express consent of the successor-owner. Nothing in this subsection shall prevent the Town from requiring a revised plan pursuant to G.S. 113A-54.1(b)

~~(L)-(J)~~ Notice of activity initiation. No ~~Person~~person may initiate a land-disturbing activity before notifying the agency that issued the plan approval~~Town~~ of the date that land-disturbing activity will begin.

~~(MK)~~ Pre-construction conference. A pre-construction conference shall be held prior to commencement of work. ~~No permit shall be issued until the Town is assured that the proposed land disturbing activity will be carried out in accordance with the approved plan.~~

~~(NL)~~ Display of Plan Approval grading permit. A Plan approval grading permit issued under this ~~Chapter~~chapter shall be prominently displayed at the primary entrance to the site of the land disturbing activity ~~before construction begins~~ and remain until all construction is complete, all ~~temporary~~permanent sedimentation and erosion control measures ~~have been are removed~~installed, all permanent sedimentation and erosion control measures are installed, and the site has been stabilized. A copy of the approved plan ~~and approval letter~~ shall be kept on file at the job site.

(O) Grading Permit. Before any land disturbance begins, with the exception of removal of the trees necessary to install the perimeter erosion control measures, A grading permit must be issued by the Town's Erosion Inspector.

(a) A permit will not be issued until the Erosion Inspector has inspected the perimeter erosion control measures and is satisfied that they are installed in accordance with Town details and this chapter.

(b) The grading permit approval letter must be prominently displayed at the primary entrance to the site of the land disturbing activity and remain until all construction is complete, all temporary sedimentation and erosion control measures have been removed, all permanent sedimentation and erosion control measures are installed, and the site has been stabilized.

~~(PM)~~ Required ~~Revisions~~revisions. After approving a plan, if the Town, either upon review of ~~such~~the plan or on inspection of the job site, determines that a significant risk of accelerated erosion or off-site sedimentation exists, the Town shall require a revised plan. Pending the preparation of the revised plan, work shall cease or shall continue under conditions outlined by the ~~appropriate authority.~~Town. If following commencement of a land disturbing activity pursuant to an approved plan, the Town determines that the plan is inadequate to meet the requirements of this chapter, the Town may require any revision of the plan that is necessary to comply with this chapter. No fee shall be charged for review of a revised plan unless the revised plan contains an increase in the number of acres to be disturbed.

~~(Q) Amendment(N)~~—Amendments to a ~~Plan~~plan. Applications for amendment of a plan in written and/or graphic form may be made at any time under the same conditions as the original application. Until ~~such~~the time as the amendment is approved by the Town, the land-disturbing activity shall not proceed except in accordance with the plan as originally approved. No fee shall be charged for an amendment to a plan unless the amended plan contains an increase in the number of acres to be disturbed.

~~(RQ)~~ Failure to file a plan. Any ~~Person~~person engaged in land-disturbing activity who fails to file a plan in accordance with this chapter, or who conducts a land-disturbing activity except in accordance with provisions of an approved plan shall be deemed in violation of this chapter.

~~(SP)~~ Expiration and renewal of grading permit. A grading permit shall be valid for a period of 2 calendar years after issuance, unless it is revoked by the Town or the grading project is completed and a letter of completion is issued by the Town within the 2-year period. The grading permit may be renewed for an additional 2-year period, if adequately justified, by making written request to the Town. No permit fee will be charged for re-issuance of a grading permit, unless the permit has been revoked.

~~(T) Self-Inspections.Q)~~ The landowner, the financially responsible party, ~~the landowner's, or the financially responsible party's agent~~agents thereof, shall perform an inspection of the area covered by the plan after each phase of the plan has been completed and after establishment of temporary ground cover in accordance with G.S. 113A-57(2). In addition,

weekly and rain-event self-inspections are required by federal regulations, that are implemented through the NPDES Construction General Permit NO. NCG 0100000. The Person § 154.05(B) and § 154.05(D). The person who performs the inspection shall maintain and make available a record of the inspection at the site of the land disturbing activity. The record shall set out any significant deviation from the approved erosion control plan, identify any measures that may be required to correct deviation, and document the completion of those measurements. The record shall be maintained until permanent ground cover has been established as required by the approved erosion and sedimentation control plan. The inspections required by this subsection shall be in addition to the inspections required by G.S. 113A-61.1

Where inspections are required by Section 154.06(T) of this chapter or G.S. 113A-54.1(e), the following apply:

(1) The inspection shall be performed during or after each of the following phases of the plan:

- (i) initial installation of erosion and sediment control measures;
- (ii) clearing and grubbing of existing ground cover;
- (iii) completion of any grading that requires ground cover;
- (iv) completion of all land-disturbing activity, construction, or development, including permanent ground cover establishment and removal of all temporary measures; and
- (v) transfer of ownership or control of the tract of land where the erosion and sedimentation control plan has been approved and work has begun. The new owner or Person in control shall conduct and document inspections until the project is permanently stabilized as set forth in Sub-Item (iii) of this Item.

(2) Documentation of self-inspections performed under Item (1) of this Rule shall include:

- (i) Visual verification of ground stabilization and other erosion control measures and practices as called for in the approved plan;
- (ii) Verification by measurement of settling basins, temporary construction entrances, energy dissipators, and traps.
- (iii) The name, address, organization affiliation, telephone number, and signature of the Person conducting the inspection and the date of the inspection shall be included, whether on a copy of the approved erosion and sedimentation control plan or an inspection report. A template for an example of an inspection and monitoring report is provided on the DEMLR website at: <https://deq.nc.gov/about/divisions/energy-mineral-land->

resources/erosion-sediment-control/forms. Any relevant licenses and certifications may also be included. Any documentation of inspections that occur on a copy of the approved erosion and sedimentation control plan shall occur on a single copy of the plan and that plan shall be made available on the site.

- (iv) A record of any significant deviation from any erosion or sedimentation control measure from that on the approved plan. For the purpose of this Rule, a "significant deviation" means an omission, alternation, or relocation of an erosion or sedimentation control measure that prevents it from performing as intended. The record shall include measures required to correct the significant deviation, along with documentation of when those measures were taken. Deviations from the approved plan may also be recommended to enhance the intended performance of the sedimentation and erosion control measures.

Except as may be required under federal law, rule or regulation, no periodic self-inspections or rain gauge installation is required on individual residential lots where less than one acre is being disturbed on each lot.

(1989 Code, § 154.06) (Ord. 1185, passed 6-14-2005)

§ 154.07 TRACTS LESS THAN 30,000 SQUARE FEET.

~~—A Soil Erosion and Sedimentation Control Compliance Form, indicating the minimum control measures to be installed at the site, must be completed before a building permit can be issued, unless otherwise approved. The compliance form issued under this chapter shall be prominently displayed at the primary entrance to the site of the land disturbing activity before construction begins and remain until all construction is complete.~~

~~—(A) Minimum erosion control measures required, unless otherwise approved.~~

~~—(1) The approved and minimum required erosion control measures to be placed on an individual residential or commercial construction site that is less than 30,000 square feet in surface area are:~~

~~—(a) Silt fencing on all lower elevation perimeters;~~

~~—(b) A construction entrance; and~~

~~—(c) Seeding.~~

~~—(2) The site must comply with the Town's Soil Erosion and Sedimentation Control Chapter by installing and maintaining all required controls measures. The only land disturbing activity to take place before the erosion control measures are completed is the cutting of trees necessary to install the erosion control measures.~~

~~—(3) If it is determined that a significant risk of accelerated erosion or off-site sedimentation may occur as a result of the land-disturbing activity, the Town requires the preparation and approval of a plan and that a grading permit be secured for land-disturbing activity of areas less than 30,000 square feet.~~

~~—(B) *Compliance procedure.* The Building Inspector shall notify the Erosion Control Inspector of the scheduled footing inspection at the site. If the erosion control measures are not installed by the scheduled footing inspection, the deadline for placement of these minimum erosion control measures shall be the date at which the Building Inspector returns for the foundation inspection. If, at the time of the foundation inspection or any subsequent inspection, the Erosion Control Inspector observes any erosion control problems on the site including failure to install erosion control measures, a written notice of violation will be issued in accordance with § (C) 154.17(C). The foundation inspection or any subsequent inspection approval will not be rendered until all control measures are in place and functioning.~~

~~—(C) *Final inspections.* When all construction on the project is complete, the Erosion Control Inspector will evaluate the site and all permanent erosion control features and off-site impacts to other properties. If found to be in compliance, the Building Inspector will be advised, giving approval for the certificate of occupancy.~~

~~(1989 Code, § 154.07) (Ord. 1185, passed 6-14-2005)~~

§ 154.078 BASIC CONTROL OBJECTIVES.

An erosion and sedimentation control plan may be disapproved if the plan fails to address the following control objectives:

(A) *Identify critical areas.* ~~-~~On-site areas which are subject to severe erosion, and off-site areas which are especially vulnerable to damage from erosion and/or sedimentation, are to be identified and receive special attention.

(B) *Limit time of exposure.* All land-disturbing activity ~~are~~is to be planned and conducted to limit exposure to the shortest time specified in G.S. 113A.-57, the rules of this chapter, or as directed by the Approving Authority~~feasible time.~~

(C) *Limit exposed areas.* All land-disturbing activity is to be planned and conducted to minimize the size of the area to be exposed at any one time.

(D) *Control surface water.* Surface water runoff originating upgrade of exposed areas should be controlled to reduce erosion and sediment loss during the period of exposure.

(E) *Control sedimentation.* All land-disturbing activity is to be planned and conducted ~~so as~~ to prevent off-site sedimentation damage.

(F) *Manage storm water runoff.* Plans shall be designed so that any ~~When the~~ increase in the velocity of ~~stormwater~~storm water runoff resulting from a land-disturbing activity will

~~not result in is sufficient to cause~~ accelerated erosion of the receiving stormwater conveyance or watercourse, ~~plans are to include measures to control the velocity~~ at the point of discharge. ~~Plans shall include measures to prevent so as to minimize~~ accelerated erosion ~~within of the project boundary site and at the point of discharge.~~ increased sedimentation of the stream.

(1989 Code, § 154.08) (Ord. 1185, passed 6-14-2005)

§ 154.089 DESIGN AND PERFORMANCE STANDARDS.

(A) Except as provided for in § 154.08(-154.09)(B)(2) below, erosion and sedimentation control measures, structures, and devices shall be so planned, designed, and constructed ~~as~~ to provide protection from the calculated maximum peak rate of runoff from the 10-year storm. Runoff rates shall be calculated using the procedures in the latest edition of the United States Department of Agriculture (USDA), Natural Resources Conservation Service's "National Engineering Field Handbook", or other acceptable calculation procedures.

(B) In High-Quality Water (HQW) zones the following design standards shall apply:

(1) *Limit on uncovered areas.* ~~Uncovered areas in HQW zones shall be limited at any time to a maximum total area of 20 acres within the boundaries of the tract. Only the portion of the land-disturbing activity within a HQW zone shall be governed by this section. Larger areas may be uncovered within the boundaries of the tract, with the written approval of the Town Engineer upon providing engineering justification with a construction sequence that considered phasing, limiting exposure, weekly submitted self-inspection reports, and a more conservative design than the Twenty-five Year Storm. Director.~~

(2) *Maximum peak rate of runoff protection.* ~~Erosion and sedimentation control measures, structures, and devices within HQW zones shall be planned, designed and constructed to provide protection from the runoff of the twenty-five year storm which produces the maximum peak rate of runoff as calculated according to procedures in the latest edition of the United States Department of Agriculture Natural Resources Conservation of Service's "National Engineering Field Handbook" or according to procedures adopted by any other agency of this State or the United States or any generally recognized organization or association. calculated maximum peak rate of runoff from the 25 year storm.~~

~~—~~(3) *Sediment Basin Design.* ~~Settling efficiency.~~ Sediment basins within HQW zones shall be designed and constructed according to the following criteria:

(i) use a surface withdrawal mechanism, except when the such that the basin drainage area is less than 1.0 acre.

(ii) will have a minimum settling efficiency of 1800 cubic feet of storage area per acre of disturbed area;

(iii) have a minimum surface area of 325 square feet per cfs of the Twenty-five Year Storm (Q25) peak flow;

(iv) have a minimum dewatering time of 48 hours;

(v) incorporate 3 baffles, unless at least 70% for the 40-micron (0.04 mm)-size soil particle transported into the basin is less than 20 feet in length, in which case 2 baffles shall be sufficient.

Upon a written request of the applicant, the Director may allow alternative design and control measures in lieu of meeting the conditions required in subparagraphs (3)(ii) through (3)(v) of this sub-section if the applicant demonstrates that meeting all of those conditions will result in design or operational hardships and that the alternative measures will provide an equal or more effective level of erosion and sediment control on the site. Alternative measures may include quicker application of ground cover, use of sediment flocculants, and use of enhanced ground cover practices.

(4) *Grade.*—Newly constructed open channels in HQW zones shall be designed and constructed with side slopes no steeper than two~~2~~ horizontal to one~~1~~ vertical if a vegetative cover is used for stabilization unless soil conditions permit a steeper slope or where the slopes are stabilized by using mechanical devices, structural devices or other forms of acceptable ditch liners proven as being effective in restraining accelerated erosion. In any event, the angle for side slopes shall be sufficient to restrain accelerated erosion.

~~—(5) Ground cover. Ground cover sufficient to restrain erosion must be provided for any portion of a land-disturbing activity in a HQW zone within 15 working days or 60 calendar days following completion of construction or development, whichever period is shorter.~~

(1989 Code, § 154.09) (Ord. 1185, passed 6-14-2005)

§ 154.~~0910~~ STORM WATER OUTLET PROTECTION.

(A) *Intent.*—Stream banks and channels downstream from any land disturbing activity shall be protected from increased degradation by accelerated erosion caused by increased velocity of runoff from the land disturbing activity.

(B) *Performance standard.* Persons shall conduct land-disturbing activity so that the post-construction velocity of the 10~~-~~ year storm runoff in the receiving watercourse to the discharge point does not exceed the greater of:

- (1) The velocity established by the table in division (E) below, of this section; or
- (2) The velocity of the 10~~-~~ year storm runoff in the receiving watercourse prior to development.

(a) If conditions (B)(1) or (2) above of this section cannot be met, then the receiving watercourse to and including the discharge point shall be designed and constructed to withstand the expected velocity anywhere the velocity exceeds the "prior to development" velocity by 10%.

— (E) *Table.* The following is a table for maximum permissible velocity for storm water discharges in feet per second (FPS) and meters per second (MPS).

<i>Maximum Permissible Velocities</i>		
<i>Material</i>	<i>F.P.S.</i>	<i>M.P.S.</i>
Fine sand (noncolloidal noncolloidal)	2.5	.8
Sandy loam (noncolloidal noncolloidal)	2.5	.8
Silt loam (noncolloidal noncolloidal)	3.0	.9
Ordinary Ordinary firm loam	3.5	1.1
Fine gravel	5.0	1.5
Stiff clay (very colloidal colloidal)	5.0	1.5
Graded, loam to cobbles (noncolloidal noncolloidal)	5.0	1.5
Graded silt to cobbles (colloidal colloidal)	5.5	1.7
Alluvial silts (noncolloidal noncolloidal)	3.5	1.1
Alluvial silts (colloidal colloidal)	5.0	1.5
Coarse gravel (noncolloidal noncolloidal)	6.0	1.8
Cobble and shingles	5.5	1.7
Shales and hard pans	6.0	1.8

Source: Adapted from recommendations by Special Committee on Irrigation Research, American Society of Civil Engineers, 1926, for channels with straight alignment. For sinuous channels, multiply allowable velocity by 0.95 for slightly sinuous, by 0.9 for moderately sinuous channels, and by 0.8 for highly sinuous channels.

— (C) *Acceptable management measures.* Measures applied alone or in combination to satisfy the intent of this section are acceptable if there are no objectionable secondary consequences. The Town recognizes that the management of stormwater runoff to minimize or control downstream channel and bank erosion is a developing technology. Innovative techniques and ideas will be considered and may be used when shown to have the potential to produce successful results. Some alternatives, while not exhaustive, are to:

(1) Avoid increases in surface runoff volume and velocity by including measures to promote infiltration to compensate for increased runoff from areas rendered impervious;

(2) Avoid increases in stormwater discharge velocities by using vegetated or roughened swales and waterways in place of closed drains and high velocity paved sections;

(3) Provide energy dissipators at outlets of storm drainage facilities to reduce flow velocities to the point of discharge. ~~These may range from simple rip-rapped sections to complex structures;~~

(4) Protect watercourses subject to accelerated erosion by improving cross-sections and/or providing erosion-resistant lining; and

(5) Upgrade or replace the receiving device, structure, or watercourse such that it will receive and conduct the flow to a point where it is no longer subject to degradation from the increased rate of flow or increased velocity.

-(D) *Exceptions.* -This rule shall not apply where it can be demonstrated to the Town that storm water discharge velocities will not create an erosion problem in the receiving watercourse~~watercourses~~.

~~-(E) *Table.* The following is a table for maximum permissible velocity for storm water discharges in feet per second (FPS) and meters per second (MPS).~~

~~Maximum Permissible Velocities~~

~~Material~~

~~F.P.S.~~

~~M.P.S.~~

~~Maximum Permissible Velocities~~

~~Material~~

~~F.P.S.~~

~~M.P.S.~~

~~Fine sand (noncollodial)~~

~~2.5~~

~~.8~~

~~Sandy loam (noncollodial)~~

~~2.5~~

~~.8~~

~~Silt loam (noncollodial)~~

~~3.0~~

.9

Ordinary firm loam

3.5

1.1

Fine gravel

5.0

1.5

Stiff clay (very collodial)

5.0

1.5

Graded, loam to cobbles (noncollodial)

5.0

1.5

Graded silt to cobbles (collodial)

5.5

1.7

Alluvial silts (noncollodial)

3.5

1.1

Alluvial silts (collodial)

5.0

1.5

Coarse gravel (noncollodial)

6.0

1.8

Cobble and shingles

5.5

1.7

Shales and hard pans

6.0

1.8

-

~~Source: Adapted from recommendations by Special Committee on Irrigation Research, American Society of Civil Engineers, 1926, for channels with straight alignment. For sinuous channels, multiply allowable velocity by 0.95 for slightly sinuous, by 0.9 for moderately sinuous channels, and by 0.8 for highly sinuous channels.~~

~~(1989 Code, § 154.10) (Ord. 1185, passed 6-14-2005)~~

§ 154.101 BORROW AND WASTE AREAS.

~~If~~When the same Person conducts~~person conducting~~ the land-disturbing activity and any related ~~is also the person conducting the~~ borrow or waste ~~disposal~~ activity, the related areas from which borrow or waste activity shall constitute part of the land-disturbing activity, unless the borrow or waste activity is regulated under the ~~is obtained and which are not regulated by the provisions of the~~ Mining Act of 1971, G.S. 74, Article 7, or is a landfill and waste areas for surplus materials other than landfills regulated by the ~~Department's~~ Division of Solid Waste Management. ~~If~~ shall be considered as part of the land-disturbing activity where the borrow material is being used or from which the waste material originated. When the person conducting the land-disturbing activity and any related ~~is not the person obtaining the borrow or and/or disposing of the waste~~ activity are not conducted by the same Person, they, these areas shall be considered by the Approving Authority as a separate land-disturbing ~~activities~~activity.

(1989 Code, § 154.11) (Ord. 1185, passed 6-14-2005)

§ 154.112 ACCESS AND HAUL ROADS.

