

STATE OF NORTH CAROLINA
COUNTY OF MOORE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO. 26CV000199-620

TODD MANESS,)
Plaintiff,)
)
vs.)
)
DEBORAH ANNE J. DUERRING)
and DONNA ELIZABETH TANNER,)
Defendants.)

**MOTION TO DISMISS and
MOTION FOR SANCTIONS**

MOTION TO DISMISS

NOW COMES Defendant Donna Elizabeth Tanner (“Defendant Tanner”), by and through her undersigned counsel of record, and pursuant to Rule 12(b)(6) and 41(a)(1) of the North Carolina Rules of Civil Procedure, moves the Court to dismiss the Complaint filed by Plaintiff Todd Maness (“Plaintiff”) on the ground that the Complaint fails to state any claim upon which relief may be granted. In support of her Motion to Dismiss, Defendant Tanner shows the Court as follows:

1. On December 20, 2023, Plaintiff filed a baseless complaint against Defendant Tanner and The Honorable James M. Webb (“Judge Webb”) in Todd Maness v. Donna Elizabeth Tanner and James M. Webb, Moore County 23CVS001738-620 (“Prior Action”).
2. Plaintiff voluntarily dismissed the Prior Action against Defendant Tanner and Judge Webb on January 17, 2024—less than a month after initiating it.
3. Many of the allegations in the Complaint in this action are identical or substantially similar to the allegations in Plaintiff’s complaint in the prior action. Specifically:

- a. The allegations in paragraph 9(a)-(i) in the Complaint in this case restate verbatim the allegations in paragraph 35(a)-(i) of the complaint in the Prior Action.
 - b. The allegations in paragraphs 7 and 8 of the Complaint in this case are substantially similar to the allegations in paragraph 33 of the complaint in the Prior Action.
 - c. The allegations in paragraph 10 of the Complaint in this case are substantially similar to the allegations in paragraphs 37 and 38 of the Prior Action.
4. The current Complaint was filed more than two years after the voluntary dismissal of the Prior Action, which is well beyond the one-year savings period provided by Rule 41(a) of the North Carolina Rules of Civil Procedure. As such, any claims against Defendant Tanner arising from the same facts and circumstances alleged in the Prior Action are time-barred.
5. Even considered in the light most favorable to Plaintiff in accordance with the standard of review under Rule 12(b)(6) of the North Carolina Rules of Civil Procedure, the Complaint in this action is fatally defective on its face based on the following:
- a. The alleged statements made by Defendant Tanner in text messages to Senior Resident Superior Court Judge Michael A. Stone (“Judge Stone”) on December 6, 2025, photos¹ of which are attached to the Complaint as Exhibit 1, are not actionable. These messages demonstrate that Defendant Tanner

¹ Based on the format of the messages shown in Exhibit 1, it appears that someone gained access to Judge Stone’s iPhone within a few days after the messages were exchanged and photographed his private internal communications with Defendant Tanner regarding judicial matters.

was raising legitimate questions about jury commission procedures with the appropriate judicial authority, conduct well within her duties as a sitting District Court Judge. These statements demonstrate a complete absence of actual malice and instead reflect a good-faith inquiry into matters of legitimate public concern and official business. Moreover, a judge's communication with a senior judge regarding judicial administrative matters, including jury selection procedures and compliance with statutory duties, constitutes a privileged communication based on judicial immunity and the common law doctrine of qualified privilege. *See Wynn v. Frederick*, 385 N.C. 576, 586-89, 895 S.E.2d 371, 380-81 (2023); *Walker v. Wake Cty. Sheriff's Dep't*, 284 N.C. App. 757, 764, 877 S.E.2d 298, 304 (2022).

- b. As a public official, Plaintiff must plead actual malice with particularity. The Complaint's conclusory allegation that Defendant Tanner "either knew [her] allegations were false or acted with reckless disregard of whether [her] allegations were false," (Compl. ¶ 36), is insufficient to satisfy the heightened pleading standard for actual malice. In fact, the text messages attached as Exhibit 1 affirmatively demonstrate that Defendant Tanner lacked actual malice. Defendant Tanner expressly stated that the information was not based on her direct knowledge and that she had not researched the matter. These explicit disclaimers are fundamentally inconsistent with actual malice and, indeed, establish its absence as a matter of law.

- c. In addition to failing to make sufficient allegations to establish liability or entitlement to compensatory damages against Defendant Tanner, Plaintiff has failed to allege any aggravating factor under N.C. Gen. Stat. § 1D-15 that could possibly entitle him to punitive damages as to Defendant Tanner.
6. Plaintiff's Complaint should be dismissed in its entirety as to Defendant Tanner.

MOTION FOR SANCTIONS

NOW COMES Defendant Tanner, by and through her undersigned counsel of record, and pursuant to Rule 11(a) of the North Carolina Rules of Civil Procedure, moves this Court for entry of an order imposing sanctions upon Plaintiff. In support of her motion, Defendant Tanner shows the Court as follows:

7. Paragraphs 1 through 6 above are hereby realleged and incorporated by reference as if fully set forth herein.

Allegations Not Well Grounded in Fact

8. The Complaint contains numerous allegations that are not well-grounded in fact in violation of Rule 11(a) of the North Carolina Rules of Civil Procedure. Examples of allegations that are not well grounded in fact include, but are not limited to, the matters set out in paragraphs 9-11 below.

9. The Complaint alleges that Defendant Tanner made "false" allegations regarding jury commission procedures.

- a. However, the text messages attached to the Complaint as Exhibit 1 demonstrate that Defendant Tanner was raising questions and concerns to

Judge Stone, her supervisor and an official required to make appointments to the jury commission, not making affirmative accusations against Plaintiff.

- b. Defendant Tanner specifically and repeatedly disclaimed certainty, stating: “This is not my direct knowledge,” “I haven’t researched it,” and “I don’t have details because again we just don’t do jury.”
- c. These express disclaimers are fundamentally inconsistent with the Complaint’s mischaracterization of Defendant Tanner’s communications as knowing false statements made with actual malice. Plaintiff has attached evidence to his own Complaint that directly contradicts the essential elements of his claim against Defendant Tanner.
- d. Reasonable inquiry before filing the Complaint would have revealed that: (a) Defendant Tanner’s communications to Judge Stone were inquiries and expressions of concern, not accusations; (b) the communications were made through appropriate judicial channels regarding a matter of legitimate judicial administration; and (c) the Moore County Board of Commissioners expressly mentioned discussing with Plaintiff a potential resolution to abolish the requirement for a jury commission during meetings on October 21, 2025 (shown in the meeting [video](#) beginning at 1:34:45), copies of the minutes are attached hereto as **EXHIBIT A** and incorporated by reference herein, and November 4, 2025 (shown in the meeting [video](#) beginning at 1:39:35), copies of the minutes are attached hereto as **EXHIBIT B** and incorporated by reference herein.

- e. Reasonable inquiry would also have revealed that at least one jury commissioner was not timely appointed after the expiration of the term of the previous member. Because there was not a functioning jury commission in place to timely fulfill its duties, Moore County courts could not hold any jury trials in January 2026.

10. Plaintiff alleges that “Defendant Tanner refused to appear at regularly scheduled court dates as assigned by the Chief District Court Judge, instead handling personal matters to include, inter alia, working with the North Carolina Innocence Commission.” (Compl. ¶ 9(g)).

- a. Defendant Tanner was appointed to serve on the North Carolina Innocence Inquiry Commission (“Innocence Commission”) by the Chief Justice of the North Carolina Supreme Court. Defendant Tanner’s work on the Innocence Commission is part of her official duties.
- b. Defendant Tanner never “refused” to appear for a scheduled court session. Defendant Tanner always informed the Chief District Court Judge in advance of meetings for the Innocence Commission, and she was not scheduled for court when those meetings were held.

11. Among the most egregious allegations in the Complaint is the claim that Defendant Tanner “in open court, began berating private attorneys to use other family court mediators instead of the local bar’s preferred mediator so as to unlawfully promote the business of her husband as a mediator and in an effort to strong-arm the local bar to utilize her husband’s services, which [is] a blatant abuse of Defendant Tanner’s office.” (Compl. ¶ 9(i).) This

allegation was false when it was made in the Prior Action, and it was false when re-asserted in this action.

- a. Such an accusation, if true, would constitute serious judicial misconduct warranting discipline or removal from office. Yet the Complaint contains no factual basis whatsoever for this incendiary allegation.
- b. Plaintiff does not provide dates, names of attorneys allegedly “berated,” specific statements attributed to Defendant Tanner, or identification of specific cases in which this alleged conduct occurred.
- c. It is particularly notable that no further details about this supposed misconduct were provided by Plaintiff, because if the events alleged had actually occurred, there would be ample evidence **in the custody of Plaintiff’s own office**. The proceedings over which Defendant Tanner presides are conducted on the record, and audio recordings of such proceedings are maintained in the custody of the Clerk of Superior Court. There are also courtroom clerks, who are judicial branch employees supervised by the Clerk of Superior Court, present during every proceeding. It is inconceivable that the serious misconduct alleged by Plaintiff could have occurred without Plaintiff having supporting evidence that would have resulted in far more detailed allegations.
- d. The inclusion of this knowingly false allegation, accusing a sitting judge of misconduct without any factual foundation, represents precisely the type of reckless pleading that Rule 11(a) was designed to deter.