Temporary access and haul roads, other than public roads, constructed or used in connection with any land-disturbing activity shall be considered a part of the activity.

(1989 Code, § 154.12) (Ord. 1185, passed 6-14-2005)

§ 154.123 OPERATIONS IN LAKES OR NATURAL WATERCOURSES.

Land-disturbing activity in connection with construction in, on, over, or under a lake or natural watercourse shall minimize the extent and duration of disruption of the stream channel. Where relocation of a stream forms an essential part of the proposed activity, the relocation shall minimize changes in the stream flow characteristics.

(1989 Code, § 154.13) (Ord. 1185, passed 6-14-2005)

§ 154.1~~34~~ RESPONSIBILITY FOR MAINTENANCE.

(A) During the development of a site, the ~~Person~~person conducting the land-disturbing activity shall install and maintain all temporary and permanent erosion and sedimentation control measures as required by the approved plan or any provisions of this chapter, the Act, or any order adopted pursuant to this chapter or the Act. After site development, the land owner or ~~Person~~person in possession or control of the land shall install and/or maintain all necessary permanent erosion and sediment control measures, except those measures installed within a road or street right-of-way or easement accepted for maintenance by a governmental agency.

~~—(B) If maintenance of the devices is neglected and either on site or off-site erosion and/or sedimentation occurs, the Town may require another erosion control plan to be submitted, approved, and implemented by the land owner or Person in possession or control of the land.~~

(1989 Code, § 154.14) (Ord. 1185, passed 6-14-2005)

§ 154.1~~45~~ ADDITIONAL MEASURES.

Whenever the Town, determines that ~~accelerated~~significant erosion and sedimentation ~~continues~~is occurring as a result of land-disturbing activity, despite ~~the installation~~application and maintenance of protective practices, ~~they shall direct~~and regardless of the size of the ~~Person~~disturbed area and whether or not a plan was required, the person conducting the land-disturbing activity ~~to will be required to and shall~~ take additional protective action necessary to achieve compliance with the conditions specified in the Act or its rules.

(1989 Code, § 154.15) (Ord. 1185, passed 6-14-2005)

§ 154.1~~56~~ PLAN APPEALS.

(A) Except as provided in § ~~154.15~~(154.16)(B) below, the appeal of a disapproval or approval with modifications of a plan shall be governed by the following provisions~~appeals process described in the Town of Southern Pines Unified Development Ordinance §2.23 Appeals:~~

(1) The disapproval or approval with ~~modification~~modifications of any proposed plan by the Town shall entitle the ~~Person~~person submitting the plan to a public hearing if the ~~Person~~person submits written demand for a hearing within 15 days after receipt of written notice of disapproval or ~~approval with~~ modifications.

~~—(2) Hearings held pursuant to this section shall be conducted by the Town Manager and Director of Public Services within 30 days after the date of the appeal or request for a hearing.~~

~~—(3) The Town Manager and Director of Public Services conducting the hearings shall render their final decision on any plan upon which a hearing is requested within 20 days following the hearing.~~

(4) If the ~~Town Manager and Director of Public Services~~Board of Adjustment upholds the disapproval or approval with modifications of a proposed plan following the hearing, the ~~Person~~person submitting the plan shall then be entitled to appeal the Town's decision to the North Carolina Sedimentation Control Commission as provided in G.S. § 113A-61(c) and Title 15 NCAC 4B.0118 (d).

(B) In the event that a plan is disapproved pursuant to § ~~154.06(I)~~154.06(J) of this chapter, the applicant may appeal the Town disapproval of the plan directly to the Commission.

(1989 Code, § 154.16) (Ord. 1185, passed 6-14-2005)

§ 154.167 INSPECTIONS AND INVESTIGATIONS.

(A) *Inspections.* Agents, officials or other qualified ~~Persons~~persons authorized by the Town will periodically inspect the sites of land-disturbing activity to determine compliance with the Act, this chapter, or rules or orders adopted or issued pursuant to this chapter, and to determine whether the activity is being conducted in accordance with an approved plan and whether the measures required in the plan are effective in controlling erosion and sediment resulting from land-disturbing activity. Notice of the right to inspect shall be included ~~in~~on the ~~certificate of approval of grading permit for~~ each plan.

(B) *Willful resistance, delay or obstruction.* No ~~Person~~person shall willfully resist, delay, or obstruct entry or access to any authorized representative, employee, or agent of the Town who requests entry for purposes of inspection, and who presents appropriate credentials, or while that ~~Person~~person is in the process of carrying out his or her official duties under this section.

(C) *Notice of violation.*

(1) If the Town determines that a ~~Person~~person engaged in land-disturbing activity has failed to comply with the Act, this chapter, or rules or orders adopted or issued pursuant to this chapter, a notice of violation shall be served upon that ~~Person~~person. The notice may be served by any means authorized under G.S. § 1A-1, Rule 4.

~~—(2) The notice shall specify a date, by which the Person must comply with the Act, or this chapter, or rules, or orders adopted pursuant to this chapter, and inform the Person of the actions that need to be taken to comply with the Act, this chapter, or rules, or orders adopted pursuant to this chapter. Any Person who fails to comply~~

within the time specified is subject to additional civil and criminal penalties for a continuing violation as provided in G.S. § 113A-64 and this chapter.

(3) If damage to areas outside of the specified limits of disturbance is severe, and/or if the Person has not complied with notice by the date specified. Then a Stop Work Order will also be issued. Stopping all ground disturbing activities, inspections, and construction activities until the conditions for repair/restoration stated in notice have been resolved.

~~(3)~~ If the Person engaged in the land-disturbing activity has not received a previous notice of violation under this section, the Town shall offer assistance in developing corrective measures. Assistance may be provided by referral to a technical assistance program on behalf of the Approving Authority, referral to a cooperative extension program, or by the provision of written materials such as Department guidance documents. The notice of violation may be served in the manner prescribed for service of process by G.S. 1A-1, Rule 4, and shall include information on how to obtain assistance in developing corrective measures.

(D) *Investigation.* The Town shall have the power to conduct the investigation as it may reasonably deem necessary to carry out its duties as prescribed in this chapter, and who presents appropriate credentials for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigating and inspecting the sites of any land disturbing activity.

(E) *Statements and reports.* The Town shall also have the power to require written statements, or the filing of reports under oath, with respect to pertinent questions relating to land disturbing activity.

(1989 Code, § 154.17) (Ord. 1185, passed 6-14-2005)

§ 154.178 INJUNCTIVE RELIEF.

(A) *Violation of local program.* Whenever the Town Manager has reasonable cause to believe that any ~~Person~~person is violating or threatening to violate this chapter or any rule or order adopted or issued by the Town, or any term, condition, or provision of an approved plan, he or she may, either before or after the institution of any other action or proceeding authorized by this chapter, institute a civil action in the name of the Town, for injunctive relief to restrain the violation or threatened violation. The action shall be brought in the Superior Court of Moore County.

(B) *Abatement of violation.* ~~Upon~~ determination by a court that an alleged violation is occurring or is threatened, the court shall enter any orders or judgments ~~thata~~s are necessary to abate the violation, to ensure that restoration is performed, or to prevent the threatened violation. The institution of an action for injunctive relief under this section shall not relieve any party to the proceedings from any civil or criminal penalty prescribed for violations of this chapter.

(1989 Code, § 154.18) (Ord. 1185, passed 6-14-2005)

§ 154.1~~89~~ BUILDING PERMITS ~~AND STOP WORK ORDERS.~~

(A) No building permit shall be issued for any site ~~requiring land-disturbing activity~~ unless a plan ~~required by this chapter~~ has been approved by the Town for the site of the activity or a tract of land including the site of the activity, pursuant to North Carolina General Statutes.

~~—(B) The Erosion Control Inspector shall advise the Building Inspector to issue a stop work order if he or she finds that a land-disturbing activity is being conducted in violation of any rule adopted or order issued pursuant to this chapter, that the violation is knowing and willful, and that either:~~

~~—(1) Off-site sedimentation has eliminated or severely degraded a use in a lake or natural watercourse or that the degradation is imminent;~~

~~—(2) Off-site sedimentation has caused severe damage to adjacent land or that the damage is imminent; and/or~~

~~—(3) The land-disturbing activity is being conducted without an approved plan.~~

~~—(C) The stop work order shall be in writing and shall state what work is to be stopped and what measures are required to abate the violation. The order shall include a statement of findings made by the Erosion Control Inspector pursuant to this section, and shall list the conditions under which the work that has been stopped, by the order, may be resumed. The delivery of equipment and materials which does not contribute to the violation may continue while the stop work order is in effect.~~

~~—(D) The stop work order shall be served by an official duly authorized by law to serve process as provided by G.S. § 1A-1, Rule 4, and shall be served on the Personperson, at the site of the land-disturbing activity, who is in operational control of the land-disturbing activity. A copy of the stop work order shall be posted, by the authorized official, in a conspicuous place at the site of the land-disturbing activity, and a copy shall also be delivered to any Personperson that the Town has reason to believe may be responsible for the violation.~~

~~—(E) The stop work order provided for in G.S. § 113A-65.1 shall serve as the notice of violation for purposes of a civil penalty pursuant to G.S. § 113A-64(a)(1).~~

~~—(F) The directives of the stop work order become effective upon service of the order. Any Personperson who violates any directives set in the order shall be assessed a civil penalty as provided for in § ~~154.99~~(A).~~

~~—(G) The Erosion Control Inspector shall advise the Building Inspector if all the violations for which the stop work order are issued are corrected, no other violations have occurred, and all measures necessary to abate the violations have been taken. The Town Manager or the Director of Public Services shall, after notification from the Building Inspector, rescind a stop work order that is issued.~~

~~—(H)— A violator may request a hearing, by written demand, within 5 days after receipt of the stop work order. A hearing shall be conducted, as provided for in § 154.99(A)(4), by the Town Manager and the Director of Public Services within 30 days after the date of the written demand for a hearing. Appeals from the final decision of the Town shall be to the Superior Court of Moore County.~~

(1989 Code, § 154.19) (Ord. 1185, passed 6-14-2005)

§ 154.1920 RESTORATION AFTER NON-COMPLIANCE.

(A) The Town may require a ~~Person~~~~person~~ who engaged in a land-disturbing activity and failed to retain sediment generated by the activity, as required by G.S. § 113A-57(3), to restore the waters and land affected by the failure so as to minimize the detrimental effects of the resulting pollution by sedimentation. This authority is in addition to any other civil or criminal penalty or injunctive relief authorized under this chapter.

(B) In the event that sediment, soil, mud, stone, or other debris from a site is deposited on a public roadway, whether from erosion, sedimentation, tracking, or other means, the ~~Person~~~~person~~ conducting the land-disturbing activity shall immediately take appropriate action to remove the debris and clean the roadway.

(1) If the debris is not immediately removed and the roadway cleaned, the Town will issue a notice of violation specifying the date by which the debris must be removed and the roadway cleaned.

(2) If the ~~Person~~~~person~~ fails to comply within the time specified, the Town will take action to remove the debris and clean roadway and invoice the financially responsible ~~Person~~~~person~~ for the entire cost at established rates.

(1989 Code, § 154.20) (Ord. 1185, passed 6-14-2005)

§ 154.99 PENALTY.

Civil penalties.—Any ~~Person~~~~person~~ who violates any of the provisions of this chapter, or rules or orders adopted or issued pursuant to this chapter, or who initiates or continues a land disturbing activity for which a plan is required, except in accordance with the terms, conditions, and provisions of an approved plan, is subject to a civil penalty.

~~—(A)—~~*Civil penalties for a violation.* The maximum civil penalty amount that the Town may assess per violation is ~~five thousand dollars (\$5,000.00).~~ A civil penalty may be assessed from the date of the violation. ~~Each day of a continuing violation shall constitute a separate violation. When the Person has not been assessed any civil penalty under this subsection for any previous violation, and that Person abated continuing environmental damage resulting from the violation within 180 days from the date of the notice of violation, the maximum cumulative total civil penalty assessed under this subsection for all~~

violations associated with the land-disturbing activity for which the erosion and sedimentation control plan is required is twenty-five thousand dollars (\$25,000).

(B) *Civil penalty assessment factors.* The governing body of the Town shall determine the amount of the civil penalty based upon the following factors:

- (1) The degree and extent of harm caused by the violation;
- (2) The cost of rectifying the damage;
- (3) The amount of money the violator saved by noncompliance;
- (4) Whether the violation was committed willfully; and
- (5) The prior record of the violator in complying or failing to comply with this chapter.

(C) *Notice of civil penalty assessment.* ~~The Town shall provide notice of the civil penalty amount and basis for assessment to the Person assessed. The notice of the assessment shall be served by any means authorized under G.S. § 1A-1, Rule 4. A notice of assessment by the Town, and shall direct the violator to either pay the assessment, or contest the assessment within 30 days by filing a petition for hearing with the Town Board of Adjustment as described in the Town of Southern Pines Unified Development Ordinance §2.23 Appeals: (as directed by procedures within the local ordinances or regulations adopted to establish and enforce the erosion and sedimentation control program), or file a request with the Town for remission of the assessment within 60 days of after receipt of the notice of assessment. A remission request must be accompanied by a waiver of the right to a, by written demand for a hearing. An assessment that is not contested case hearing pursuant to Chapter 150B of the North Carolina General Statutes and a stipulation of the facts on which they are due when the violator is served with the notice of assessment. An assessment was based that is contested is due at the conclusion of the administrative and judicial review of the assessment.~~

~~—(D) *Hearing.* A hearing on a civil penalty shall be conducted by the Town Manager and Director of Public Services within 30 days after the date of the written demand for a hearing.~~

~~—(E) *Final decision.* The Town Manager and Director of Public Services shall render their final decision on the civil penalty within 20 days following the hearing.~~

(F) *Appeal of final decision.* Appeal ~~off from~~ the final decision of the governing body Board of Adjustment of the Town shall be to the Superior Court of Moore County by proceedings in the nature of certiorari. The petition for the writ of certiorari must be filed with the Moore County Clerk of Court within 30 days after a written copy of the decision has been mailed to the Person assessed.

(G) Remission of Civil Penalties. A request for remission of a civil penalty imposed under G.S. 113A-64 may be filed with the (city, town, county commission/board) Board of Adjustment within 30 days of receipt of the notice of assessment. A remission request must be accompanied by a waiver of the right to a contested case hearing pursuant to Chapter

150B of the General Statutes and a stipulation of the facts on which the assessment was based. The following factors shall be considered in determining whether a civil penalty remission request will be approved:

- (i) Whether one or more of the civil penalty assessment factors in G.S. 113A-64(a)(3) were wrongly applied to the detriment of the petitioner.
- (ii) Whether the petitioner promptly abated continuing environmental damage resulting from the violation.
- (iii) Whether the violation was inadvertent or a result of an accident.
- (iv) Whether the petitioner had been assessed civil penalties for any previous violations.
- (v) Whether payment of the civil penalty will prevent payment for necessary remedial actions or would otherwise create a significant financial hardship.
- (vi) The assessed property tax valuation of the petitioner's property upon which the violation occurred, excluding the value of any structures located on the property.

The petitioner has the burden of providing information concerning the financial impact of a civil penalty on the petitioner and the burden of showing the petitioner's financial hardship.

The Board of Adjustment may remit the entire amount of the penalty only when the petitioner has not been assessed civil penalties for previous violations and payment of the civil penalty will prevent payment for necessary remedial actions.

~~(H) Collection.~~ ~~—(G) Collection.~~ If payment is not received or equitable settlement reached within 30 days after demand for payment is made, the matter shall be referred to the Town Attorney for institution of a civil action in the name of the Town in the appropriate division of the General Courts of Justice in Moore County for recovery of the penalty. A civil action must be filed within 3 years of the date the final decision was served on the violator.

~~(I) —(H) Credit of civil penalties.~~ ~~The clear proceeds of civil~~ Civil penalties collected by the Town under pursuant to this subsectionchapter shall be ~~remitted~~ credited to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2. Penalties collected by the Town may be diminished only by the actual costs of collection. The collection cost percentage to be used shall be established and approved by the North Carolina Office of State Budget and Management on an annual basis, based upon the computation of actual collection costs by the Town for the prior fiscal year.

~~(J) Criminal Penalties.~~ Any Person who knowingly or willfully violates any provision of this chapter, or rule or order adopted or issued by the Commission or a local government, or who knowingly or willfully initiates or continues a land-disturbing activity for which a plan is required except in accordance with the terms, conditions, and provisions of an

approved plan, shall be guilty of a Class 2 misdemeanor which may include a fine not to exceed \$5,000, as provided ~~indirected by~~ G.S. § 113A-64,(a).

(1989 Code, § 154.99) (Ord. 1185, passed 6-14-2005; Am. Ord. 1953, passed 11-9-2021)

§ 154.20 SEVERABILITY.

If any section or section or sections of this [chapter](#) is/are held to be invalid or unenforceable, all other sections shall nevertheless continue in full force and effect.

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AN ORDINANCE TO PROVIDE FOR THE CONTROL OF SOIL EROSION COTROL AND SEDIMENTATION.

NOW, THEREFORM BE IT ORDAINED by the Town Council of the Town

§ 154.01 TITLE.

This chapter may be cited as the “Town of Southern Pines Soil Erosion and Sedimentation Control Ordinance”.

(1989 Code, § 154.01) (Ord. 1185, passed 6-14-2005)

§ 154.02 PURPOSE.

This chapter is adopted for the purposes of:

(A) Regulating certain land-disturbing activity to control accelerated erosion and sedimentation in order to prevent the pollution of water and other damage to lakes, watercourses, and other public and private property by sedimentation; and

(B) Establishing procedures through which these purposes can be fulfilled.

(1989 Code, § 154.02) (Ord. 1185, passed 6-14-2005)

§ 154.03 DEFINITIONS.

As used in this chapter, unless the context clearly indicates otherwise, the following definitions apply:

ACCELERATED EROSION - Any increase over the rate of natural erosion as a result of land-disturbing activity.

ACT - The North Carolina Sedimentation Pollution Control Act of 1973 and all rules and orders adopted pursuant to it.

ADEQUATE EROSION CNTROL MEASURE, STRUCTURE, OR DEVICE - One which controls the soil material within the land area under responsible control of the Person conducting the land-disturbing activity.

AFFILIATE - A Person that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control of another Person.

APPROVING AUTHORITY - The Division or other State or a local government agency that has been delegated erosion and sedimentation plan review responsibilities in accordance with the provisions of the Act.

BEING CONDUCTED - a land-disturbing activity has been initiated and not deemed complete by the Approving Authority.

BORROW - Fill material that is required for on-site construction that is obtained from other locations.

BUFFER ZONE - The strip of land adjacent to a lake or natural watercourse.

CHANNEL - A natural or man-made depression, drainageway or low area with a path or course where a stream of water is collected and runs, is conveyed or is directed through, during rainfall events.

COASTAL COUNTIES - means the following counties: Beaufort, Bertie, Brunswick, Camden, Carteret, Chowan, Craven, Currituck, Dare, Gates, Hertford, Hyde, New Hanover, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Tyrrell and Washington.

COMMISSION - The North Carolina Sedimentation Control Commission.

COMPLETION OF CONSTRUCTION OR DEVELOPMENT - No further land-disturbing activity is required on a phase of a project except that which is necessary for establishing a permanent ground cover.

DEPARTMENT - The North Carolina Department of Environmental Quality.

DIRECTOR - The Director of the Division of Energy Mineral and Land Resources of the Department of Environmental Quality.