Complaint Not Warranted by Existing Law

12. The Complaint purports to assert a claim for defamation against Defendant Tanner that is not warranted by existing law, or a good faith argument for the extension, modification, or reversal of existing law, in violation of Rule 11(a) of the North Carolina Rules of Civil Procedure.

- a. The Complaint reasserts claims against Defendant Tanner that were previously dismissed and are now time-barred under Rule 41(a)(1) of the North Carolina Rules of Civil Procedure. Plaintiff and his counsel knew or should have known that these claims could not be reasserted more than two years after the voluntary dismissal.
- b. The Complaint fails to acknowledge the heightened actual malice standard applicable to defamation claims by public officials. The attached Exhibit 1 affirmatively demonstrates the absence of actual malice, yet Plaintiff filed the Complaint notwithstanding the evidence that rendered his claim against Defendant Tanner fatally defective contained within his own filing.
- c. The Complaint fails to acknowledge judicial immunity or the privilege that attaches to communications between judges regarding judicial administration matters. A reasonable inquiry into applicable law would have revealed that Defendant Tanner's communications to Judge Stone raising concerns about jury commission procedures through appropriate judicial channels are protected are privileged.

Complaint Interposed for Improper Purpose

13. The Complaint is interposed for an improper purpose in violation of Rule 11(a) of the North Carolina Rules of Civil Procedure.

14. The timing and circumstances of this Complaint reveal that it was filed for the improper purpose of gaining political advantage in the Republican primary election rather than seeking legitimate legal relief. The indicia of improper purpose are overwhelming:

- a. The Complaint was filed on January 29, 2026, during a contested Republican primary election in which Plaintiff is seeking re-election as Clerk of Court.
- b. Plaintiff has sued both his direct electoral opponent, Defendant Deborah Anne J. Duerring, and Defendant Tanner, a sitting judge with whom Plaintiff has had prior disputes, bundling them together in a single lawsuit designed to create the false impression of coordinated wrongdoing.
- c. The claims against Defendant Tanner are substantially identical to claims Plaintiff previously asserted and then abandoned. The resurrection of these stale allegations on the eve of an election campaign suggests they are being deployed as political weapons rather than claims for which Plaintiff intends to pursue relief.
- d. Plaintiff has a pattern of filing lawsuits and using information gained from his position as Clerk of Superior Court to generate media coverage. When a local attorney was enjoined from providing legal services due to inebriation, upon information and belief, Plaintiff provided a copy of the order to the media. When Plaintiff was employed as a police officer, upon information

and belief, Plaintiff filed a lawsuit against the Pinchurst Police Department regarding the requirement for him to be drug tested as an officer. When Plaintiff filed the Prior Action against Defendant Tanner and Judge Webb, upon information and belief, he provided a copy of the unfiled complaint to the media in advance.

15. Rule 11 of the North Carolina Rules of Civil Procedure authorizes the Court to impose an appropriate sanction upon the person who signed the pleading, the party on whose behalf it was filed, or both.

16. The frivolous Complaint filed by Plaintiff against Defendant Tanner is an abuse of the legal system and beneath the dignity of the office Plaintiff currently holds.

17. Defendant Tanner has incurred expenses, including attorney's fees, as a result of the filing of the Complaint by Plaintiff.

18. The Court should impose appropriate sanctions on Plaintiff for filing the Complaint in this action in violation of Rule 11(a) to put an end to this abusive litigation and deter Plaintiff from filing meritless civil actions in the future. Sanctions should include striking the Complaint and ordering Plaintiff to pay the expenses, including reasonable attorney's fees, incurred by Defendant Tanner in connection with the Complaint.

WHEREFORE, Defendant Tanner respectfully requests that this Court:

1. Dismiss the Complaint as to Defendant Tanner with prejudice;
2. Enter an order for sanctions pursuant to Rule 11(a) requiring Plaintiff to pay the reasonable expenses, including attorney's fees, incurred by Defendant Tanner in connection with the Complaint; and

3. Grant Defendant Tanner such other and further relief as the Court deems just and proper.

This the 30^h day of January, 2026.