DISCHARGE POINT OR POINT OF DISCHARGE - That point where runoff leaves a tract of land where a land-disturbing activity has occurred or enters a lake or natural watercourse.

ENERGY DISSIPATOR - A structure or a shaped channel section with mechanical armoring placed at the outlet of pipes or conduits to receive and break down the energy from high velocity flow.

EROSION - The wearing away of land surface by the action of wind, water, gravity, or any combination thereof.

GRADING PERMIT - The approval document allowing land-disturbing activity to be initiated.

GROUND COVER - Any natural vegetative growth or other material which renders the soil surface stable against accelerated erosion.

HIGH QUALITY WATERS - Those classified as in 15A NCAC 2B.0224, which is herein incorporated by reference including subsequent amendments and additions.

HIGH QUALITY WATERS (HQW) ZONES - For the Coastal Counties, areas within 575 feet of high-quality waters; and for the remainder of the state, areas within 1 mile and draining to HQW's.

LAKE OR NATURAL WATERCOURSE - Any stream, river, brook, swamp, sound, bay, creek, run, branch, canal, waterway, estuary, and any reservoir, lake or pond.

LAND-DISTURBING ACTIVITY - Any use of the land by any Person in residential, industrial, educational, institutional, or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation.

LOCAL GOVERNMENT - Any county, incorporated village, town, or city, or any combination of counties, incorporated villages, towns, and cities, acting through a joint program pursuant to the provisions of the Act.

NATURAL EROSION - The wearing away of the earth's surface by water, wind or other natural agents under natural environmental conditions undisturbed by man.

PARENT - An affiliate that directly, or indirectly through 1 or more intermediaries, controls another Person.

PERMIT - The certificate allowing land-disturbing activities to be initiated.

PERSON - Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, or other legal entity.

PERSON CONDUCTING LAND-DISTURBING ACTIVITY - Any Person who may be held responsible for a violation unless expressly provided otherwise by this chapter, the Act, or any order adopted pursuant to this chapter or the Act.

PERSON WHO VIOLATES OR VIOLATOR - as used in G.S. 113A-64, means: any landowner or other Person who has financial or operational control over the land-disturbing activity; or who has directly or indirectly allowed the activity, and who has failed to comply with any provision of the Act, the rules of this Chapter or any order or local ordinance adopted pursuant to the Act as it imposes duty upon that Person.

PLAN - An erosion and sedimentation control plan.

SEDIMENT - Solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin.

SEDIMENTATION - The process by which sediment resulting from accelerated erosion has been or is being transported off the site of the land-disturbing activity or into a lake or natural watercourse.

SILTATION - Sediment resulting from accelerated erosion which is settleable or removable by properly designed, constructed, and maintained control measures; and which has been transported from its point of origin within the site of a land-disturbing activity; and which has been deposited, or is in suspension in water.

STORM DRAINAGE FACILITIES - The system of inlets, conduits, channels, ditches and appurtenances which serve to collect and convey storm water through and from a given drainage area.

STORM DRAINAGE PLAN - A plan for storm drainage facilities as required by the Town's Unified Development Ordinance.

STORMWATER RUNOFF - The runoff of water resulting from precipitation in any form.

SUBSIDIARY - An affiliate that is directly, or indirectly through one or more intermediaries, controlled by another Person.

TEN-YEAR STORM - A rainfall of an intensity that, based on historical data, is predicted by a method acceptable to the Approving Authority to be equaled or exceeded, on the average, once in ten years and of a duration that will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.

TOWN - The Town of Southern Pines, a municipal corporation in the State of North Carolina.

TRACT - All contiguous land and bodies of water being disturbed or to be disturbed as a unit, regardless of ownership.

TWENTY-FIVE YEAR STORM - A rainfall of an intensity that, based on historical data, is predicted by a method acceptable to the Approving Authority to be equaled or exceeded, on the average, once in 25 years, and of a duration that will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.

UNCOVERED - The removal of ground cover from, on, or above the soil surface.

UNDERTAKEN - The initiating of any activity, or phase of activity, which results or will result in a change in the ground cover or topography of a tract of land.

VELOCITY - The speed of flow through a cross section perpendicular to the direction of the main channel at the peak flow of the storm of interest but not exceeding bank full flows.

WASTE - Surplus material resulting from on-site land-disturbing activities.

(1989 Code, § 154.03) (Ord. 1185, passed 6-14-2005)

§ 154.04 SCOPE AND EXCLUSIONS.

(A) *Geographical scope of regulated land-disturbing activity.* This shall apply to land-disturbing activity within the territorial jurisdiction of the Town and to the extraterritorial jurisdiction of the Town as allowed by agreement between local governments, the extent of annexation or other appropriate legal instrument or law.

(B) *Exclusions from regulated land-disturbing activity.* Notwithstanding the general applicability of this chapter to all land-disturbing activity, this chapter shall not apply to the following types of land-disturbing activity:

(1) Activities, including the production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture undertaken on agricultural land for the production of plants and animals useful to man, including, but not limited to:

- (a) Forage and sod crops, grain and feed crops, tobacco, cotton and peanuts;
- (b) Dairy animals and dairy products;
- (c) Poultry and poultry products;
- (d) Livestock, including beef cattle, llamas, sheep, swine, horses, ponies, mules and goats;
- (e) Bees and apiary products; and
- (f) Fur producing animals.

(g) Mulch, ornamental plants, and other horticultural products. For purposes of this section, "mulch" means substances composed primarily of plant remains or mixtures of such substances.

(2) An activity undertaken on forest land for the production and harvesting of timber and timber products and conducted in accordance with standards defined by the Forest Practice Guidelines Related to Water Quality (Best Management Practices), as adopted by the North Carolina Department of Agriculture and Consumer Services. If land-disturbing activity undertaken on forest land for the production and harvesting of timber and timber products is not conducted in accordance with standards defined by the Forest Practice Guidelines Related to Water Quality, the provisions of this chapter shall apply to such activity and any related land-disturbing activity on the tract.

(3) An activity for which a permit is required under the Mining Act of 1971, G.S. Chapter 74, Article 7.

(4) A land disturbing activity over which the state has exclusive regulatory jurisdiction as provided in G.S. § 113A-56(a).

(5) An activity which is essential to protect human life during an emergency.

(6) Activities undertaken to restore the wetland functions of converted wetlands to provided compensatory mitigation to offset impacts permitted under Section 404 of the Clean water Act.

(7) Activities undertaken pursuant to Natural Resources Conservation Service standards to restore the wetlands functions of converted wetlands as defined in Title 7 Code of Federal Regulations § 12.2

(C) *Plan approval requirement for land-disturbing activity.* No Person shall undertake any land disturbing activity subject to this chapter without first obtaining a Plan approval from the Town.

(D) *Protection of property.* Persons conducting land-disturbing activity shall take all reasonable measures to protect all public and private property from damage caused by the activity.

(E) *More restrictive rules shall apply.* Whenever conflicts exist between federal, state, or local laws, ordinances, or rules, the more restrictive provision shall apply.

(F) *Plan Approval Exceptions.* Notwithstanding the general requirement to obtain a Plan approval prior to undertaking land-disturbing activity, a Plan approval shall not be required for land-disturbing activity that does not exceed one (1) acre in surface area. In determining the area, lands under one or diverse ownership being developed as a unit will be aggregated.

(1989 Code, § 154.04) (Ord. 1185, passed 6-14-2005)

§ 154.05 MANDATORY STANDARDS FOR LAND-DISTURBING ACTIVITY.

No land-disturbing activity subject to the control of this chapter shall be undertaken except in accordance with the following mandatory standards:

(A) **Buffer Zone**

1. *Standard Buffer.* No land-disturbing activity during periods of construction or improvement to land shall be permitted in proximity to a lake or natural watercourse unless a buffer zone is provided along the margin of the watercourse of sufficient width to confine visible siltation within the 25% of the buffer zone nearest the land-disturbing activity.
 - a. *Projects on, over or under water.* This subdivision shall not apply to land-disturbing activity in connection with the construction of facilities to be located on, over, or under a lake or natural water course.
 - b. *Buffer measurement.* Unless otherwise provided, the width of a buffer zone is measured horizontally from the edge of the water to the nearest edge of the disturbed area, with the 25% of the strip nearer the land-disturbing activity containing natural or artificial means of confining visible siltation.

(B) *Graded slopes and fills.* The angle for graded slopes and fills shall be no greater than the angle which can be retained by vegetative cover or other adequate erosion control devices or structures. In any event, slopes left exposed will, within 21 calendar days of completion of any phase of grading, be planted or otherwise provided with temporary or permanent ground cover, devices, or structures sufficient to restrain erosion. The angle for graded slopes and fills must be demonstrated to be stable. Stable is the condition where the soil remains in its original configuration, with or without mechanical constraints.

(C) *Fill material.* Materials being used as fill shall be consistent with those described in 15A NCAC 13B .0562 unless the site is permitted by the Department's Division of Waste Management to operate as a landfill. Not all materials described in Section .0562 may be suitable to meet geotechnical considerations of the fill activity and should be evaluated accordingly.

(D) *Ground cover.* Whenever land-disturbing activity is undertaken on a tract, the Person conducting the land-disturbing activity shall install erosion and sedimentation control devices and practices that are sufficient to retain the sediment generated by the land-disturbing activity within the boundaries of the tract during construction upon and development of said tract, and shall plant or otherwise provide a permanent ground cover sufficient to restrain erosion after completion of construction or development. Except as provided in § [154.05](#)(B) above and § [154.09](#)(B)(5), provisions for a ground cover sufficient to restrain erosion must be accomplished within 90 calendar days following completion of construction or development.

(E) *Prior plan approval required.* No Person shall initiate any land-disturbing activity on a tract if more than one acre is to be uncovered unless, 30 or more days prior to initiating the activity, a plan for the activity is filed with and approved by the Town.

The Town of Southern Pines shall forward to the Director of the Division of Water Resources a copy of each plan for land disturbing activity that involves the utilization of ditches for the purpose of de-watering or lowering the water table of the tract.

(F) *Minimum requirements for tracts less than one (1) acre.* For residential and commercial construction projects on sites or tracts that disturb less than 1 acre in surface area, the Town requires that the minimum erosion control measures, as outlined in this section unless otherwise approved.

(1) The minimum required erosion control practices and measures to be placed on an individual residential or commercial construction site that is less than one (1) acre in surface area are:

- (a) Shall follow the mandatory standards § 154.05 A through D;
- (b) Silt fencing shall be installed on all lower elevation perimeters;
- (c) A construction entrance shall be installed; and
- (d) Seeding and/or ground stabilization.

(2) The site must comply with the Town's Soil Erosion and Sedimentation Control Chapter by installing and maintaining all required controls measures. The only land disturbing activity to take place before the erosion control measures are completed is the removal of trees necessary to install the erosion control measures.

(3) If it is determined that a significant risk of accelerated erosion or off-site sedimentation may occur as a result of the land-disturbing activity, the Town may require the preparation and approval of a plan and that a grading permit be secured for land-disturbing activity of areas less than one (1) acre.

(4) *Inspection procedure.* The Building Inspector shall notify the Erosion Control Inspector of the scheduled footing inspection at the site. If the erosion control measures are not installed by the scheduled footing inspection, the deadline for placement of these minimum erosion control measures shall be the date at which the Building Inspector

returns for the foundation inspection. If, at the time of the foundation inspection or any subsequent inspection, the Erosion Control Inspector observes any erosion control problems on the site including failure to install erosion control measures, a written notice of violation will be issued in accordance with § [154.17\(C\)](#). The foundation inspection or any subsequent inspection approval will not be rendered until all control measures are in place and functioning.

(5) *Final inspections.* When all construction on the project is complete, the Erosion Control Inspector will evaluate the site and all permanent erosion control features and off-site impacts to other properties. If found to be in compliance, the Building Inspector will be advised, giving approval for the certificate of occupancy.

(1989 Code, § 154.07) (Ord. 1185, passed 6-14-2005)

§ 154.06 EROSION AND SEDIMENTATION CONTROL PLANS.

(A) *Plan submission.* A plan shall be prepared for all land disturbing activities subject to this chapter whenever the proposed activity will disturb more than one acre on a tract. Three copies of the plan shall be filed with the Town at least 30 days prior to commencement of the proposed activity.

(B) *Financial responsibility and ownership.* Plans may be disapproved unless accompanied by an authorized statement of financial responsibility and documentation of property ownership. This statement shall be signed by the Person financially responsible for the land disturbing activity or his or her attorney in fact. The statement shall include the mailing and street addresses of the principal place of business of (1) the Person financially responsible, (2) the owner of the land, and (3) any registered agents. If the Person financially responsible is not a resident of North Carolina, a North Carolina agent must be designated in the statement for the purpose of receiving notice of compliance or non-compliance with the plan, the Act, this chapter, or rules or orders adopted or issued pursuant to this chapter. Except as provided in subsections (C) or (J) of this section, if the applicant is not the owner of the land to be disturbed, the draft erosion and sedimentation control plan must include the owner's written consent for the applicant to submit a draft erosion and sedimentation control plan and to conduct the anticipated land-disturbing activity.

(C) If the applicant is not the owner of the land to be disturbed and the anticipated land-disturbing activity involves the construction of utility lines for the provision of water, sewer, gas, telecommunications, or electrical service, the draft erosion and sedimentation control plan may be submitted without the written consent of the owner of the land, so long as the owner of the land has been provided prior notice of the project.

(D) *Plan review processing fee.* A non-refundable plan review processing fee, based on the number of acres or any part thereof, of land to be disturbed, including off-site borrow and waste areas, and set in accordance with the Town's fee schedule, is required to be paid at the same time as a soil erosion and sedimentation control plan is initially submitted for review and approval. Each plan shall be deemed incomplete until the plan review processing fee is paid.

(E) *Environmental policy act document.* Any plan submitted for a land disturbing activity for which an environmental document is required by the North Carolina Environmental Policy Act (G.S. 113A-1, et seq.) shall be deemed incomplete until a complete environmental document is available for review. The Town shall promptly notify the Person submitting the plan that the 30-day time limit for review of the plan pursuant to this chapter shall not begin until a complete environmental document is available for review.

(F) *Content.* The plan required by this section shall contain, architectural and engineering drawings, maps, assumptions, calculations and narrative statements, as needed to adequately describe the proposed development of the tract and the measures planned to comply with the requirements of this chapter. Plan content may vary to meet the needs of specific site requirements. Detailed guidelines for plan preparation may be obtained from the Town, on request.

(G) *Timeline for decisions on plans.*

(1) The Town will review each complete Plan submitted to the Town and within 30 days of receipt thereof will notify the Person submitting the plan that it has been approved, approved with modifications, or disapproved. Failure to approve, approve with modifications, or disapprove a complete Plan within 30 days of receipt shall be deemed approval.

(2) The Town will review each revised plan submitted to them and within 15 days of receipt thereof will notify the Person submitting the plan that it has been approved, approved with modifications, or disapproved. Failure to approve, approve with modifications, or disapprove a revised plan within 15 days of receipt shall be deemed approval.

(H) *Approval.* The Town shall only approve a plan upon determining that it complies with all applicable State and local regulations for erosion and sedimentation control. Approval assumes the applicant's compliance with the federal and state water quality laws, regulations and rules. The Town shall condition approval of plans upon the applicant's compliance with the federal and state water quality laws, regulations and rules. The Town may establish an expiration date, not to exceed three (3) years for plan approved under this chapter whereby no land-disturbing activity has been undertaken.

(I) *Disapproval for content.* The Town may disapprove a plan or draft plan based on its content. A disapproval based upon a plan's content must specifically state in writing the reasons for disapproval.

(J) *Other disapprovals.*

(1) The Town shall disapprove an erosion and sedimentation control plan if implementation of the plan would result in a violation of the rules adopted by the Environmental Management Commission to protect riparian buffers along surface waters. The Town may disapprove an erosion and sedimentation control plan or disapprove a transfer of a plan under subsection (K) of this section upon finding that an applicant or a parent, subsidiary, or other affiliate of the applicant:

(a) Is conducting or has conducted land-disturbing activity without an approved plan, or has received notice of violation of a plan previously approved by the Commission or a local government pursuant to the Act and has not complied with the notice within the time specified in the notice;

(b) Has failed to pay a civil penalty assessed pursuant to this Article or a local ordinance adopted pursuant to this Article by the time the payment is due;

(c) Has been convicted of a misdemeanor pursuant to G.S. § 113A-64(b) or any criminal provision of a local ordinance adopted pursuant to this Article; or

(d) Has failed to substantially comply with State rules or local ordinances and regulations adopted pursuant to this Article.

(2) In the event that an erosion and sedimentation control plan or transfer of a plan is disapproved by the Town pursuant to subsection (J) of this section, the Town shall so notify the Director of the Division of Energy Mineral, and Land Resources within 10 days of the disapproval. The Town shall advise the applicant or proposed transferee and the Director in writing as to the specific reasons that the plan was disapproved. Notwithstanding the provisions of Section 16(a), the applicant may appeal the local government's disapproval of the plan directly to the Commission.

(3) For purposes of this subsection (J), an applicant's record may be considered for only the 2 years prior to the application date.

(K) *Transfer of Plans.* The Town administering an erosion and sedimentation control program may transfer an erosion and sedimentation control plan approved pursuant to this section without the consent of the plan holder to a successor-owner as provided in this subsection.

(1) The Town may transfer a plan if all of the following conditions are met:

(a) The successor-owner of the property submits to the local government a written request for the transfer of the plan and an authorized statement of the financial responsibility and documentation of property ownership.

(b) The Town finds all of the following:

- The plan holder is one of the following:
 - i. A natural Person who is deceased
 - ii. A partnership, limited liability corporation, corporation, or any other business association that has been dissolved.
 - iii. A Person who has been lawfully and finally divested of title to the property on which the permitted activity is occurring or will occur.
 - iv. A Person who has sold the property on which the permitted activity is occurring or will occur.
- The successor-owner holds title to the property on which the permitted activity is occurring or will occur.
- The successor-owner is the sole claimant of the right to engage in the permitted

activity.

- There will be no substantial change in the permitted activity.

(2) The plan holder shall comply with all terms and conditions of the plan until such time as the plan is transferred.

(3) The successor-owner shall comply with all terms and conditions of the plan once the plan has been transferred.

(4) Notwithstanding changes to law made after the original issuance of the plan, the Town may not impose new or different terms and conditions in the plan without the prior express consent of the successor-owner. Nothing in this subsection shall prevent the Town from requiring a revised plan pursuant to G.S. 113A-54.1(b)

(L) *Notice of activity initiation.* No Person may initiate a land-disturbing activity before notifying the agency that issued the plan approval of the date that land-disturbing activity will begin.

(M) *Pre-construction conference.* A pre-construction conference shall be held prior to commencement of work.

(N) *Display of Plan Approval* A Plan approval issued under this Chapter shall be prominently displayed at the primary entrance to the site of the land disturbing activity and remain until all construction is complete, all temporary sedimentation and erosion control measures have been removed, all permanent sedimentation and erosion control measures are installed, and the site has been stabilized. A copy of the approved plan shall be kept on file at the job site.

(O) *Grading Permit.* Before any land disturbance begins, with the exception of removal of the trees necessary to install the perimeter erosion control measures, A grading permit must be issued by the Town's Erosion Inspector.

(a) A permit will not be issued until the Erosion Inspector has inspected the perimeter erosion control measures and is satisfied that they are installed in accordance with Town details and this chapter.

(b) The grading permit approval letter must be prominently displayed at the primary entrance to the site of the land disturbing activity and remain until all construction is complete, all temporary sedimentation and erosion control measures have been removed, all permanent sedimentation and erosion control measures are installed, and the site has been stabilized.

(P) *Required Revisions.* After approving a plan, if the Town, either upon review of such plan or on inspection of the job site, determines that a significant risk of accelerated erosion or off-site sedimentation exists, the Town shall require a revised plan. Pending the preparation of the revised plan, work shall cease or shall continue under conditions outlined by the appropriate authority. If following commencement of a land disturbing activity pursuant to an approved plan, the Town determines that the plan is inadequate to meet the requirements of this chapter, the Town may require any revision of the plan that is

necessary to comply with this chapter. No fee shall be charged for review of a revised plan unless the revised plan contains an increase in the number of acres to be disturbed.

(Q) *Amendment to a Plan.* Applications for amendment of a plan in written and/or graphic form may be made at any time under the same conditions as the original application. Until such time as the amendment is approved by the Town, the land-disturbing activity shall not proceed except in accordance with the plan as originally approved. No fee shall be charged for an amendment to a plan unless the amended plan contains an increase in the number of acres to be disturbed.

(R) *Failure to file a plan.* Any Person engaged in land-disturbing activity who fails to file a plan in accordance with this chapter, or who conducts a land-disturbing activity except in accordance with provisions of an approved plan shall be deemed in violation of this chapter.

(S) *Expiration and renewal of grading permit.* A grading permit shall be valid for a period of 2 calendar years after issuance, unless it is revoked by the Town or the grading project is completed and a letter of completion is issued by the Town within the 2-year period. The grading permit may be renewed for an additional 2-year period, if adequately justified, by making written request to the Town. No permit fee will be charged for re-issuance of a grading permit, unless the permit has been revoked.

(T) *Self-Inspections.* The landowner, the financially responsible party, the landowner's, or the financially responsible party's agent shall perform an inspection of the area covered by the plan after each phase of the plan has been completed and after establishment of temporary ground cover in accordance with G.S. 113A-57(2). In addition, weekly and rain-event self-inspections are required by federal regulations, that are implemented through the NPDES Construction General Permit NO. NCG 0100000. The Person who performs the inspection shall maintain and make available a record of the inspection at the site of the land disturbing activity. The record shall set out any significant deviation from the approved erosion control plan, identify any measures that may be required to correct deviation, and document the completion of those measurements. The record shall be maintained until permanent ground cover has been established as required by the approved erosion and sedimentation control plan. The inspections required by this subsection shall be in addition to the inspections required by G.S. 113A-61.1

Where inspections are required by Section 154.06(T) of this chapter or G.S. 113A-54.1(e), the following apply:

(1) The inspection shall be performed during or after each of the following phases of the plan;

- (i) initial installation of erosion and sediment control measures;
- (ii) clearing and grubbing of existing ground cover;
- (iii) completion of any grading that requires ground cover;

- (iv) completion of all land-disturbing activity, construction, or development, including permanent ground cover establishment and removal of all temporary measures; and
 - (v) transfer of ownership or control of the tract of land where the erosion and sedimentation control plan has been approved and work has begun. The new owner or Person in control shall conduct and document inspections until the project is permanently stabilized as set forth in Sub-Item (iii) of this Item.
- (2) Documentation of self-inspections performed under Item (1) of this Rule shall include:
- (i) Visual verification of ground stabilization and other erosion control measures and practices as called for in the approved plan;
 - (ii) Verification by measurement of settling basins, temporary construction entrances, energy dissipators, and traps.
 - (iii) The name, address, organization affiliation, telephone number, and signature of the Person conducting the inspection and the date of the inspection shall be included, whether on a copy of the approved erosion and sedimentation control plan or an inspection report. A template for an example of an inspection and monitoring report is provided on the DEMLR website at: <https://deq.nc.gov/about/divisions/energy-mineral-land-resources/erosion-sediment-control/forms>. Any relevant licenses and certifications may also be included. Any documentation of inspections that occur on a copy of the approved erosion and sedimentation control plan shall occur on a single copy of the plan and that plan shall be made available on the site.
 - (iv) A record of any significant deviation from any erosion or sedimentation control measure from that on the approved plan. For the purpose of this Rule, a "significant deviation" means an omission, alternation, or relocation of an erosion or sedimentation control measure that prevents it from performing as intended. The record shall include measures required to correct the significant deviation, along with documentation of when those measures were taken. Deviations from the approved plan may also be recommended to enhance the intended performance of the sedimentation and erosion control measures.

Except as may be required under federal law, rule or regulation, no periodic self-inspections or rain gauge installation is required on individual residential lots where less than one acre is being disturbed on each lot.

(1989 Code, § 154.06) (Ord. 1185, passed 6-14-2005)

§ 154.07 BASIC CONTROL OBJECTIVES.

An erosion and sedimentation control plan may be disapproved if the plan fails to address the following control objectives:

(A) *Identify critical areas.* On-site areas which are subject to severe erosion, and off-site areas which are especially vulnerable to damage from erosion and/or sedimentation, are to be identified and receive special attention.

(B) *Limit time of exposure.* All land-disturbing activity are to be planned and conducted to limit exposure to the shortest time specified in G.S. 113A.-57, the rules of this chapter, or as directed by the Approving Authority.

(C) *Limit exposed areas.* All land-disturbing activity is to be planned and conducted to minimize the size of the area to be exposed at any one time.

(D) *Control surface water.* Surface water runoff originating upgrade of exposed areas should be controlled to reduce erosion and sediment loss during the period of exposure.

(E) *Control sedimentation.* All land-disturbing activity is to be planned and conducted to prevent off-site sedimentation damage.

(F) *Manage storm water runoff.* Plans shall be designed so that any increase in velocity of stormwater runoff resulting from land-disturbing activity will not result in accelerated erosion of the receiving stormwater conveyance or at the point of discharge. Plans shall include measures to prevent accelerated erosion within the project boundary and at the point of discharge.

(1989 Code, § 154.08) (Ord. 1185, passed 6-14-2005)

§ 154.08 DESIGN AND PERFORMANCE STANDARDS.

(A) Except as provided for in § 154.08(B)(2) , erosion and sedimentation control measures, structures, and devices shall be so planned, designed, and constructed to provide protection from the calculated maximum peak rate of runoff from the 10-year storm. Runoff rates shall be calculated using the procedures in the latest edition of the United States Department of Agriculture (USDA), Natural Resources Conservation Service's "National Engineering Field Handbook", or other acceptable calculation procedures.

(B) In High-Quality Water (HQP) zones the following design standards shall apply:

(1) *Limit on uncovered areas.* Uncovered areas in HPW zones shall be limited at any time to a maximum total area of 20 acres within the boundaries of the tract. Only the portion of the land-disturbing activity within a HPW zone shall be governed by this section. Larger areas may be uncovered within the boundaries of the tract, with the written approval of the Town Engineer upon providing engineering justification with a construction sequence that considered phasing, limiting exposure, weekly submitted self-inspection reports, and a more conservative design than the Twenty-five Year Storm.

(2) *Maximum peak rate of runoff protection.* Erosion and sedimentation control measures, structures, and devices within HQW zones shall be planned, designed and constructed to provide protection from the runoff of the twenty-five year storm which produces the maximum peak rate of runoff as calculated according to procedures in the latest edition of the United States Department of Agriculture Natural Resources Conservation of Service's "National Engineering Field Handbook" or according to procedures adopted by any other agency of this State or the United States or any generally recognized organization or association.

(3) *Sediment Basin Design.* Sediment basins within HQW zones shall be designed and constructed according to the following criteria:

- (i) use a surface withdrawal mechanism, except when the basin drainage area is less than 1.0 acre.
- (ii) have a minimum of 1800 cubic feet of storage area per acre of disturbed area;
- (iii) have a minimum surface area of 325 square feet per cfs of the Twenty-five Year Storm (Q25) peak flow;
- (iv) have a minimum dewatering time of 48 hours;
- (v) incorporate 3 baffles, unless the basin is less than 20 feet in length, in which case 2 baffles shall be sufficient.

Upon a written request of the applicant, the Director may allow alternative design and control measures in lieu of meeting the conditions required in subparagraphs (3)(ii) through (3)(v) of this sub-section if the applicant demonstrates that meeting all of those conditions will result in design or operational hardships and that the alternative measures will provide an equal or more effective level of erosion and sediment control on the site. Alternative measures may include quicker application of ground cover, use of sediment flocculants, and use of enhanced ground cover practices

(4) *Grade.* Newly constructed open channels in HQW zones shall be designed and constructed with side slopes no steeper than two horizontal to one vertical if a vegetative cover is used for stabilization unless soil conditions permit a steeper slope or where the slopes are stabilized by using mechanical devices, structural devices or other forms of ditch liners proven as being effective in restraining accelerated erosion. In any event, the angle for side slopes shall be sufficient to restrain accelerated erosion.

(1989 Code, § 154.09) (Ord. 1185, passed 6-14-2005)

§ 154.09 STORM WATER OUTLET PROTECTION.

(A) *Intent.* Stream banks and channels downstream from any land disturbing activity shall be protected from increased degradation by accelerated erosion caused by increased velocity of runoff from the land disturbing activity.

(B) *Performance standard.* Persons shall conduct land-disturbing activity so that the post-construction velocity of the 10-year storm runoff in the receiving watercourse to the discharge point does not exceed the greater of:

- (1) The velocity established by the table in division (E) below, of this section; or
- (2) The velocity of the 10-year storm runoff in the receiving watercourse prior to development.

(a) If conditions (B)(1) or (2) above of this section cannot be met, then the receiving watercourse to and including the discharge point shall be designed and constructed to withstand the expected velocity anywhere the velocity exceeds the "prior to development" velocity by 10%.

(E) *Table.* The following is a table for maximum permissible velocity for storm water discharges in feet per second (FPS) and meters per second (MPS).

<i>Maximum Permissible Velocities</i>		
<i>Material</i>	<i>F.P.S.</i>	<i>M.P.S.</i>
Fine sand (noncolloidal)	2.5	.8
Sandy loam (noncolloidal)	2.5	.8
Silt loam (noncolloidal)	3.0	.9
Ordinary firm loam	3.5	1.1
Fine gravel	5.0	1.5
Stiff clay (very colloidal)	5.0	1.5
Graded, loam to cobbles (noncolloidal)	5.0	1.5
Graded silt to cobbles (colloidal)	5.5	1.7
Alluvial silts (noncolloidal)	3.5	1.1
Alluvial silts (colloidal)	5.0	1.5
Coarse gravel (noncolloidal)	6.0	1.8
Cobble and shingles	5.5	1.7
Shales and hard pans	6.0	1.8

Source: Adapted from recommendations by Special Committee on Irrigation Research, American Society of Civil Engineers, 1926, for channels with straight alignment. For sinuous channels, multiply allowable velocity by 0.95 for slightly sinuous, by 0.9 for moderately sinuous channels, and by 0.8 for highly sinuous channels.

(C) *Acceptable management measures.* Measures applied alone or in combination to satisfy the intent of this section are acceptable if there are no objectionable secondary consequences. The Town recognizes that the management of stormwater runoff to minimize or control downstream channel and bank erosion is a developing technology. Innovative techniques and ideas will be considered and may be used when shown to have the potential to produce successful results. Some alternatives, while not exhaustive, are to:

(1) Avoid increases in surface runoff volume and velocity by including measures to promote infiltration to compensate for increased runoff from areas rendered impervious;

(2) Avoid increases in stormwater discharge velocities by using vegetated or roughened swales and waterways in place of closed drains and high velocity paved sections;

(3) Provide energy dissipators at outlets of storm drainage facilities to reduce flow velocities to the point of discharge.

(4) Protect watercourses subject to accelerated erosion by improving cross-sections and/or providing erosion-resistant lining; and

(5) Upgrade or replace the receiving device, structure, or watercourse such that it will receive and conduct the flow to a point where it is no longer subject to degradation from the increased rate of flow or increased velocity.

(D) *Exceptions.* This rule shall not apply where it can be demonstrated to the Town that storm water discharge velocities will not create an erosion problem in the receiving watercourse.

(1989 Code, § 154.10) (Ord. 1185, passed 6-14-2005)

§ 154.10 BORROW AND WASTE AREAS.

If the same Person conducts the land-disturbing activity and any related borrow or waste activity, the related borrow or waste activity shall constitute part of the land-disturbing activity, unless the borrow or waste activity is regulated under the Mining Act of 1971, G.S. 74, Article 7, or is a landfill regulated by the Division of Waste Management. If the land-disturbing activity and any related borrow or waste activity are not conducted by the same Person, they shall be considered by the Approving Authority as separate land-disturbing activities.

(1989 Code, § 154.11) (Ord. 1185, passed 6-14-2005)

§ 154.11 ACCESS AND HAUL ROADS.

Temporary access and haul roads, other than public roads, constructed or used in connection with any land-disturbing activity shall be considered a part of the activity.

(1989 Code, § 154.12) (Ord. 1185, passed 6-14-2005)

§ 154.12 OPERATIONS IN LAKES OR NATURAL WATERCOURSES.

Land-disturbing activity in connection with construction in, on, over, or under a lake or natural watercourse shall minimize the extent and duration of disruption of the stream channel. Where relocation of a stream forms an essential part of the proposed activity, the relocation shall minimize changes in the stream flow characteristics.

(1989 Code, § 154.13) (Ord. 1185, passed 6-14-2005)

§ 154.13 RESPONSIBILITY FOR MAINTENANCE.

(A) During the development of a site, the Person conducting the land-disturbing activity shall install and maintain all temporary and permanent erosion and sedimentation control measures as required by the approved plan or any provisions of this chapter, the Act, or any order adopted pursuant to this chapter or the Act. After site development, the land owner or Person in possession or control of the land shall install and/or maintain all necessary permanent erosion and sediment control measures, except those measures installed within a road or street right-of-way or easement accepted for maintenance by a governmental agency.

(1989 Code, § 154.14) (Ord. 1185, passed 6-14-2005)

§ 154.14 ADDITIONAL MEASURES.

Whenever the Town, determines that accelerated erosion and sedimentation continues despite the installation of protective practices, they shall direct the Person conducting the land-disturbing activity to take additional protective action necessary to achieve compliance with the conditions specified in the Act or its rules.

(1989 Code, § 154.15) (Ord. 1185, passed 6-14-2005)

§ 154.15 PLAN APPEALS.

(A) Except as provided in § 154.15(B) below, the appeal of a disapproval or approval with modifications of a plan shall be governed by the appeals process described in the Town of Southern Pines Unified Development Ordinance §2.23 Appeals:

(1) The disapproval or approval with modification of any proposed plan by the Town shall entitle the Person submitting the plan to a public hearing if the Person submits written demand for a hearing within 15 days after receipt of written notice of disapproval or modifications.

(4) If the Board of Adjustment upholds the disapproval or approval with modifications of a proposed plan following the hearing, the Person submitting the plan shall then be entitled to appeal the Town's decision to the North Carolina Sedimentation Control Commission as provided in G.S. § 113A-61(c) and Title 15 NCAC 4B.0118 (d).

(B) In the event that a plan is disapproved pursuant to § [154.06](#)(J) of this chapter, the applicant may appeal the Town disapproval of the plan directly to the Commission.

(1989 Code, § 154.16) (Ord. 1185, passed 6-14-2005)

§ 154.16 INSPECTIONS AND INVESTIGATIONS.

(A) *Inspections.* Agents, officials or other qualified Persons authorized by the Town will periodically inspect the sites of land-disturbing activity to determine compliance with the Act, this chapter, or rules or orders adopted or issued pursuant to this chapter, and to determine whether the activity is being conducted in accordance with an approved plan and whether the measures required in the plan are effective in controlling erosion and sediment resulting from land-disturbing activity. Notice of the right to inspect shall be included in the certificate of approval of each plan.

(B) *Willful resistance, delay or obstruction.* No Person shall willfully resist, delay, or obstruct entry or access to any authorized representative, employee, or agent of the Town who requests entry for purposes of inspection, and who presents appropriate credentials, or while that Person is in the process of carrying out his or her official duties under this section.

(C) *Notice of violation.*

(1) If the Town determines that a Person engaged in land-disturbing activity has failed to comply with the Act, this chapter, or rules or orders adopted or issued pursuant to this chapter, a notice of violation shall be served upon that Person. The notice may be served by any means authorized under G.S. § 1A-1, Rule 4. The notice shall specify a date, by which the Person must comply with the Act, or this chapter, or rules, or orders adopted pursuant to this chapter, and inform the Person of the actions that need to be taken to comply with the Act, this chapter, or rules, or orders adopted pursuant to this chapter. Any Person who fails to comply within the time specified is subject to additional civil and criminal penalties for a continuing violation as provided in G.S. § 113A-64 and this chapter. (3) If damage to areas outside of the specified limits of disturbance is severe, and/or if the Person has not complied with notice by the date specified. Then a Stop Work Order will also be issued. Stopping all ground disturbing activities, inspections, and construction activities until the conditions for repair/restoration stated in notice have been resolved.

If the Person engaged in the land-disturbing activity has not received a previous notice of violation under this section, the Town shall offer assistance in developing corrective measures. Assistance may be provided by referral to a technical assistance program on behalf of the Approving Authority, referral to a cooperative extension program, or by the provision of written materials such as Department guidance documents. The notice of violation may be served in the manner prescribed for service of process by G.S. 1A-1, Rule 4, and shall include information on how to obtain assistance in developing corrective measures.

(D) *Investigation.* The Town shall have the power to conduct the investigation as it may reasonably deem necessary to carry out its duties as prescribed in this chapter, and who presents appropriate credentials for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigating and inspecting the sites of any land disturbing activity.

(E) *Statements and reports.* The Town shall also have the power to require written statements, or the filing of reports under oath, with respect to pertinent questions relating to land disturbing activity.

(1989 Code, § 154.17) (Ord. 1185, passed 6-14-2005)

§ 154.17 INJUNCTIVE RELIEF.

(A) *Violation of local program.* Whenever the Town Manager has reasonable cause to believe that any Person is violating or threatening to violate this chapter or any rule or order adopted or issued by the Town, or any term, condition, or provision of an approved plan, he or she may, either before or after the institution of any other action or proceeding authorized by this chapter, institute a civil action in the name of the Town, for injunctive relief to restrain the violation or threatened violation. The action shall be brought in the Superior Court of Moore County.

(B) *Abatement of violation.* Upon determination by a court that an alleged violation is occurring or is threatened, the court shall enter any orders or judgments that are necessary to abate the violation, to ensure that restoration is performed, or to prevent the threatened violation. The institution of an action for injunctive relief under this section shall not relieve any party to the proceedings from any civil or criminal penalty prescribed for violations of this chapter.

(1989 Code, § 154.18) (Ord. 1185, passed 6-14-2005)

§ 154.18 BUILDING PERMITS.

(A) No building permit shall be issued for any site unless a plan required by this chapter has been approved by the Town for the site of the activity or a tract of land including the site of the activity, pursuant to North Carolina General Statutes.

(1989 Code, § 154.19) (Ord. 1185, passed 6-14-2005)

§ 154.19 RESTORATION AFTER NON-COMPLIANCE.

(A) The Town may require a Person who engaged in a land-disturbing activity and failed to retain sediment generated by the activity, as required by G.S. § 113A-57(3), to restore the waters and land affected by the failure so as to minimize the detrimental effects of the resulting pollution by sedimentation. This authority is in addition to any other civil or criminal penalty or injunctive relief authorized under this chapter.