**PARKER BRYAN BRITT
TANNER & JENKINS, P.L.L.C.**

ATTORNEYS FOR DEFENDANT TANNER



Alicia Journey
N.C. State Bar #37133
P.O. Box 1069
Raleigh, NC 27602
Telephone: (919) 833-3115
Facsimile: (919) 833-3116
Email: alicia@parkerbryanlaw.com

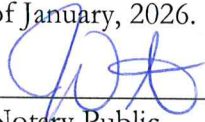
VERIFICATION

I, DONNA ELIZABETH TANNER, do hereby affirm, depose and state that I am the defendant herein, that I have read the foregoing Motion to Dismiss and Motion for Sanctions and know the statements therein to be true of my own personal knowledge, except for those matters alleged upon information and belief, and as to those matters, I believe them to be true.

This the 30^m day of January, 2026.


DONNA ELIZABETH TANNER

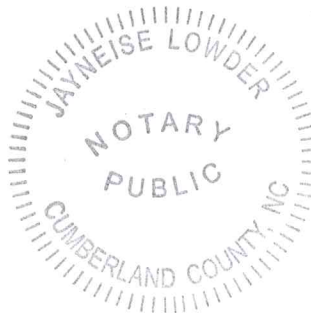
Sworn and subscribed
before me this 30 day
of January, 2026.



Notary Public

My Commission expires:

8/18/2024



CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served the foregoing Motion to Dismiss and Motion for Sanctions in the above-entitled action upon all other parties to this cause properly addressed as follows:

Via Odyssey eFile & Serve:

Michael R. Porter, Esq.
The Michael Porter Law Firm
michael@michaelporterlaw.com
Attorney for Plaintiff

Via first-class mail:

Deborah Anne J. Duerring
145 Lynch Road
Cameron, NC 28326
Defendant

This the 30th day of January, 2026.



Alicia Journey
Attorney for Defendant Tanner



Moore County Board of Commissioners

October 21, 2025 | 5:30 PM

Historic Courthouse
1 Courthouse Square
Carthage, NC 28327

MINUTES

BOARD MEMBERS PRESENT

Chairman Kurt Cook, Vice Chairman Nick Picerno, Jim Von Canon, John Ritter, and Tom Adams

CALL TO ORDER

Chairman Cook called the meeting to order.

INVOCATION

County Mager Vest offered the invocation.

PLEDGE OF ALLEGIANCE

Veteran Services Director Kelly Greene led the Pledge of Allegiance.

1. PUBLIC COMMENT PERIOD

Sarah Price, John Baker, Hammond Bennett, and Darryl Russell offered comments.

2. ADDITIONAL AGENDA

There were no additional agenda items.

CHAIRMAN Cook asked if any Commissioner had a conflict of interest concerning agenda items the Board would address in this meeting, and there were none.

3. CONSENT AGENDA

Vice Chairman Picerno made a motion to approve the consent agenda as written. The motion was seconded by Commissioner Adams and passed unanimously.

The tax releases/refunds, budget amendments, general fund balances, capital project ordinance revision 1, contract amendments, review officers' appointments, and hereby incorporated and made a part of these minutes by attachment as Appendices A, B, C, D, E, F, G, and H.

A. Board of Commissioners - Regular Meeting Minutes, October 7, 2025

B. Tax - Tax Releases/Refunds for Month of September 2025

C. Finance - Budget Amendments

- D. Finance - General Fund's Assigned & Committed Fund Balances as of June 30, 2025
- E. Finance - PFAS Settlement (Fund 414) Capital Project Ordinance – Revision 1
- F. Transportation - FY2026 Rural Operating Assistance Program Application
- G. Sheriff - Approval of Sole-Source Purchase from Mobile Communications America(MCA)
- H. Social Services - Non-Emergency Medicaid Transportation Contract - ASAP Transportation Services, LLC
- I. Social Services - Non-Emergency Medicaid Transportation Contract - Right Transportation, Inc.
- J. Social Services - Non-Emergency Medicaid Transportation Contract - Angels on Wheels Transportation, LLC
- K. Social Services - Non-Emergency Medicaid Transportation Contract - Xpress Medical Transport II LLC
- L. Public Works - Amendment No.1 for Creative Resurfacing, LLC for the Water Pollution Control Plant
- M. Public Works - Contract Amendment No. 1 with United Rentals (North America), Inc. for the Water Pollution Control Plant
- N. Veteran Services - NC DMVA Grant for County Veteran Service Offices
- O. Public Safety - EMS Medical Director Contract Amendment No. 1
- P. Planning - Amendments to the Board of Adjustment By-Laws
- Q. Planning - Appointment of Review Officers for Moore County
- R. Administration - Dissolution of Opioid Task Force and Review and Recommendation Committee

4. RECOGNITIONS

- A. Board of Commissioners - Proclamation American Indian Heritage Month
Marsha Jacobs, Regent for Alfred Moore Chapter of the Daughters of the American Revolution, read the proclamation recognizing November 2025 as National American Indian Heritage Month, highlighting the contributions of American Indians to the nation's history and culture. The proclamation urged citizens to observe the month with appropriate programs, ceremonies, and activities.