(B) In the event that sediment, soil, mud, stone, or other debris from a site is deposited on a public roadway, whether from erosion, sedimentation, tracking, or other means, the Person conducting the land-disturbing activity shall immediately take appropriate action to remove the debris and clean the roadway.

(1) If the debris is not immediately removed and the roadway cleaned, the Town will issue a notice of violation specifying the date by which the debris must be removed and the roadway cleaned.

(2) If the Person fails to comply within the time specified, the Town will take action to remove the debris and clean roadway and invoice the financially responsible Person for the entire cost at established rates.

(1989 Code, § 154.20) (Ord. 1185, passed 6-14-2005)

§ 154.99 PENALTY.

Civil penalties. Any Person who violates any of the provisions of this chapter, or rules or orders adopted or issued pursuant to this chapter, or who initiates or continues a land disturbing activity for which a plan is required, except in accordance with the terms, conditions, and provisions of an approved plan, is subject to a civil penalty.

(A) *Civil penalties for a violation.* The maximum civil penalty amount that the Town may assess per violation is five thousand dollars (\$5,000.00). A civil penalty may be assessed from the date of the violation. Each day of a continuing violation shall constitute a separate violation. When the Person has not been assessed any civil penalty under this subsection for any previous violation, and that Person abated continuing environmental damage resulting from the violation within 180 days from the date of the notice of violation, the maximum cumulative total civil penalty assessed under this subsection for all violations associated with the land-disturbing activity for which the erosion and sedimentation control plan is required is twenty-five thousand dollars (\$25,000).

(B) *Civil penalty assessment factors.* The governing body of the Town shall determine the amount of the civil penalty based upon the following factors:

- (1) The degree and extent of harm caused by the violation;
- (2) The cost of rectifying the damage;
- (3) The amount of money the violator saved by noncompliance;
- (4) Whether the violation was committed willfully; and
- (5) The prior record of the violator in complying or failing to comply with this chapter.

(C) *Notice of civil penalty assessment.* The Town shall provide notice of the civil penalty amount and basis for assessment to the Person assessed. The notice of assessment shall be served by any means authorized under G.S. 1A-1, Rule 4. A notice of assessment by the Town shall direct the violator to either pay the assessment, contest the assessment within 30 days by filing a petition for hearing with the Town Board of Adjustment as described in the Town of Southern Pines Unified Development Ordinance §2.23 Appeals; or file a request with the Town for remission of the assessment within 60 days of receipt of the notice of assessment. A remission request must be accompanied by a waiver of the right to a contested case hearing pursuant to Chapter 150B of the North Carolina General Statutes and a stipulation of the facts on which the assessment was based.

(F) *Appeal of final decision.* Appeal of the final decision of the Board of Adjustment of the Town shall be to the Superior Court of Moore County by proceedings in the nature of

certiorari. The petition for the writ of certiorari must be filed with the Moore County Clerk of Court within 30 days after a written copy of the decision has been mailed to the Person assessed.

(G) Remission of Civil Penalties. A request for remission of a civil penalty imposed under G.S. 113A-64 may be filed with the Board of Adjustment within 30 days of receipt of the notice of assessment. A remission request must be accompanied by a waiver of the right to a contested case hearing pursuant to Chapter 150B of the General Statutes and a stipulation of the facts on which the assessment was based. The following factors shall be considered in determining whether a civil penalty remission request will be approved:

- (i) Whether one or more of the civil penalty assessment factors in G.S. 113A-64(a)(3) were wrongly applied to the detriment of the petitioner.
- (ii) Whether the petitioner promptly abated continuing environmental damage resulting from the violation.
- (iii) Whether the violation was inadvertent or a result of an accident.
- (iv) Whether the petitioner had been assessed civil penalties for any previous violations.
- (v) Whether payment of the civil penalty will prevent payment for necessary remedial actions or would otherwise create a significant financial hardship.
- (vi) The assessed property tax valuation of the petitioner's property upon which the violation occurred, excluding the value of any structures located on the property.

The petitioner has the burden of providing information concerning the financial impact of a civil penalty on the petitioner and the burden of showing the petitioner's financial hardship.

The Board of Adjustment may remit the entire amount of the penalty only when the petitioner has not been assessed civil penalties for previous violations and payment of the civil penalty will prevent payment for necessary remedial actions.

(H) *Collection.* If payment is not received or equitable settlement reached within 30 days after demand for payment is made, the matter shall be referred to the Town Attorney for institution of a civil action in the name of the Town in the appropriate division of the General Courts of Justice in Moore County for recovery of the penalty. A civil action must be filed within 3 years of the date the final decision was served on the violator.

(I) *Credit of civil penalties.* The clear proceeds of civil penalties collected by the Town under this subsection shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2. Penalties collected by the Town may be diminished only by the actual costs of collection. The collection cost percentage to be used shall be established and approved by the North Carolina Office of State Budget and Management on

an annual basis, based upon the computation of actual collection costs by the Town for the prior fiscal year.

(J) *Criminal Penalties.* Any Person who knowingly or willfully violates any provision of this chapter, or rule or order adopted or issued by the Commission or a local government, or who knowingly or willfully initiates or continues a land-disturbing activity for which a plan is required except in accordance with the terms, conditions, and provisions of an approved plan, shall be guilty of a Class 2 misdemeanor which may include a fine not to exceed \$5,000 as provided in G.S. § 113A-64.

(1989 Code, § 154.99) (Ord. 1185, passed 6-14-2005; Am. Ord. 1953, passed 11-9-2021)

§ 154.20 SEVERABILITY.

If any section or section or sections of this chapter is/are held to be invalid or unenforceable, all other sections shall nevertheless continue in full force and effect.

MODEL LOCAL ORDINANCE

SOIL EROSION and SEDIMENTATION CONTROL

Revised November 2021

SEDIMENTATION CONTROL COMMISSION

RALEIGH, NORTH CAROLINA

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ORDINANCE NO. _____

AN ORDINANCE TO PROVIDE FOR THE CONTROL OF SOIL EROSION
AND SEDIMENTATION.

NOW, THEREFORE, BE IT ORDAINED by the (Governing Body) of the (City),
(Town), (County) hereby adopts the following ordinance.

SECTION 1 Title

This ordinance may be cited as the (city), (town), (county) Soil Erosion and Sedimentation
Control Ordinance.

SECTION 2 Purpose

This ordinance is adopted for the purposes of:

- (a) regulating certain land-disturbing activity to control accelerated erosion and
sedimentation in order to prevent the pollution of water and other damage to lakes,
watercourses, and other public and private property by sedimentation; and
- (b) establishing procedures through which these purposes
can be fulfilled.

SECTION 3 Definitions

As used in this ordinance, unless the context clearly indicates otherwise, the following
definitions apply:

- (a) Accelerated Erosion - means any increase over the rate of natural erosion as a result
of land-disturbing activity.
- (b) Act - means the North Carolina Sedimentation Pollution Control Act of 1973 and
all rules and orders adopted pursuant to it.
- (c) Adequate Erosion Control Measure, Structure, or Device - means one which
controls the soil material within the land area under responsible control of the
Person conducting the land-disturbing activity.
- (d) Affiliate – means a Person that directly, or indirectly through one or more
intermediaries, controls, is controlled by, or is under common control of another
Person.

- (e) Approving Authority – means the Division or other State or a local government agency that has been delegated erosion and sedimentation plan review responsibilities in accordance with the provisions of the Act.
- (f) Being Conducted - means a land-disturbing activity has been initiated and not deemed complete by the Approving Authority.
- (g) Borrow - means fill material that is required for on-site construction that is obtained from other locations.
- (h) Buffer Zone - means the strip of land adjacent to a lake or natural watercourse.
- (i) Coastal Counties - means the following counties: Beaufort, Bertie, Brunswick, Camden, Carteret, Chowan, Craven, Currituck, Dare, Gates, Hertford, Hyde, New Hanover, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Tyrrell and Washington.
- (j) Commission - means the North Carolina Sedimentation Control Commission.
- (k) Completion of Construction or Development - means that no further land-disturbing activity is required on a phase of a project except that which is necessary for establishing a permanent ground cover.
- (l) Department - means the North Carolina Department of Environmental Quality.
- (m) Director - means the Director of the Division of Energy Mineral and Land Resources of the Department of Environmental Quality.
- (n) Discharge Point or Point of Discharge - means that point where runoff leaves a tract of land where a land-disturbing activity has occurred or enters a lake or natural watercourse.
- (o) District - means the _____ Soil and Water Conservation District created pursuant to Chapter 139, North Carolina General Statutes.
- (p) Energy Dissipator - means a structure or a shaped channel section with mechanical armoring placed at the outlet of pipes or conduits to receive and break down the energy from high velocity flow.
- (q) Erosion - means the wearing away of land surfaces by the action of wind, water, gravity, or any combination thereof.
- (r) Ground Cover - means any natural vegetative growth or other material which renders the soil surface stable against accelerated erosion.

- (s) High Quality Waters - means those classified as such in 15A NCAC 02B .0224, which is herein incorporated by reference including subsequent amendments and additions.
- (t) High Quality Water (HQW) Zones –means, for the Coastal Counties, areas within 575 feet of High Quality Waters; and for the remainder of the state, areas within one mile and draining to HQW's.
- (u) Lake or Natural Watercourse – means any stream, river, brook, swamp, sound, bay, creek, run, branch, canal, waterway, estuary, and any reservoir, lake or pond.
- (v) Land-disturbing Activity - means any use of the land by any Person in residential, industrial, educational, institutional, or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation.
- (w) Local Government - means any county, incorporated village, town or city, or any combination of counties, incorporated villages, towns, and cities, acting through a joint program pursuant to the provisions of the Act.
- (x) Natural Erosion - means the wearing away of the earth's surface by water, wind, or other natural agents under natural environmental conditions undisturbed by man.
- (y) Parent – means an affiliate that directly, or indirectly through one or more intermediaries, controls another Person.
- (z) Person - means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, or other legal entity.
- (aa) Person Conducting the Land-Disturbing Activity - means any Person who may be held responsible for violation unless expressly provided otherwise by this Ordinance, the Act, or any order adopted pursuant to this Ordinance or the Act.
- (bb) Person Who Violates or Violator, as used in G.S. 113A-64, means: any landowner or other Person who has financial or operational control over the land-disturbing activity; or who has directly or indirectly allowed the activity, and who has failed to comply with any provision of the Act, the rules of this Chapter or any order or local ordinance adopted pursuant to the Act as it imposes a duty upon that Person.
- (cc) Plan - means an erosion and sedimentation control plan.
- (dd) Sediment - means solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin.

- (ee) Sedimentation - means the process by which sediment resulting from accelerated erosion has been or is being transported off the site of the land-disturbing activity or into a lake or natural watercourse.
- (ff) Siltation - means sediment resulting from accelerated erosion which is settleable or removable by properly designed, constructed, and maintained control measures; and which has been transported from its point of origin within the site of a land-disturbing activity; and which has been deposited, or is in suspension in water.
- (gg) Storm Drainage Facilities - means the system of inlets, conduits, channels, ditches and appurtenances which serve to collect and convey storm water through and from a given drainage area.
- (hh) Stormwater Runoff - means the runoff of water resulting from precipitation in any form.
- (ii) Subsidiary – means an affiliate that is directly, or indirectly through one or more intermediaries, controlled by another Person.
- (jj) Ten-Year Storm - means a rainfall of an intensity that, based on historical data, is predicted by a method acceptable to the Approving Authority to be equaled or exceeded, on the average, once in ten years, and of a duration that will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.
- (kk) Tract - means all contiguous land and bodies of water being disturbed or to be disturbed as a unit, regardless of ownership.
- (ll) Twenty-five Year Storm - means a rainfall of an intensity that, based on historical data, is predicted by a method acceptable to the Approving Authority to be equaled or exceeded, on the average, once in 25 years, and of a duration that will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.
- (mm) Uncovered - means the removal of ground cover from, on, or above the soil surface.
- (nn) Undertaken - means the initiating of any activity, or phase of activity, which results or will result in a change in the ground cover or topography of a tract of land.
- (oo) Velocity - means the speed of flow through a cross section perpendicular to the direction of the main channel at the peak flow of the storm of interest but not exceeding bank full flows.
- (pp) Waste - means surplus materials resulting from on-site land-disturbing activities and being disposed of at other locations.

SECTION 4

Scope and Exclusions

- (a) Geographical Scope of Regulated Land-Disturbing Activity. This ordinance shall apply to land-disturbing activity within the territorial jurisdiction of the (city), (town), (county) and to the extraterritorial jurisdiction of the (city), (town), (county) as allowed by agreement between local governments, the extent of annexation or other appropriate legal instrument or law.
- (b) Exclusions from Regulated Land-Disturbing Activity. Notwithstanding the general applicability of this ordinance to all land-disturbing activity, this ordinance shall not apply to the following types of land-disturbing activity:
 - (1) Activities, including the production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture undertaken on agricultural land for the production of plants and animals useful to man, including, but not limited to:
 - (i) forage and sod crops, grain and feed crops, tobacco, cotton, and peanuts.
 - (ii) dairy animals and dairy products.
 - (iii) poultry and poultry products.
 - (iv) livestock, including beef cattle, llamas, sheep, swine, horses, ponies, mules, and goats.
 - (v) bees and apiary products.
 - (vi) fur producing animals.
 - (vii) mulch, ornamental plants, and other horticultural products. For purposes of this section, "mulch" means substances composed primarily of plant remains or mixtures of such substances.
 - (2) An Activity undertaken on forestland for the production and harvesting of timber and timber products and conducted in accordance with standards defined by the Forest Practice Guidelines Related to Water Quality (Best Management Practices), as adopted by the North Carolina Department of Agriculture and Consumer Services. If land-disturbing activity undertaken on forestland for the production and harvesting of timber and timber products is not conducted in accordance with standards defined by the Forest Practice Guidelines Related to Water Quality, the provisions of this ordinance shall apply to such activity and any related land-disturbing activity on the tract.
 - (3) An activity for which a permit is required under the Mining Act of 1971, Article 7 of Chapter 74 of the General Statutes.

- (4) A land-disturbing activity over which the State has exclusive regulatory jurisdiction as provided in G.S. 113A-56(a).
 - (5) An activity which is essential to protect human life during an emergency.
 - (6) Activities undertaken to restore the wetland functions of converted wetlands to provide compensatory mitigation to offset impacts permitted under Section 404 of the Clean Water Act.
 - (7) Activities undertaken pursuant to Natural Resources Conservation Service standards to restore the wetlands functions of converted wetlands as defined in Title 7 Code of Federal Regulations § 12.2
- (c) Plan Approval Requirement for Land-Disturbing Activity. No Person shall undertake any land-disturbing activity subject to this ordinance without first obtaining a Plan approval from the (city)(town)(county).
 - (d) Protection of Property - Persons conducting land-disturbing activity shall take all reasonable measures to protect all public and private property from damage caused by such activity.
 - (e) More Restrictive Rules Shall Apply - Whenever conflicts exist between federal, state, or local laws, ordinance, or rules, the more restrictive provision shall apply.
 - (f) Plan Approval Exceptions. Notwithstanding the general requirement to obtain a Plan approval prior to undertaking land-disturbing activity, a Plan approval shall not be required for land-disturbing activity that does not exceed _____ acre in surface area. In determining the area, lands under one or diverse ownership being developed as a unit will be aggregated.

SECTION 5 Mandatory Standards for Land-Disturbing Activity

No land-disturbing activity subject to the control of this ordinance shall be undertaken except in accordance with the following mandatory standards:

- (a) Buffer zone
 - (1) Standard Buffer. No land-disturbing activity during periods of construction or improvement to land shall be permitted in proximity to a lake or natural watercourse unless a buffer zone is provided along the margin of the watercourse of sufficient width to confine visible siltation within the twenty-five percent (25%) of the buffer zone nearest the land-disturbing activity.

- (i) Projects On, Over or Under Water. This subdivision shall not apply to a land-disturbing activity in connection with the construction of facilities to be located on, over, or under a lake or natural watercourse.
 - (ii) Buffer Measurement. Unless otherwise provided, the width of a buffer zone is measured horizontally from the edge of the water to the nearest edge of the disturbed area, with the 25 percent of the strip nearer the land-disturbing activity containing natural or artificial means of confining visible siltation.
- (2) Trout Buffer. Waters that have been classified as trout waters by the Environmental Management Commission shall have an undisturbed buffer zone 25 feet wide or of sufficient width to confine visible siltation within the twenty-five percent (25%) of the buffer zone nearest the land-disturbing activity, whichever is greater. Provided, however, that the Commission may approve plans which include land-disturbing activity along trout waters when the duration of said disturbance would be temporary and the extent of said disturbance would be minimal.
 - (i) Projects On, Over or Under Water. This subdivision shall not apply to a land-disturbing activity in connection with the construction of facilities to be located on, over, or under a lake or natural watercourse.
 - (ii) Trout Buffer Measurement. The 25-foot minimum width for an undisturbed buffer zone adjacent to designated trout waters shall be measured horizontally from the top of the bank to the nearest edge of the disturbed area.
 - (iii) Limit on Land Disturbance. Where a temporary and minimal disturbance has been permitted as an exception to the trout buffer, land-disturbing activities in the buffer zone adjacent to designated trout waters shall be limited to a maximum of ten percent (10%) of the total length of the buffer zone within the tract to be disturbed such that there is not more than 100 linear feet of disturbance in each 1000 linear feet of buffer zone. Larger areas may be disturbed with the written approval of the Director.
 - (iv) Limit on Temperature Fluctuations. No land-disturbing activity shall be undertaken within a buffer zone adjacent to designated trout waters that will cause adverse temperature fluctuations in the trout waters, as set forth in 15 NCAC 2B.0211 "Fresh Surface Water Classification and Standards."
- (b) Graded Slopes and Fills. The angle for graded slopes and fills shall be no greater than the angle that can be retained by vegetative cover or other adequate erosion control devices or structures. In any event, slopes left exposed will, within 21 calendar days of completion of any phase of grading, be planted or otherwise provided with temporary or permanent ground cover, devices, or structures sufficient to restrain erosion. The angle for graded slopes and fills must be

demonstrated to be stable. Stable is the condition where the soil remains in its original configuration, with or without mechanical constraints.

- (c) Fill Material. Materials being used as fill shall be consistent with those described in 15A NCAC 13B .0562 unless the site is permitted by the Department's Division of Waste Management to operate as a landfill. Not all materials described in Section .0562 may be suitable to meet geotechnical considerations of the fill activity and should be evaluated accordingly.
- (d) Ground Cover. Whenever land-disturbing activity that will disturb more than _____ acre is undertaken on a tract, the Person conducting the land-disturbing activity shall install erosion and sedimentation control devices and practices that are sufficient to retain the sediment generated by the land disturbing activity within the boundaries of the tract during construction upon and development of said tract, and shall plant or otherwise provide a permanent ground cover sufficient to restrain erosion after completion of construction or development. Except as provided in Section 8(c)(4), provisions for a permanent ground cover sufficient to restrain erosion must be accomplished within 90 calendar days following completion of construction or development.

[NOTE: ONE ACRE OR LESS SHALL BE SPECIFIED IN THE ABOVE PARAGRAPH.]