Vice Chairman Picerno made a motion to adopt the Proclamation for National American Indian Heritage Month, November 2025. The motion was seconded by Commissioner Ritter and passed unanimously. This

proclamation is hereby incorporated and made a part of these minutes by attachment as Appendix I.

B. Board of Commissioners - Proclamation Family Literacy Day

Ms. Jacobs read the proclamation declaring November 1, 2025, as Family Literacy Day in Moore County, emphasizing the importance of reading and learning for families. The proclamation noted that Family Literacy Day was established by the 103rd Congress in 1994 and is celebrated across America with activities showcasing the importance of family literacy programs. Ms. Jacobs thanked the Board for their support and partnership, noting that both proclamations reflect shared values and dedication to education and American history.

Commissioner Adams made a motion to adopt a proclamation for Family Literacy Day on November 1st, 2025. The motion was seconded by Commissioner Von Canon and passed unanimously. This proclamation is hereby incorporated and made a part of these minutes by attachment as Appendix J.

C. Veteran Services - Resolution Supporting Operation Green Light

Kelly Greene, Veterans Services Director, read the resolution supporting Operation Green Light for veterans, which designates November 1-15, 2025, as a time to salute and honor military personnel transitioning from active service. The resolution acknowledged that approximately 11,358 veterans live in Moore County and encouraged citizens to recognize veterans' sacrifices by displaying green lights in the windows of businesses and residences.

Commissioner Von Canon made a motion to support the resolution supporting Operation Green Light for veterans. Chairman Cook seconded the motion. Vice Chairman Picerno asked to amend the motion to include the placement of at least one green light in all county properties, which Commissioner Von Canon incorporated into his motion. The amended motion passed unanimously. This resolution is hereby incorporated and made a part of these minutes by attachment as Appendix K.

5. **PRESENTATIONS**

There were no presentations.

6. **PUBLIC HEARINGS**

A. Planning - Public Hearing to Consider Adoption of the 2025 Moore County Land Use Plan

Planning Director Ruth Pedersen presented the 2025 draft Moore County Land Use Plan. She explained that the process began with three listening sessions at each of the county's high schools, followed by the formation of a Land Use Plan Steering Committee that met from July 2024 to March 2025. Pedersen noted that Senate Bill 382/Session Law 2024-57, which greatly restricted local government discretion to amend local zoning ordinances. The law broadly defines "down-zoning" and provides that local governments cannot adopt a down-zoning without written consent from all impacted owners. This has limited local governments' abilities to downzone property, significantly affecting the actions the steering committee could recommend.

The draft plan included updates to demographic and geographic information, goals and recommendations created by the steering committee, and new tools to manage growth, including keeping development out of rural agricultural zoning districts and implementing a small-town model overlay district. She explained that while the land use plan itself is not affected by down-zoning restrictions, implementation through UDO amendments would be.

Ms. Pedersen stated that several of the recommendations and actions contained in the updated Land Use Plan would necessitate amendments to the Unified Development Ordinance. However, no UDO amendments that constitute a down-zoning can take place at this time.

Larry Best, one of the process leaders, highlighted four key accomplishments of the plan: 1) development of a master utilities plan to direct growth to areas with infrastructure, 2) protection of rural agricultural areas, 3) creation of a master open space plan to identify critical natural resources, and 4) implementation of the small-town model to guide sustainable community development.

Ms. Pedersen stated that staff recommend removing all of the definitions from the Land Use Plan. The definitions will be included in the UDO.

Chairman Cook opened the public hearing. During the public hearing, three speakers addressed the Board:

John Misiaszek asked whether any land under county jurisdiction was zoned for industrial development, or whether the county would be willing to easily rezone land for future industrial development, given the transformative impact of the AWS project in Richmond County.

Jeff Marcus, a member of the steering committee, expressed concern that the draft plan removed action items that conflicted with the down-zoning law rather than keeping them with a notation that they would be implemented when compatible with state law. He also suggested revisiting the future land-use map and including a map from the Wildlife Resources Commission's Green Growth Toolbox to identify key natural resources. He commended everyone who worked on this project.

Michael Parker, who served on the steering committee, endorsed Larry Best's recommended changes but advocated keeping the definitions in the land use plan rather than removing them. He explained that maintaining definitions in the plan would provide consistent guidance for UDO interpretation.

Chairman Cook closed the public hearing.

Vice Chairman Picerno addressed misconceptions about the 2013 Land Use Plan not being followed, along with uncontrolled growth in Moore County, noting that growth has been consistent at 1,300-1,400 people annually, and most development has followed the small-town model advocated in the new plan.

Commissioner Von Canon emphasized that the Board had previously resolved to preserve red-lined items for future use and had sent a resolution to Raleigh opposing Senate Bill 205 regarding down-zoning, requesting that Moore County be exempt.

Commissioner Ritter noted that Moore County remains "a jewel in the state of North Carolina," in his opinion, and that the plan preserves rural agricultural land for the future.

Commissioner Adams highlighted the extensive process used to develop the document, stating that "your county commissioners have heard you" and that the plan will help ensure Moore County does not become "just another bedroom

community for Raleigh." He thanked everyone who was a part of developing this plan.

Chairman Cook reflected on the process, which began in January 2024, and the importance of maintaining Moore County's beauty rather than building on land "just for the simple purpose of greed and to pad someone's pocket that doesn't even live in the county, nor the state." He thanked everyone involved in working on this plan.

Vice Chairman Nick Picerno made a motion to approve the Moore County Land as written with the following amendments:

- Relocating the Agriculture and Forestry portion of the text to the employment section improves the role they play in the County's economy, culture, and land utilization. Therefore, relocating this information is recommended.
- Correcting the meaning of the Plan's purpose is essential. The current sentence is unintentionally incorrect and has been reversed from the outset of the rewriting process. It must be worded correctly.
- To be consistent with the overall objectives of the Plan, low-density residential development should be one per acre. The current density of two units per acre seems to have come from the DENR reference and is part of the watershed protection perspective. One unit per acre residential densities in the RA zoning district seem to be consistent with the protection of the rural character of the district.
- Transferring and including the decision-making process in the 2013 CLUP is an improvement to the current 2025 draft Plan.
- The items related to the natural resources, wildlife, and open spaces should be addressed as part of the Plan's objective for the County to conduct a Master Parks, Recreation, and Open Space Plan.
- Consistent with the planning process for both 2013 and 2025, the the CLUP does not change the current zoning of any properties. All landowners have the right to request rezoning of their properties. The Steering Committee was aware of that aspect of the crafting process. Even overlay districts do not change the underlying zone without a landowner's request to do so. So, the currently proposed future land use plan does not need to be revised.
- Remove all definitions
- Remove the verbiage "tiny home" and Amazon" from the plan.

The motion was seconded by Commissioner Adams. Discussion followed.

Commissioner Adams asked for clarification on the definitions, not only to have them removed and place them in the UDO the way they were developed.

County Attorney Misty Leland said this would require following the process of a proposed text amendment, which is a statutory requirement. Vice Chairman Picerno and Commissioner Ritter offered comments. **With no further discussion, the motion passed unanimously.**

7. QUASI-JUDICIAL HEARINGS

There were none.

8. OLD BUSINESS

There was none.

9. NEW BUSINESS

A. Finance - Moore County VTC Grant Agreement

Finance Director Caroline Xiong requested Board authorization for the execution of a contract between Moore County, the District Attorney, and the North Carolina Administrative Office of the Courts for services under the Veterans Treatment Court grant. She explained that the county would pay for VTC court expenditures upfront and then request reimbursement.

Ms. Xiong introduced Kristin Gosztonyi from the Veterans Treatment Court Office. Vice Chairman Picerno asked if the governmental shutdown has affected their receipt of funding. Ms. Gosztonyi said it has not.

Commissioner Adams made a motion to authorize execution of the contract between Moore County, the district attorney, and the North Carolina Administrative Office of the Courts for services under the Veterans Treatment Court grant and authorize the county manager to sign on behalf of the county upon the approval of legal and finance. The motion was seconded by Commissioner Ritter and passed unanimously.

Vice Chairman Picerno commented that even without federal funding, this would be a worthwhile venture that he would support.

B. Sheriff - New Position Approval for an ABC Law Enforcement Officer

Chief Deputy John Conway requested approval to add a position dedicated to ABC law enforcement duties. He explained that the Sheriff's Office has seen a substantial increase in alcohol-related enforcement demands due to rapid growth in ABC sales and establishments, with retail sales quadrupling since 2005 and the number of establishments requiring inspections rising to more than 280, increasing workload for deputies.