- (e) Prior Plan Approval. No Person shall initiate any land-disturbing activity that will disturb more than _____ acre on a tract unless, thirty (30) or more days prior to initiating the activity, a Plan for the activity is filed with and approved by the (city)(town)(county). An erosion and sedimentation control plan may be filed less than 30 days prior to initiation of a land-disturbing activity if the plan is submitted under an approved express permit program. The land-disturbing activity may be initiated and conducted in accordance with the plan once the plan has been approved.

[NOTE: ONE ACRE OR LESS SHALL BE SPECIFIED IN THE ABOVE PARAGRAPH. LOCAL PROGRAMS MAY HAVE PERMITS WHICH ALLOW FOR LAND DISTURBING ACTIVITIES TO BE INITIATED SUBSEQUENT TO BOTH A PLAN APPROVAL AND THE LOCAL PERMIT BEING ISSUED. IN THIS CASE, THE ABOVE SENTENCE WILL NEED TO BE REVISED OR EXPANDED.]

The (city)(town)(county) shall forward to the Director of the Division of Water Resources a copy of each Plan for a land-disturbing activity that involves the utilization of ditches for the purpose of de-watering or lowering the water table of the tract.

- (f) The land-disturbing activity shall be conducted in accordance with the approved erosion and sedimentation control plan.

SECTION 6

Erosion and Sedimentation Control Plans

- (a) Plan Submission. A Plan shall be prepared for all land-disturbing activities subject to this ordinance whenever the proposed activity will disturb more than ____ acre on a tract. The Plan shall be filed with the (city)(town)(county); a copy shall be simultaneously submitted to the ____ Soil and Water Conservation District at least 30 days prior to the commencement of the proposed activity.

[NOTE: ONE ACRE OR LESS SHALL BE SPECIFIED IN THE ABOVE PARAGRAPH. THE LAST SENTENCE IN PARAGRAPH (a) DEALING WITH PLAN SUBMISSIONS MAY BE DELETED IF SUBMISSIONS TO THE SOIL AND WATER CONSERVATION DISTRICTS ARE NOT REQUIRED UNDER PARAGRAPH (f) BELOW.]

- (b) Financial Responsibility and Ownership. Plans may be disapproved unless accompanied by an authorized statement of financial responsibility and documentation of property ownership. This statement shall be signed by the Person financially responsible for the land-disturbing activity or his attorney in fact. The statement shall include the mailing and street addresses of the principal place of business of (1) the Person financially responsible, (2) the owner of the land, and (3) any registered agents. If the Person financially responsible is not a resident of North Carolina, a North Carolina agent must be designated in the statement for the purpose of receiving notice of compliance or non-compliance with the Plan, the Act, this ordinance, or rules or orders adopted or issued pursuant to this ordinance. Except as provided in subsections (c) or (k) of this section, if the applicant is not the owner of the land to be disturbed, the draft erosion and sedimentation control plan must include the owner's written consent for the applicant to submit a draft erosion and sedimentation control plan and to conduct the anticipated land-disturbing activity.
- (c) If the applicant is not the owner of the land to be disturbed and the anticipated land-disturbing activity involves the construction of utility lines for the provision of water, sewer, gas, telecommunications, or electrical service, the draft erosion and sedimentation control plan may be submitted without the written consent of the owner of the land, so long as the owner of the land has been provided prior notice of the project.
- (d) Environmental Policy Act Document. Any Plan submitted for a land-disturbing activity for which an environmental document is required by the North Carolina Environment Policy Act (G.S. §113A-1, et seq.) shall be deemed incomplete until a complete environmental document is available for review. The (city)(town)(county) shall promptly notify the Person submitting the Plan that the 30-day time limit for review of the Plan pursuant to this ordinance shall not begin until a complete environmental document is available for review.
- (e) Content. The Plan required by this section shall contain architectural or engineering

drawings, maps, assumptions, calculations, and narrative statements as needed to adequately describe the proposed development of the tract and the measures planned to comply with the requirements of this ordinance. Plan content may vary to meet the needs of specific site requirements. Detailed guidelines for Plan preparation may be obtained from the (city)(town)(county) on request.

- (f) Soil and Water Conservation District Comments. The District shall review the Plan and submit any comments and recommendations to the (city)(town)(county) within 20 days after the District received the Plan, or within any shorter period of time as may be agreed upon by the District and the (city)(town)(county). Failure of the District to submit its comments and recommendations within 20 days or within any agreed-upon shorter period of time shall not delay final action on the Plan.

[NOTE: PARAGRAPH (f) MAY BE DELETED WITH CONSENT FROM THE SEDIMENTATION CONTROL COMMISSION.]

- (g) Timeline for Decisions on Plans. The (city)(town)(county) will review each complete Plan submitted to them and within 30 days of receipt thereof will notify the Person submitting the Plan that it has been approved, approved with modifications, or disapproved. Failure to approve, approve with modifications, or disapprove a complete Plan within 30 days of receipt shall be deemed approval. The (city)(town)(county) will review each revised Plan submitted to them and within 15 days of receipt thereof will notify the Person submitting the Plan that it has been approved, approved with modifications, or disapproved. Failure to approve, approve with modifications, or disapprove a revised Plan within 15 days of receipt shall be deemed approval.
- (h) Approval. The (city)(town)(county) shall only approve a Plan upon determining that it complies with all applicable State and local regulations for erosion and sedimentation control. Approval assumes the applicant's compliance with the federal and state water quality laws, regulations and rules. The (city)(town)(county) shall condition approval of Plans upon the applicant's compliance with federal and state water quality laws, regulations and rules. The (city), (town), (county) may establish an expiration date, not to exceed three (3) years, for Plans approved under this ordinance whereby no land-disturbing activity has been undertaken.
- (i) Disapproval for Content. The (city)(town)(county) may disapprove a Plan or draft Plan based on its content. A disapproval based upon a Plan's content must specifically state in writing the reasons for disapproval.
- (j) Other Disapprovals. The (city)(town)(county) shall disapprove an erosion and sedimentation control plan if implementation of the plan would result in a violation of rules adopted by the Environmental Management Commission to protect riparian buffers along surface waters. The (city)(town)(county) may disapprove an erosion and sedimentation control plan or disapprove a transfer of a plan under subsection (k) of this section upon finding that an applicant

or a parent, subsidiary, or other affiliate of the applicant:

- (1) Is conducting or has conducted land-disturbing activity without an approved plan, or has received notice of violation of a plan previously approved by the Commission or a local government pursuant to this Article and has not complied with the notice within the time specified in the notice.
- (2) Has failed to pay a civil penalty assessed pursuant to this Article or a local ordinance adopted pursuant to this Article by the time the payment is due.
- (3) Has been convicted of a misdemeanor pursuant to G.S. 113A-64(b) or any criminal provision of a local ordinance adopted pursuant to this Article.
- (4) Has failed to substantially comply with State rules or local ordinances and regulations adopted pursuant to this Article.

In the event that an erosion and sedimentation control plan or a transfer of a plan is disapproved by the (city)(town)(county) pursuant to subsection (j) of this section, the local government shall so notify the Director of the Division of Energy, Mineral, and Land Resources within 10 days of the disapproval. The (city)(town)(county) shall advise the applicant or the proposed transferee and the Director in writing as to the specific reasons that the plan was disapproved. Notwithstanding the provisions of Section 16(a), the applicant may appeal the local government's disapproval of the plan directly to the Commission.

For purposes of this subsection, an applicant's record or the proposed transferee's record may be considered for only the two years prior to the application date.

- (k) Transfer of Plans. The (city)(town)(county) administering an erosion and sedimentation control program may transfer an erosion and sedimentation control plan approved pursuant to this section without the consent of the plan holder to a successor-owner of the property on which the permitted activity is occurring or will occur as provided in this subsection.

- (1) The (city)(town)(county) may transfer a plan if all of the following conditions are met:
 - (i) The successor-owner of the property submits to the local government a written request for the transfer of the plan and an authorized statement of financial responsibility and documentation of property ownership.
 - (ii) The (city)(town)(county) finds all of the following:
 - a. The plan holder is one of the following:
 1. A natural person who is deceased.
 2. A partnership, limited liability corporation, corporation, or any other business association that has been dissolved.
 3. A Person who has been lawfully and finally divested of title to the property on which the permitted activity is

- occurring or will occur.
4. A Person who has sold the property on which the permitted activity is occurring or will occur.
 - b. The successor-owner holds title to the property on which the permitted activity is occurring or will occur.
 - c. The successor-owner is the sole claimant of the right to engage in the permitted activity.
 - d. There will be no substantial change in the permitted activity.
- (2) The plan holder shall comply with all terms and conditions of the plan until such time as the plan is transferred.
 - (3) The successor-owner shall comply with all terms and conditions of the plan once the plan has been transferred.
 - (4) Notwithstanding changes to law made after the original issuance of the plan, the (city)(town)(county) may not impose new or different terms and conditions in the plan without the prior express consent of the successor-owner. Nothing in this subsection shall prevent the (city)(town)(county) from requiring a revised plan pursuant to G.S. 113A-54.1(b).
- (l) Notice of Activity Initiation. No Person may initiate a land-disturbing activity before notifying the agency that issued the Plan approval of the date that land-disturbing activity will begin.
 - (m) Preconstruction Conference. When deemed necessary by the Approving Authority, a preconstruction conference may be required and noted on the approved plan.
 - (n) Display of Plan Approval. A Plan approval issued under this Article shall be prominently displayed until all construction is complete, all temporary measures have been removed, all permanent sedimentation and erosion control measures are installed, and the site has been stabilized. A copy of the approved plan shall be kept on file at the job site.
 - (o) Required Revisions. After approving a Plan, if the (city)(town)(county), either upon review of such Plan or on inspection of the job site, determines that a significant risk of accelerated erosion or off-site sedimentation exists, the (city), (town), (county) shall require a revised Plan. Pending the preparation of the revised Plan, work shall cease or shall continue under conditions outlined by the appropriate authority. If following commencement of a land-disturbing activity pursuant to an approved Plan, the (city)(town)(county) determines that the Plan is inadequate to meet the requirements of this ordinance, the (city, (town), (county) may require any revision of the Plan that is necessary to comply with this ordinance.
 - (p) Amendment to a Plan. Applications for amendment of a Plan in written and/or graphic form may be made at any time under the same conditions as the original application. Until such time as said amendment is approved by the (city)(town)(county), the land-disturbing activity shall not proceed except in accordance with the Plan as originally approved.

- (q) Failure to File a Plan. Any Person engaged in land-disturbing activity who fails to file a Plan in accordance with this ordinance, or who conducts a land-disturbing activity except in accordance with provisions of an approved Plan shall be deemed in violation of this ordinance.
- (r) Self-Inspections. The landowner, the financially responsible party, or the landowner's or the financially responsible party's agent shall perform an inspection of the area covered by the plan after each phase of the plan has been completed and after establishment of temporary ground cover in accordance with G.S. 113A-57(2). In addition, weekly and rain-event self-inspections are required by federal regulations, that are implemented through the NPDES Construction General Permit No. NCG 010000. The Person who performs the inspection shall maintain and make available a record of the inspection at the site of the land-disturbing activity. The record shall set out any significant deviation from the approved erosion control plan, identify any measures that may be required to correct the deviation, and document the completion of those measures. The record shall be maintained until permanent ground cover has been established as required by the approved erosion and sedimentation control plan. The inspections required by this subsection shall be in addition to inspections required by G.S. 113A-61.1.

Where inspections are required by Section 6(r) of this Ordinance or G.S. 113A-54.1(e), the following apply:

- (1) The inspection shall be performed during or after each of the following phases of the plan;
- (i) initial installation of erosion and sediment control measures;
 - (ii) clearing and grubbing of existing ground cover;
 - (iii) completion of any grading that requires ground cover;
 - (iv) completion of all land-disturbing activity, construction, or development, including permanent ground cover establishment and removal of all temporary measures; and
 - (v) transfer of ownership or control of the tract of land where the erosion and sedimentation control plan has been approved and work has begun. The new owner or Person in control shall conduct and document inspections until the project is permanently stabilized as set forth in Sub-Item (iii) of this Item.
- (2) Documentation of self-inspections performed under Item (1) of this Rule shall include:
- (i) Visual verification of ground stabilization and other erosion control measures and practices as called for in the approved plan;
 - (ii) Verification by measurement of settling basins, temporary construction entrances, energy dissipators, and traps.
 - (iii) The name, address, organization affiliation, telephone number, and signature of the person conducting the inspection and the date of the inspection shall be included, whether on a copy of the approved erosion and sedimentation control plan or an inspection report. A

template for an example of an inspection and monitoring report is provided on the DEMLR website at: <https://deq.nc.gov/about/divisions/energy-mineral-land-resources/erosion-sediment-control/forms>. Any relevant licenses and certifications may also be included. Any documentation of inspections that occur on a copy of the approved erosion and sedimentation control plan shall occur on a single copy of the plan and that plan shall be made available on the site.

- (iv) A record of any significant deviation from any erosion or sedimentation control measure from that on the approved plan. For the purpose of this Rule, a "significant deviation" means an omission, alternation, or relocation of an erosion or sedimentation control measure that prevents it from performing as intended. The record shall include measures required to correct the significant deviation, along with documentation of when those measures were taken. Deviations from the approved plan may also be recommended to enhance the intended performance of the sedimentation and erosion control measures.

Except as may be required under federal law, rule or regulation, no periodic self-inspections or rain gauge installation is required on individual residential lots where less than one acre is being disturbed on each lot.

SECTION 7 Basic Control Objectives

An erosion and sedimentation control Plan may be disapproved if the Plan fails to address the following control objectives:

- (a) Identify Critical Areas - On-site areas which are subject to severe erosion, and off-site areas which are especially vulnerable to damage from erosion and/or sedimentation, are to be identified and receive special attention.
- (b) Limit Time of Exposure - All land-disturbing activities are to be planned and conducted to limit exposure to the shortest time specified in G.S. 113A-57, the rules of the aforementioned Chapter, or as directed by the Approving Authority.
- (c) Limit Exposed Areas - All land-disturbing activity is to be planned and conducted to minimize the size of the area to be exposed at any one time.
- (d) Control Surface Water - Surface water runoff originating upgrade of exposed areas should be controlled to reduce erosion and sediment loss during the period of exposure.
- (e) Control Sedimentation - All land-disturbing activity is to be planned and conducted to prevent off-site sedimentation damage.

- (f) Manage Stormwater Runoff - Plans shall be designed so that any increase in velocity of stormwater runoff resulting from a land-disturbing activity will not result in accelerated erosion of the receiving stormwater conveyance or at the point of discharge. Plans shall include measures to prevent accelerated erosion within the project boundary and at the point of discharge.

SECTION 8 Design and Performance Standards

- (a) Except as provided in Section 8(b)(2) and Section 8(c)(1) of this ordinance, erosion and sedimentation control measures, structures, and devices shall be planned, designed, and constructed to provide protection from the calculated maximum peak rate of runoff from the ten-year storm. Runoff rates shall be calculated using the procedures in the latest edition of the United States Department of Agriculture (USDA), Natural Resources Conservation Service's "National Engineering Field Handbook", or other acceptable calculation procedures.
- (b) HQW Zones. In High Quality Water (HQW) zones the following design standards shall apply:
 - (1) Limit on Uncovered Area. Uncovered areas in HQW zones shall be limited at any time to a maximum total area of twenty acres within the boundaries of the tract. Only the portion of the land-disturbing activity within a HQW zone shall be governed by this section. Larger areas may be uncovered within the boundaries of the tract with the written approval of the Director upon providing engineering justification with a construction sequence that considers phasing, limiting exposure, weekly submitted self-inspection reports, and a more conservative design than the Twenty-five Year Storm.
 - (2) Maximum Peak Rate of Runoff Protection. Erosion and sedimentation control measures, structures, and devices within HQW zones shall be planned, designed and constructed to provide protection from the runoff of the twenty-five year storm which produces the maximum peak rate of runoff as calculated according to procedures in the latest edition of the United States Department of Agriculture Natural Resources Conservation Service's "National Engineering Field Handbook" or according to procedures adopted by any other agency of this state or the United States or any generally recognized organization or association.
 - (3) Sediment Basin Design. Sediment basins within HQW zones shall be designed and constructed according to the following criteria:
 - (i) use a surface withdrawal mechanism, except when the basin drainage area is less than 1.0 acre;
 - (ii) have a minimum of 1800 cubic feet of storage area per acre of disturbed area;
 - (iii) have a minimum surface area of 325 square feet per cfs of the

- Twenty-five Year Storm (Q25) peak flow;
- (iv) have a minimum dewatering time of 48 hours;
- (v) incorporate 3 baffles, unless the basin is less than 20 feet in length, in which case 2 baffles shall be sufficient.

Upon a written request of the applicant, the Director may allow alternative design and control measures in lieu of meeting the conditions required in subparagraphs (3)(ii) through (3)(v) of this sub-section if the applicant demonstrates that meeting all of those conditions will result in design or operational hardships and that the alternative measures will provide an equal or more effective level of erosion and sediment control on the site. Alternative measures may include quicker application of ground cover, use of sediment flocculants, and use of enhanced ground cover practices.

- (4) Grade. Newly constructed open channels in HW zones shall be designed and constructed with side slopes no steeper than two horizontal to one vertical if a vegetative cover is used for stabilization unless soil conditions permit a steeper slope or where the slopes are stabilized by using mechanical devices, structural devices or other forms of ditch liners proven as being effective in restraining accelerated erosion. In any event, the angle for side slopes shall be sufficient to restrain accelerated erosion.

(c) Design Standards for The Upper Neuse River Basin (Falls Lake Watershed)

In addition to any other requirements of State, federal, and local law, land-disturbing activity in the watershed of the drinking water supply reservoir that meets the applicability requirements of Session Law 2009-486, Section 3. (a), shall meet all of the following design standards for sedimentation and erosion control:

- (1) Erosion and sedimentation control measures, structures, and devices shall be planned, designed, and constructed to provide protection from the runoff of the 25-year storm that produces the maximum peak rate of runoff as calculated according to procedures set out in the latest edition of the United States Department of Agriculture Natural Resources Conservation Service's "Engineering Field Handbook" found through nrcs.usda.gov or according to procedures adopted by any other agency of the State or the United States.
- (2) Sediment basins shall be planned, designed, and constructed so that the basin will have a settling efficiency of at least 70 percent for the 40-micron size soil particle transported into the basin by the runoff of the two-year storm that produces the maximum peak rate of runoff as calculated according to procedures in the latest edition of the United States Department of Agriculture Natural Resources Conservation Service's "National Engineering Field Handbook" or according to procedures adopted by any other agency of the State or the United States.
- (3) Newly constructed open channels shall be planned, designed, and constructed with side slopes no steeper than two horizontal to one vertical if a vegetative cover is used for stabilization unless soil conditions permit

steeper side slopes or where the side slopes are stabilized by using mechanical devices, structural devices, or other ditch liners sufficient to restrain accelerated erosion. The angle for side slopes shall be sufficient to restrain accelerated erosion, as determined by the Approving Authority, based on soil conditions.

- (4) For an area of land-disturbing activity where grading activities have been completed, temporary or permanent ground cover sufficient to restrain erosion shall be provided as soon as practicable, but in no case later than seven calendar days after completion of grading. For an area of land-disturbing activity where grading activities have not been completed, temporary ground cover shall be provided as follows:
 - (i) For an area with no slope, temporary ground cover shall be provided for the area if it has not been disturbed for a period of 14 calendar days.
 - (ii) For an area of moderate slope, temporary ground cover shall be provided for the area if it has not been disturbed for a period of 10 calendar days. For purposes of this Item, "moderate slope" means an inclined area, the inclination of which is less than or equal to three units of horizontal distance to one unit of vertical distance.
 - (iii) For an area of steep slope, temporary ground cover shall be provided for the area if it has not been disturbed for a period of seven calendar days. For purposes of this Item, "steep slope" means an inclined area, the inclination of which is greater than three units of horizontal distance to one unit of vertical distance.