Conway reported that the Sheriff's Office had secured a new contract with the ABC Board that increases funding from \$146,452 to \$246,000 annually, with the additional \$100,000 designated for a full-time detective sergeant position focused on ABC enforcement, inspections, and education. He emphasized that the position would be fully funded by the ABC Board and would not create any additional financial burden on the county.

Commissioner Adams made a motion to approve the sheriff's request for a new position effective with the pay period beginning December 27th, 2025, in order to fulfill the obligations outlined in the recently executed contract with the Moore County ABC board. The motion was seconded by Vice Chairman Picerno and passed unanimously.

C. Public Safety - Ambulance Purchase Utilizing HGACBuy

Mr. Vest stated this item will be carried over to the November 4, 2025, Regular Meeting.

D. Legal - Resolution Authorizing a Land Swap and Lease with the Village of Pinehurst

County Manager Wayne Vest presented a resolution for a land swap and lease back with the Village of Pinehurst for the relocation of the EMS base located at

290 McCaskill Road. The county would swap properties with the Village of Pinehurst for a property at 55 Rattlesnake Trail. The county would lease back the current properties while planning and building the new facility, with the lease set for an initial period of 24 months with an option to extend for an additional 18 months. Vest noted that the county would reserve the right to remove and repurpose the two existing metal buildings.

Commissioner John Ritter made a motion to adopt the attached resolution authorizing the property exchange between the county and the village of Pinehurst and authorize the chair to execute all necessary legal documents included in the exchange and authorize the county manager to execute the lease and any documents the chair is unavailable to execute. The motion was seconded by Commissioner Jim Von Canon and passed unanimously. The resolution is hereby incorporated and made a part of these minutes by attachment as Appendix L.

10. APPOINTMENTS

- A. Board of Commissioners - Jury Commission Appointment
Commissioner Adams noted that the current member, Mr. Schroeder, had asked not to be reappointed and suggested the commission may have outlived its usefulness. He recommended that legal counsel research whether the jury commission is statutorily required and report back to the Board by the first of the year.
County Attorney Misty Leland indicated that the jury commission appears to be required by North Carolina General Statute 9-1, but agreed to research the matter further.

11. ADDITIONAL AGENDA

There were no additional agenda items.

12. MANAGER'S REPORT

Mr. Vest had nothing additional to report.

13. COMMISSIONERS' COMMENTS

Vice Chairman Picerno reported that no action was taken during the closed session earlier that evening. He requested that the attorney prepare a resolution to the local DOT office to extend the school zone from New Century past Fellowship Christian Academy to Union Pines High School. He also congratulated Planning Director Deborah Ensminger on her upcoming retirement and expressed enthusiasm for the forthcoming joint work session with the School Board on Monday, October 27th.

Commissioner Adams reflected on the importance of the land use plan approval, noting that "the past is prologue" and that the plan will continue to serve the county well for another 10 years.

Commissioner Von Canon expressed concern about recent traffic accidents and rollovers in the county, urging citizens to be careful, especially with Halloween

approaching and the new state law taking effect in December that will penalize drivers for using phones without hands-free devices.

Commissioner Ritter thanked the administration, staff, and steering committee for their work on the Land Use Plan and expressed appreciation for serving with his fellow commissioners. He noted that passing the plan is "just the beginning" as they move forward with the UDO and implementation.

Chairman Cook echoed Commissioner Von Canon's safety concerns regarding the new law penalizing phone use while driving. He reiterated his gratitude to everyone involved in developing the Land Use Plan and expressed his love for Moore County.

14. CLOSED SESSION

During the closed session prior to the Regular Meeting, no action was taken.

ADJOURNMENT

Commissioner Cook made a motion to adjourn the October 21, 2025, Regular Meeting of the Moore County Board of Commissioners. The motion was seconded by Vice Chairman Picerno and passed unanimously, and the meeting was adjourned at 7:08pm.


Vice Chairman Kurt J. Cook Nick Picerno


Clerk to the Board Jennifer Parks





Moore County Board of Commissioners

November 4, 2025 | 5:30 PM
Historic Courthouse
1 Courthouse Square
Carthage, NC 28327

MINUTES

BOARD MEMBERS PRESENT

Vice Chairman Nick Picerno, Jim Von Canon, John Ritter, Tom Adams

BOARD MEMBERS ABSENT

Chairman Kurt Cook

CALL TO ORDER

Vice Chairman Picerno called the meeting to order in the absence of Chairman Cook.

INVOCATION

Pastor Bobby Fletcher with Pine Bluff United Methodist Church offered the invocation.

PLEDGE OF ALLEGIANCE

Commissioner Von Canon led the Pledge of Allegiance.

1. PUBLIC COMMENT PERIOD

John Misiaszek offered public comments.