SECTION 9 Storm Water Outlet Protection

- (a) Intent. Stream banks and channels downstream from any land disturbing activity shall be protected from increased degradation by accelerated erosion caused by increased velocity of runoff from the land disturbing activity.
- (b) Performance standard. Persons shall conduct land-disturbing activity so that the post construction velocity of the 10-year storm runoff in the receiving watercourse to the discharge point does not exceed the greater of:
 - (1) the velocity established by the Maximum Permissible Velocities Table set out within this subsection; or
 - (2) the velocity of the ten-year storm runoff in the receiving watercourse prior to development.

If condition (1) or (2) of this Paragraph cannot be met, then the receiving watercourse to and including the discharge point shall be designed and constructed to withstand the expected velocity anywhere the velocity exceeds the "prior to development" velocity by 10%.

Maximum Permissible Velocities Table

The following is a table for maximum permissible velocity for storm water discharges in feet per second (F.P.S.) and meters per second (M.P.S.):

<u>Material</u>	F.P.S.	M.P.S.
Fine sand (noncolloidal)	2.5	0.8
Sandy loam (noncolloidal)	2.5	0.8
Silt loam (noncolloidal)	3.0	0.9
Ordinary firm loam	3.5	1.1
Fine gravel	5.0	1.5
Stiff clay (very colloidal)	5.0	1.5
Graded, loam to cobbles (noncolloidal)	5.0	1.5
Graded, silt to cobbles (Colloidal)	5.5	1.7
Alluvial silts (noncolloidal)	3.5	1.1
Alluvial silts (colloidal)	5.0	1.5
Coarse gravel (noncolloidal)	6.0	1.8
Cobbles and shingles	5.5	1.7
Shales and hard pans	6.0	1.8

Source - Adapted from recommendations by Special Committee on Irrigation Research, American Society of Civil Engineers, 1926, for channels with straight alignment. For sinuous channels, multiply allowable velocity by 0.95 for slightly sinuous, by 0.9 for moderately sinuous channels, and by 0.8 for highly sinuous channels.

- (c) Acceptable Management Measures - Measures applied alone or in combination to satisfy the intent of this section are acceptable if there are no objectionable secondary consequences. The (city)(town)(county) recognizes that the management of storm water runoff to minimize or control downstream channel and bank erosion is a developing technology. Innovative techniques and ideas will be considered and may be used when shown to have the potential to produce successful results. Some alternatives, while not exhaustive, are to:

- (1) Avoid increases in surface runoff volume and velocity by including measures to promote infiltration to compensate for increased runoff from areas rendered impervious;
- (2) Avoid increases in storm water discharge velocities by using vegetated or

roughened swales and waterways in place of closed drains and high velocity paved sections:

- (3) Provide energy dissipators at outlets of storm drainage facilities to reduce flow velocities to the point of discharge;
 - (4) Protect watercourses subject to accelerated erosion by improving cross sections and/or providing erosion-resistant lining; and
 - (5) Upgrade or replace the receiving device structure, or watercourse such that it will receive and conduct the flow to a point where it is no longer subject to degradation from the increased rate of flow or increased velocity.
- (d) Exceptions - This rule shall not apply where it can be demonstrated to the (city), (town), (county) that storm water discharge velocities will not create an erosion problem in the receiving watercourse.

SECTION 10 Borrow and Waste Areas

If the same Person conducts the land-disturbing activity and any related borrow or waste activity, the related borrow or waste activity shall constitute part of the land-disturbing activity, unless the borrow or waste activity is regulated under the Mining Act of 1971, G.S. 74, Article 7, or is a landfill regulated by the Division of Waste Management. If the land-disturbing activity and any related borrow or waste activity are not conducted by the same Person, they shall be considered by the Approving Authority as separate land-disturbing activities.

SECTION 11 Access and Haul Roads

Temporary access and haul roads, other than public roads, constructed or used in connection with any land-disturbing activity shall be considered a part of such activity.

SECTION 12 Operations in Lakes or Natural Watercourses

Land disturbing activity in connection with construction in, on, over, or under a lake or natural watercourse shall minimize the extent and duration of disruption of the stream channel. Where relocation of a stream forms an essential part of the proposed activity, the relocation shall minimize changes in the stream flow characteristics.

SECTION 13 Responsibility for Maintenance

During the development of a site, the Person conducting the land-disturbing activity shall install and maintain all temporary and permanent erosion and sedimentation control measures as required by the approved plan or any provision of this Ordinance, the Act, or any order adopted pursuant to this ordinance or the Act. After site development, the landowner or Person in possession or control of the land shall install and/or maintain all necessary permanent erosion and sediment control measures, except those measures installed within a road or street right-of-way or easement accepted for maintenance by a governmental agency.

SECTION 14 Additional Measures

Whenever the (city)(town)(county), determines that accelerated erosion and sedimentation continues despite the installation of protective practices, they shall direct the Person conducting the land-disturbing activity to take additional protective action necessary to achieve compliance with the conditions specified in the Act or its rules.

SECTION 15 Fees

The (city)(town)(county), may establish a fee schedule for the review and approval of Plans.

[NOTE: THE LOCAL PROGRAM SHALL CONSIDER THE ADMINISTRATIVE AND PERSONNEL COSTS INCURRED FOR REVIEWING THE PLANS AND FOR COMPLIANCE RELATED ACTIVITIES.]

[NOTE: UNDER G.S. §113A-60(a), THE FEE FOR A SINGLE-FAMILY LOT IN A RESIDENTIAL, OR COMMON PLAN OF, DEVELOPMENT THAT IS LESS THAN ONE ACRE CANNOT EXCEED \$100.00 PER LOT.]

SECTION 16 Plan Appeals

- (a) Except as provided in Section 16(b) of this ordinance, the appeal of a disapproval or approval with modifications of a Plan shall be governed by the following provisions:
 - (1) The disapproval or modification of any proposed Plan by the (city)(town)(county), shall entitle the Person submitting the Plan to a public hearing if such Person submits written demand for a hearing within 15 days after receipt of written notice of disapproval or modifications.
 - (2) A hearing held pursuant to this section shall be conducted by the (city)(town)(county), (appropriate local agency), within _____ days after the date of the appeal or request for a hearing.

- (3) The agency conducting the hearings shall make recommendations to the governing body of the (city)(town)(county), within ____ days after the date of the hearing on any Plan.
- (4) The Governing Body of the (city)(town)(county), will render its final decision on any Plan within ____ days of receipt of the recommendations from the agency conducting the hearing.
- (5) If the (city)(town)(county) upholds the disapproval or modification of a proposed Plan following the hearing, the Person submitting the Plan shall then be entitled to appeal the (city)(town)(county)'s decision to the Commission as provided in G.S. 113A-61(c) and 15A NCAC 4B .0118(d)

[NOTE: THE APPEALS PROCEDURES ABOVE ARE INCLUDED ONLY TO ENSURE THAT EACH LOCAL ORDINANCE CONTAINS PROCEDURES FOR APPEALS. THE PROCEDURE SHOULD BE WRITTEN TO CONFORM TO APPLICABLE EXISTING PROCEDURES, OR AS CREATED FOR THE ADMINISTRATION OF THE ORDINANCE.]

- (b) In the event that a Plan is disapproved pursuant to Section 6(j) of this ordinance, the applicant may appeal the (city)(town)(county)'s disapproval of the Plan directly to the Commission.

SECTION 17 Inspections and Investigations

- (a) Inspection. Agents, officials, or other qualified persons authorized by the (city), (town), (county), will periodically inspect land-disturbing activities to ensure compliance with the Act, this ordinance, or rules or orders adopted or issued pursuant to this ordinance, and to determine whether the measures required in the Plan are effective in controlling erosion and sedimentation resulting from land-disturbing activity. Notice of the right to inspect shall be included in the certificate of approval of each Plan.
- (b) Willful Resistance, Delay or Obstruction. No person shall willfully resist, delay, or obstruct an authorized representative, employee, or agent of the (city), (town), (county), while that person is inspecting or attempting to inspect a land-disturbing activity under this section.
- (c) Notice of Violation. If the (city)(town)(county) determines that a Person engaged in land-disturbing activity has failed to comply with the Act, this ordinance, or rules, or orders adopted or issued pursuant to this ordinance, a notice of violation shall be served upon that Person. The notice may be served by any means authorized under GS 1A-1, Rule 4. The notice shall specify a date by which the

Person must comply with the Act, or this ordinance, or rules, or orders adopted pursuant to this ordinance, and inform the Person of the actions that need to be taken to comply with the Act, this ordinance, or rules or orders adopted pursuant to this ordinance. Any Person who fails to comply within the time specified is subject to additional civil and criminal penalties for a continuing violation as provided in G.S. 113A-64 and this ordinance. If the Person engaged in the land-disturbing activity has not received a previous notice of violation under this section, the (city)(town)(county) shall offer assistance in developing corrective measures. Assistance may be provided by referral to a technical assistance program on behalf of the Approving Authority, referral to a cooperative extension program, or by the provision of written materials such as Department guidance documents. The notice of violation may be served in the manner prescribed for service of process by G.S. 1A-1, Rule 4, and shall include information on how to obtain assistance in developing corrective measures.

- (d) Investigation. The (city)(town)(county), shall have the power to conduct such investigation as it may reasonably deem necessary to carry out its duties as prescribed in this ordinance, and who presents appropriate credentials for this purpose to enter at reasonable times, any property, public or private, for the purpose of investigating and inspecting the sites of any land-disturbing activity.
- (e) Statements and Reports. The (city)(town)(county), shall also have the power to require written statements, or filing of reports under oath, with respect to pertinent questions relating to land-disturbing activity.

SECTION 18 Penalties

(a) Civil Penalties

- (1) Civil Penalty for a Violation. Any Person who violates any of the provisions of this ordinance, or rule or order adopted or issued pursuant to this ordinance, or who initiates or continues a land-disturbing activity for which a Plan is required except in accordance with the terms, conditions, and provisions of an approved Plan, is subject to a civil penalty. The maximum civil penalty amount that the (city)(town)(county) may assess per violation is five thousand dollars (\$5,000.00). A civil penalty may be assessed from the date of the violation. Each day of a continuing violation shall constitute a separate violation. When the Person has not been assessed any civil penalty under this subsection for any previous violation, and that Person abated continuing environmental damage resulting from the violation within 180 days from the date of the notice of violation, the maximum cumulative total civil penalty assessed under this subsection for all violations associated with the land-disturbing activity for which the erosion and sedimentation control plan is required is twenty-five thousand dollars (\$25,000).

[NOTE: UNDER G.S. §113A-61.1(d), DAMAGE OR DESTRUCTION OF A SILT FENCE OCCURRING DURING LAND-DISTURBING ACTIVITIES OR CONSTRUCTION ON A DEVELOPMENT PROJECT SHALL NOT BE ASSESSED A CIVIL PENALTY PROVIDED THAT THE SILT FENCE IS REPAIRED OR REPLACED WITHIN THE COMPLIANCE PERIOD/DEADLINE NOTED IN THE INSPECTION REPORT OR NOTICE OF VIOLATION. ENSURE VIOLATORS HAVE AN OPPORTUNITY TO CORRECT THESE VIOLATIONS. THIS STATUTE DOES NOT APPLY TO OFF-SITE SEDIMENT THAT OCCURS DUE TO THE SILT FENCE NOT BEING IN PLACE, BUT MERELY DAMAGE TO THE SILT FENCE ITSELF.]

- (2) Civil Penalty Assessment Factors. The governing body of the (city)(town)(county) shall determine the amount of the civil penalty based upon the following factors:
 - (i) the degree and extent of harm caused by the violation,
 - (ii) the cost of rectifying the damage,
 - (iii) the amount of money the violator saved by noncompliance,
 - (iv) whether the violation was committed willfully, and
 - (v) the prior record of the violator in complying or failing to comply with this ordinance.
- (3) Notice of Civil Penalty Assessment. The governing body of the (city)(town)(county) shall provide notice of the civil penalty amount and basis for assessment to the Person assessed. The notice of assessment shall be served by any means authorized under G.S. 1A-1, Rule 4. A notice of assessment by the (city)(town)(county) shall direct the violator to either pay the assessment, contest the assessment within 30 days by filing a petition for hearing with the (city)(town)(county) (as directed by procedures within the local ordinances or regulations adopted to establish and enforce the erosion and sedimentation control program), or file a request with the (city, town, county commission/board) for remission of the assessment within 30 days of receipt of the notice of assessment. A remission request must be accompanied by a waiver of the right to a contested case hearing pursuant to Chapter 150B of the North Carolina General Statutes and a stipulation of the facts on which the assessment was based.
- (4) Final Decision: The final decision on contested assessments shall be made by the governing body of the (city)(town)(county) in accordance with (the local ordinances or regulations adopted to establish and enforce the erosion and sedimentation control program.)
- (5) Appeal of Final Decision. Appeal of the final decision of the governing body of the (city)(town)(county) shall be to the Superior Court of the county where the violation occurred. Such appeals must be made within 30 days of the final decision of the governing body of the (city)(town)(county).

- (6) Remission of Civil Penalties. A request for remission of a civil penalty imposed under G.S. 113A-64 may be filed with the (city, town, county commission/board) within 30 days of receipt of the notice of assessment. A remission request must be accompanied by a waiver of the right to a contested case hearing pursuant to Chapter 150B of the General Statutes and a stipulation of the facts on which the assessment was based. The following factors shall be considered in determining whether a civil penalty remission request will be approved:
- (i) Whether one or more of the civil penalty assessment factors in G.S. 113A-64(a)(3) were wrongly applied to the detriment of the petitioner.
 - (ii) Whether the petitioner promptly abated continuing environmental damage resulting from the violation.
 - (iii) Whether the violation was inadvertent or a result of an accident.
 - (iv) Whether the petitioner had been assessed civil penalties for any previous violations.
 - (v) Whether payment of the civil penalty will prevent payment for necessary remedial actions or would otherwise create a significant financial hardship.
 - (vi) The assessed property tax valuation of the petitioner's property upon which the violation occurred, excluding the value of any structures located on the property.

[NOTE: THE PETITIONER HAS THE BURDEN OF PROVIDING INFORMATION CONCERNING THE FINANCIAL IMPACT OF A CIVIL PENALTY ON THE PETITIONER AND THE BURDEN OF SHOWING THE PETITIONER'S FINANCIAL HARDSHIP. THE CITY/TOWN/COUNTY COMMISSION OR BOARD MAY REMIT THE ENTIRE AMOUNT OF THE PENALTY ONLY WHEN THE PETITIONER HAS NOT BEEN ASSESSED CIVIL PENALTIES FOR PREVIOUS VIOLATIONS AND PAYMENT OF THE CIVIL PENALTY WILL PREVENT PAYMENT FOR NECESSARY REMEDIAL ACTIONS. THE CITY/TOWN/COUNTY COMMISSION OR BOARD MAY NOT IMPOSE A PENALTY UNDER THIS SECTION THAT IS IN EXCESS OF THE CIVIL PENALTY IMPOSED BY THE LOCAL PROGRAM.]

[NOTE: THE FOREGOING PROCEDURES ARE OFFERED AS GUIDANCE TO LOCAL GOVERNMENTS TO ENSURE THAT CIVIL PENALTIES ARE ACCOMPANIED BY REMISSION REQUESTS AND APPEAL PROCEDURES, INCLUDING HEARING OPPORTUNITIES. REFER TO THE REMISSION GUIDELINES FOR LOCAL GOVERNMENT EROSION AND SEDIMENT CONTROL PROGRAMS FOR THE FULL PROCEDURE.]

- (7) Collection. If payment is not received within 30 days after it is due, the (city)(town)(county) may institute a civil action to recover the amount of the assessment. The civil action may be brought in the Superior Court of the county where the violation occurred, or the violator's residence or principal place of business is located. Such civil actions must be filed within three (3) years of the date the assessment was due. An assessment that is not contested and a remission that is not requested is due when the violator is served with a notice of assessment. An assessment that is contested or a remission that is requested is due at the conclusion of the administrative and judicial review of the assessment.
- (8) Credit of Civil Penalties. The clear proceeds of civil penalties collected by the (city)(town)(county) under this subsection shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2. Penalties collected by the (city)(town)(county) may be diminished only by the actual costs of collection. The collection cost percentage to be used shall be established and approved by the North Carolina Office of State Budget and Management on an annual basis, based upon the computation of actual collection costs by the (city)(town)(county) for the prior fiscal year.

[IN ANY EVENT, THE COST PERCENTAGE SHALL NOT EXCEED TWENTY PERCENT (20%) OF PENALTIES COLLECTED.]

- (b) Criminal Penalties. Any Person who knowingly or willfully violates any provision of this ordinance, or rule or order adopted or issued by the Commission or a local government, or who knowingly or willfully initiates or continues a land-disturbing activity for which a Plan is required except in accordance with the terms, conditions, and provisions of an approved Plan, shall be guilty of a Class 2 misdemeanor which may include a fine not to exceed \$5,000 as provided in G.S. 113A-64.

SECTION 19 Injunctive Relief

- (a) Violation of Local Program. Whenever the governing body has reasonable cause to believe that any Person is violating or threatening to violate any ordinance, rule, regulation or order adopted or issued by the (city)(town)(county), or any term, condition, or provision of an approved Plan, it may, either before or after the institution of any other action or proceeding authorized by this ordinance, institute a civil action in the name of the (city)(town)(county), for injunctive relief to restrain the violation or threatened violation. The action shall be brought in the superior court of the county in which the violation is occurring or is threatened.
- (b) Abatement of Violation. Upon determination by a court that an alleged violation is occurring or is threatened, the court shall enter any order or judgment that is

necessary to abate the violation, to ensure that restoration is performed, or to prevent the threatened violation. The institution of an action for injunctive relief under this section shall not relieve any party to the proceedings from any civil or criminal penalty prescribed for violations of this ordinance.

SECTION 20 Restoration After Non-Compliance

The (city)(town)(county), may require a Person who engaged in a land-disturbing activity and failed to retain sediment generated by the activity, as required by G.S. 113A-57 (3), to restore the waters and land affected by the failure so as to minimize the detrimental effects of the resulting pollution by sedimentation. This authority is in addition to any other civil or criminal penalty or injunctive relief authorized under this ordinance.

SECTION 21 Severability

If any section or section or sections of this ordinance is/are held to be invalid or unenforceable, all other sections shall nevertheless continue in full force and effect.

SECTION 22 Effective Date

This ordinance becomes effective on _____.

[IN ESTABLISHING AN EFFECTIVE DATE, THE LOCAL GOVERNMENT SHOULD CONSIDER THE NEED FOR LEAD-TIME TO ORIENT AND EDUCATE THOSE AFFECTED BY FULL IMPLEMENTATION OF THE ORDINANCE.]

MEMO

To: Reagan Parsons, Town Manager
From: James Michel, PE Town Engineer/Assistant Public Works Director
Date: 2-21-2024
Re: Bennett Street Sidewalk Project

Public Works Staff opened bids for the Fiscal Year 2023-2024 Sidewalk Project, February 8, 2024. The proposed project would extend from Wisconsin to Illinois along Bennett Street. On the north side of Bennett Street, a sidewalk would be constructed along with associated curb and gutter, and storm drainage work. The south side (Brownstone) has an existing sidewalk, so the project would include ADA ramps and curb and gutter along the road. A schematic drawing of the proposed sidewalk has been attached herein.

A bid summary is attached for reference and a breakdown is shown in the below table. All bids received exceeded the available budget in the Sidewalks – Phase II Fund 57. The current unencumbered balance in the fund is \$175,693. The project as bid also includes the replacement of an old 4-inch cast iron water main which will be funded from the Water Distribution Upgrades and Maintenance Fund 72.

Bidder	Ascot Corporation	Cinderella Partners	Fred Smith Company
North Side	\$190,071.50	\$237,027.10	\$287,600.00
South Side	\$62,220.00	\$94,137.73	\$111,500.00
Sidewalk Sub-Total	\$252,291.50	\$331,164.83	\$399,100.00
Waterline	\$96,052.54	\$248,841.23	\$665,845.00
Total	\$348,344.04	\$580,006.06	\$1,064,945.00

Staff recommends awarding the project to the low bidder. There are several different scenarios that could be followed to move forward with the project. The below scenarios do not discuss the waterline portion of the project as it is fully funded.

Scenario 1

Award to Ascot Corporation for just the \$190,071.50 North Side portion of the project. The shortfall would be \$14,377 and Staff recommends a \$15,000 contingency for a total of \$29,377. CPF 57 currently has about \$30,000 in interest earnings that could be moved to cover this expense and a budget amendment would be needed to transfer the funds. This scenario would leave one side of Bennett Street in this block without curb and gutter which would be different than the other sections completed.

Scenario 2

Award to Ascot Corporation for the North and South Side portions of the project. The shortfall would be \$76,598 and staff recommends a \$24,000 contingency, rounded for a total of \$100,000. The interest earnings could be utilized under this scenario, but an additional \$70,000 would be needed from Fund Balance to make up the difference.

Scenario 3

Delay the project until next Fiscal year and utilize a new sidewalk fund allocation to make up the difference. There are two remaining sections of the planned Bennet Street project. The two sections would extend the sidewalk from Wisconsin towards Morganton down to where the existing sidewalk by the park property ends. There are currently 2 additional years of projects planned to complete Bennett Street with the typical \$200-250K annual funding. Delay of the current years project would push this back to 3 years.

Scenario 4

Any other scenarios or permutations of the above that Council would like to discuss?

Town of Southern Pines

Bid Opening

Sidewalk Improvements Project

Thursday, February 8, 2024

	Contractor	NC License #	Acknowledgement of Alternate No. 1	Acknowledgement of Alternate No. 2	Total Bid
1	Ascot Corporation	70449	Yes	Yes	\$348,344.04
2	Cinderella Partners	78482	Yes	Yes	\$580,006.06
3	Fred Smith Company	43848	Yes	Yes	\$1,064,945.00

PI Sta 22+86.77
D = 3° 41' 09.9" (RT)
D = 1° 25' 56.6"
L = 257.34'
T = 128.71'
R = 4,000.00'

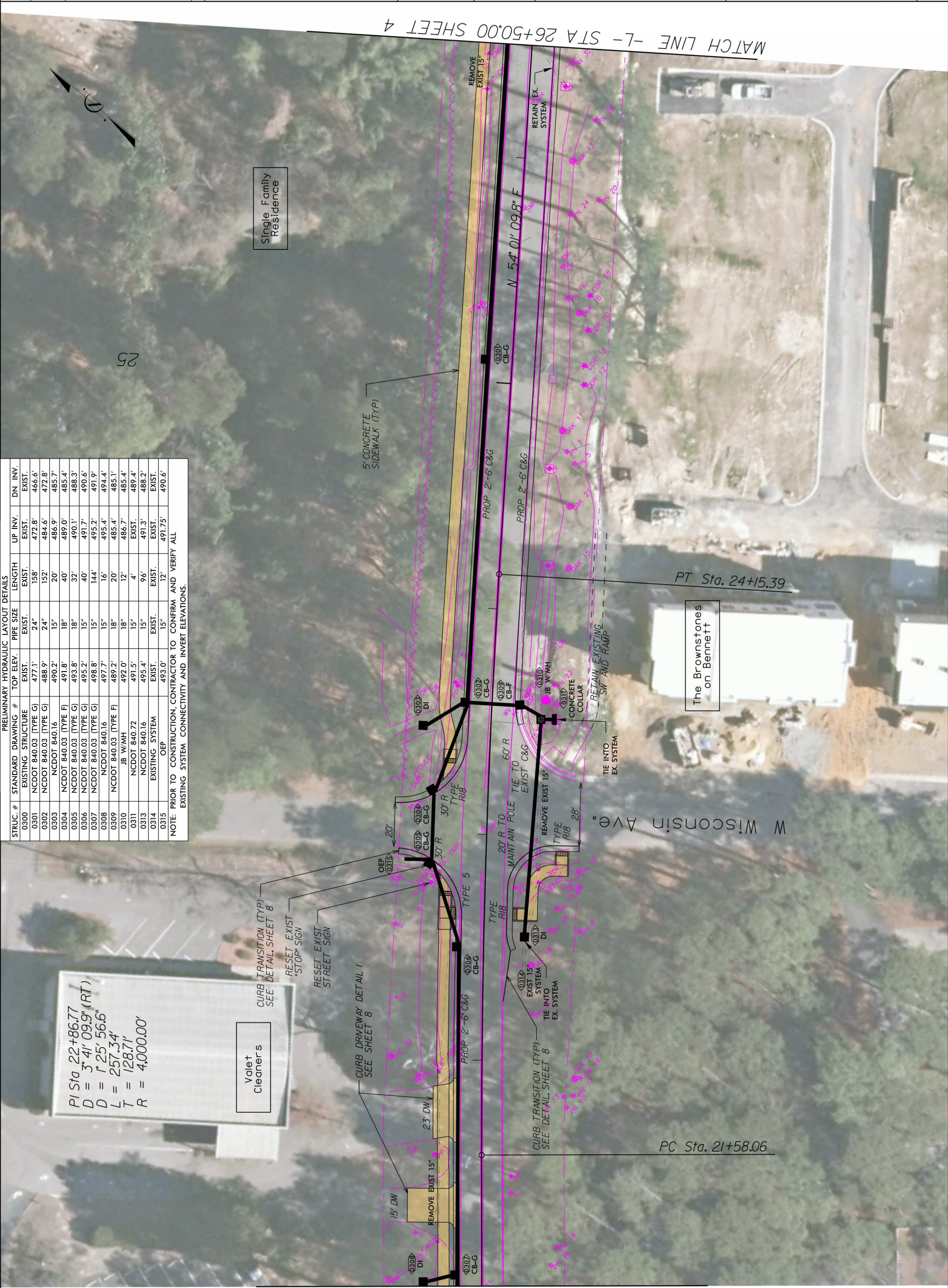
Valet
Cleaners

CURB TRANSITION (TYP)
SEE DETAIL SHEET 8
RESET EXIST
"STOP" SIGN
RESET EXIST
STREET SIGN

CURB DRIVEWAY DETAIL 1
SEE SHEET 8

PRELIMINARY HYDRAULIC LAYOUT DETAILS									
STRUC. #	STANDARD	DRAWING #	EXISTING	STRUCTURE	TOP ELEV.	PIPE SIZE	LENGTH	UP INV.	DN INV.
0300	EXISTING	0300	EXIST.	EXIST.	EXIST.	EXIST.	EXIST.	EXIST.	EXIST.
0301	NCDOT 840.03 (TYPE G)	0301	EXIST.	EXIST.	EXIST.	EXIST.	EXIST.	EXIST.	EXIST.
0302	NCDOT 840.03 (TYPE G)	0302	EXIST.	EXIST.	EXIST.	EXIST.	EXIST.	EXIST.	EXIST.
0303	NCDOT 840.16	0303	EXIST.	EXIST.	EXIST.	EXIST.	EXIST.	EXIST.	EXIST.
0304	NCDOT 840.03 (TYPE F)	0304	EXIST.	EXIST.	EXIST.	EXIST.	EXIST.	EXIST.	EXIST.
0305	NCDOT 840.03 (TYPE G)	0305	EXIST.	EXIST.	EXIST.	EXIST.	EXIST.	EXIST.	EXIST.
0306	NCDOT 840.03 (TYPE G)	0306	EXIST.	EXIST.	EXIST.	EXIST.	EXIST.	EXIST.	EXIST.
0307	NCDOT 840.03 (TYPE G)	0307	EXIST.	EXIST.	EXIST.	EXIST.	EXIST.	EXIST.	EXIST.
0308	NCDOT 840.16	0308	EXIST.	EXIST.	EXIST.	EXIST.	EXIST.	EXIST.	EXIST.
0309	NCDOT 840.03 (TYPE F)	0309	EXIST.	EXIST.	EXIST.	EXIST.	EXIST.	EXIST.	EXIST.
0310	NCDOT 840.72	0310	EXIST.	EXIST.	EXIST.	EXIST.	EXIST.	EXIST.	EXIST.
0311	NCDOT 840.16	0311	EXIST.	EXIST.	EXIST.	EXIST.	EXIST.	EXIST.	EXIST.
0312	NCDOT 840.16	0312	EXIST.	EXIST.	EXIST.	EXIST.	EXIST.	EXIST.	EXIST.
0313	NCDOT 840.16	0313	EXIST.	EXIST.	EXIST.	EXIST.	EXIST.	EXIST.	EXIST.
0314	NCDOT 840.16	0314	EXIST.	EXIST.	EXIST.	EXIST.	EXIST.	EXIST.	EXIST.
0315	NCDOT 840.16	0315	EXIST.	EXIST.	EXIST.	EXIST.	EXIST.	EXIST.	EXIST.

NOTE: PRIOR TO CONSTRUCTION CONTRACTOR TO CONFIRM AND VERIFY ALL EXISTING SYSTEM CONNECTIVITY AND INVERT ELEVATIONS.



3

SHEET NUMBER

SOUTHERN PINES

S. BENNETT STREET

IMPROVEMENTS

SIDEWALK

CONCEPT SKETCH

(NOT FOR

CONSTRUCTION)

DATE

5/20/2021

DESIGNED BY: CMK

DRAWN BY: CMK

CHECKED BY: VMB

KHA PROJECT

013788000

SCALE 1" = 40'

5/20/2021

NC LICENSE # F-0102

WWW.KIMLEY-HORN.COM

PHONE: 919-677-2000 FAX: 919-677-2050

421 FAYETTEVILLE STREET, SUITE 600, RALEIGH, NC 27601

© 2021

Kimley»Horn

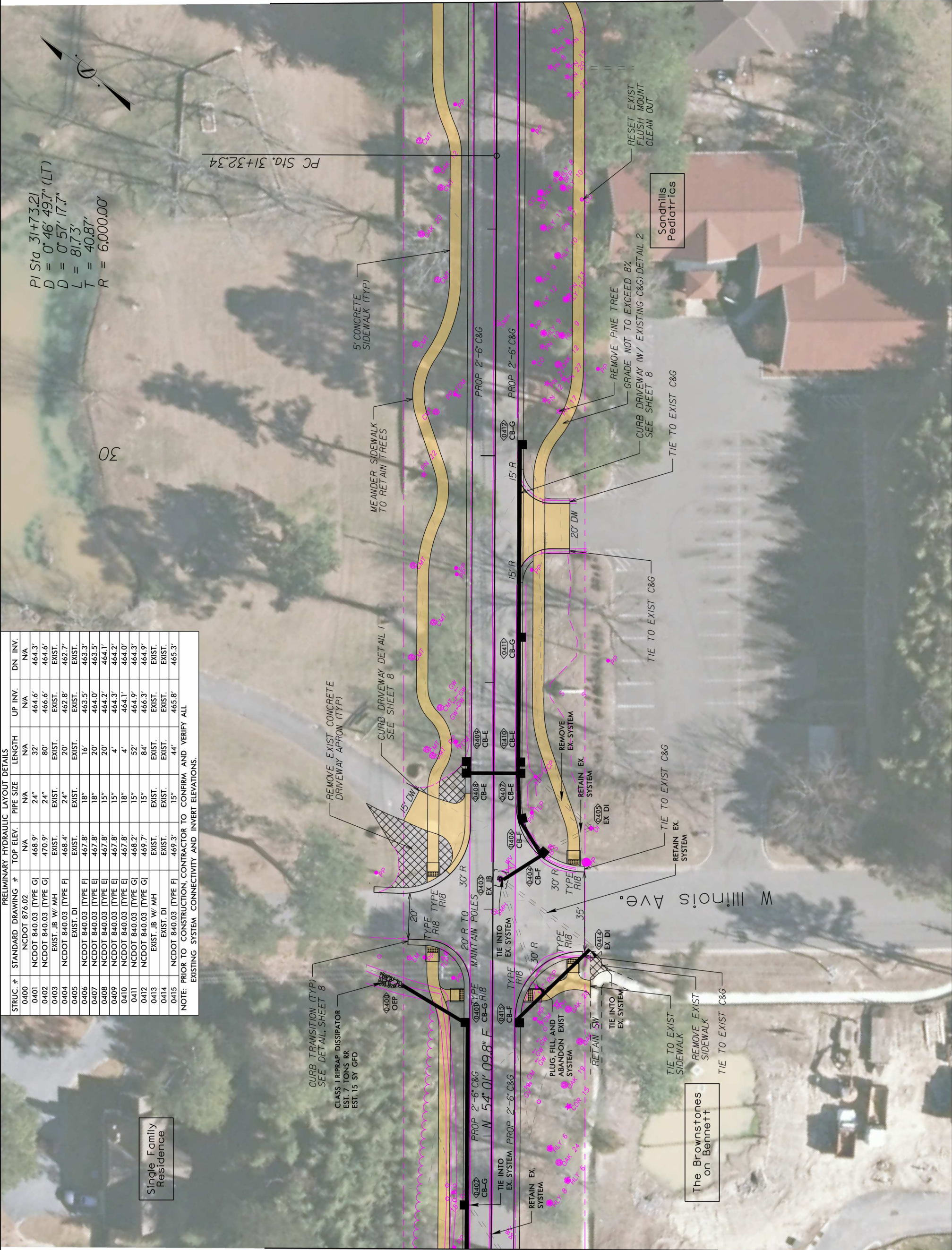
REVISIONS

DATE

BY

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SHEET NUMBER 4	SOUTHERN PINES S. BENNETT STREET IMPROVEMENTS SIDEWALK	CONCEPT SKETCH (NOT FOR CONSTRUCTION)	KHA PROJECT 013788000 DATE 5/20/2021	SCALE 1" = 40' DESIGNED BY: CMK DRAWN BY: CMK CHECKED BY: VMB	421 FAYETTEVILLE STREET, STE. 600, RALEIGH, NC 27601 PHONE: 919-677-2000 FAX: 919-677-2050 WWW.KIMLEY-HORN.COM NC LICENSE #: F-0102 © 2021	Kimley»Horn	No.	REVISIONS	DATE	BY







Town of Southern Pines Water Treatment Plant Operations Bid



WHAT?

WATER TREATMENT PLANT

The WTP, located at 261 Thunder Road in Pinebluff, is currently permitted to produce up to 8 million gallons per day (MGD) of water. The facility currently averages 3.4 MGD, with a max day of 6.48MGD, and produced a total of 1.24 billion gallons of water last year.

This contract also covers maintenance on the Town's two water booster pump stations.





Existing Contract

Originally Bid in 2015

Bid was won by Suez, who was purchased by Veolia in 2022

Original Base Fee = \$715,091

Original Maint. Fee = \$12,500

Original Tank Fee = \$96,911

Original Total Fee = **\$824,502**

Annual Adjustments based on CPI, PPI, and ECI



Existing Contract

FY23-24 Base Fee = \$929,846

FY23-24 Maint. Fee = \$12,500

FY23-24 Tank Fee = removed

FY23-24 Total Fee = **\$942,346**

Annual Adjustments to the base fee have averaged 5.5% since 2015

FY22-23 and FY23-24 saw 7.1% and 6.9% increases





JANUARY 2024 RFP

Key Points

- Adjustment in Risk
 - Chemical and utility cost to be pass through
 - CPI adjustments are limited to 5%
- New Services
 - Regulated dam inspections
 - Specified asset management process
 - Integration with Town's work order and asset management system
- Removed standard maintenance fee for annual review of proposed maintenance

Results

- Was advertised on December 4, 2023
- Direct contact with 3 interested parties
- Proposals due on January 12, 2024
- Only 1 proposal received from existing vendor Veolia



JANUARY 2024 RFP

Cost per submitted Proposal

RFP Base Fee = \$715,474

RFP Chemical Cost = \$262,554

RFP Pass Thru Cost = \$24,032

RFP Total Fee = \$1,002,060

Cost after Negotiation

RFP Base Fee = \$679,633

RFP Chemical Cost = \$262,554

RFP Pass Thru Cost = \$24,032

RFP Total Fee = **\$966,219**



EXISTING CONTRACT

FY23-24 Base Fee = \$929,846

FY23-24 Chemical Cost = included

FY23-24 Pass Thru Cost = included

FY23-24 Total Fee = **\$929,846**

Est. CPI Adjustment for FY24-25 = 3.53%

Est. FY24-25 Fee = **\$962,672**

CURRENT PROPOSAL

RFP Base Fee = \$679,633

RFP Chemical Cost = \$262,554

RFP Pass Thru Cost = \$24,032

RFP Total Fee = **\$966,219**

3.91% increase over FY23-24

0.37% increase over est. FY24-25

Comparison of Contract Cost vs. In-House Cost

In-House Estimated Cost		Contracted Cost FY24-25	
EMPLOYEE BENEFITS	697,393	EMPLOYEE BENEFITS	-
TELEPHONE	4,000	TELEPHONE	
TRAINING & TRAVEL	9,000	TRAINING & TRAVEL	
BUILDING & GROUNDS	7,500	BUILDING & GROUNDS	7,500
EQUIPMENT MAINTENANCE	97,300	EQUIPMENT MAINTENANCE	97,300
AUTO REPAIR	2,500	AUTO REPAIR	-
UTILITIES	516,700	UTILITIES	516,700
LEASED EQUIPMENT	-	LEASED EQUIPMENT	-
AUTO OPERATING	7,500	AUTO OPERATING	-
DEPARTMENTAL SUPPLIES	300,000	DEPARTMENTAL SUPPLIES	262,554
CONTRACTUAL SERVICES	152,107	CONTRACTUAL SERVICES	832,670
INS-PROPERTY & GENERAL	7,000	INS-PROPERTY & GENERAL	7,000
PROFESSIONAL SERVICES	15,000	PROFESSIONAL SERVICES	-
DUES & SUBSCRIPTIONS	2,000	DUES & SUBSCRIPTIONS	
OPERATING EXPENDITURES	1,120,607	OPERATING EXPENDITURES	1,723,724
CAPITAL-MOTOR VEHICLE		CAPITAL-MOTOR VEHICLE	
CAPITAL-OTHER EQUIPMENT	-	CAPITAL-OTHER EQUIPMENT	-
CAPITAL-BLDGS & STRUCTURE	-	CAPITAL-BLDGS & STRUCTURE	-
CAPITAL OUTLAY	-	CAPITAL OUTLAY	-
TOTAL EXPENDITURES	\$ 1,818,000	TOTAL EXPENDITURES	\$ 1,723,724