2. ADDITIONAL AGENDA

There were no additional agenda items.

Vice Chairman Picerno asked whether any commissioners had a conflict of interest regarding agenda items the Board will address at this meeting, and none did.

3. CONSENT AGENDA

Commissioner Adams moved, seconded by Commissioner Von Canon, and the Board voted unanimously to approve the consent agenda, except for Item H, which was pulled from this agenda. The capital project ordinance, bond referendum revision, resolution, and capital project ordinance revision 2 are hereby incorporated and made a part of these minutes by attachment as Appendices A, B, C, and D.

A. Board of Commissioners - Regular Meeting Minutes, October 21, 2025

B. Finance - Capital Project Ordinance for New Area I K-5 Elementary School - Revision 5

- C. Finance - Local Educational Bonds - 2018 Bond Referendum – Revision 35
- D. Public Works - Approval of Deed, Access Easement, and Plat Regarding Moore County Schools, West End Elem. School Sewer Pump Station
- E. Public Works - Carthage Rd and Dowd Rd Waterline Extension Project - Recommendation for Customer Cost and Fee Schedule
- F. Public Works - Easement for Sewer Force Main on Camp Mackall
- G. Public Safety - Lease Agreement Moore County EMS and Eagle Springs Fire Department QRV Medic 68
- H. ~~Information Technology – Growing Rural Economies with Access to Technology Agreement (NC GREAT Grant) Amendment 2~~
- I. Administration - Proposed County of Moore Personnel Policy Revision
- J. Sheriff - Addendum #1 County of Moore Crisis Services Plan and Transportation Agreement
- K. Sheriff - Sole Source Approval for Magnet Forensics, LLC
- L. Planning - FAMPO Boundary Assessment Update and Memorandum of Understanding
- M. Public Works - Resolution Authorizing Amendment of the Moore County Utilities Ordinance to Extend the Payment Period During Certain Events
- N. Administration - PFAS Settlement (Fund 414) Capital Project Ordinance - Revision #2

4. RECOGNITIONS

- A. Board of Commissioners - Human Trafficking Awareness Month
 Rich Cowell, a member of the NC Task Force for the Reduction of Human Trafficking, presented information regarding human trafficking awareness. He thanked the commissioners for their continued support.
 Mr. Cowell shared that despite reports claiming there was no trafficking problem in Moore County, there had been nine arrests this year for sexual exploitation of minors over the internet. These arrests involved individuals aged 20-62 from various communities within the county. He also reported that the Invictus Task Force, which covers Randolph, Davidson, Forsyth, and one other county, had made 86 arrests for the same offense.
 Mr. Cowell emphasized the danger posed to youth through cell phones, noting that the National Center for Missing and Exploited Children estimates over half a million predators are online daily.
 Vice Chairman Picerno read a proclamation declaring January 2026 as Human Trafficking Awareness Month in Moore County and encouraged everyone to wear blue on January 11, 2026, to increase awareness. The proclamation is hereby incorporated and made a part of these minutes by attachment as Appendix E.

Commissioner John Ritter moved to proclaim January 2026 as Human Trafficking Awareness Month in Moore County and approve the proclamation. Seconded by Commissioner Von Canon. The motion carried unanimously.

B. Social Services - Adoption Awareness Month

Renessa Carthens, Licensing and Adoption Assistant Social Worker for Moore County Department of Social Services, presented a proclamation requesting the board to declare November 2025 as Adoption Awareness Month. She noted that Moore County DSS serves nearly 68 children in substitute care, with adoption being the permanent plan for 33 of these children. The county has finalized 12 adoptions since September 1, 2024. Many of these children have special needs, including physical, mental, or emotional disabilities; are part of sibling groups; or are older children. National Adoption Month is a month-long observance in the US each year dedicated to celebrating adoption and the families that have expanded through adoption, and to increasing awareness about issues related to adoption and foster care.

Commissioner Ritter moved to issue a proclamation declaring November 1 through November 30, 2025, as Adoption Awareness Month in Moore County. Seconded by Commissioner Von Canon. The motion carried unanimously. The proclamation is hereby incorporated and made a part of these minutes by attachment as Appendix F.

5. PRESENTATIONS

There were no presentations.

6. PUBLIC HEARINGS

A. GIS/IT - Call to Public Hearing - Amendment to the Road Name and Addressing Ordinance to Add Two Roads

Rachel Smith, GIS Coordinator, requested that the board call a public hearing for Tuesday, November 18, 2025, at 5:30 PM to consider amendments to the Moore County Road Name and Addressing Ordinance to add two roads: Dupree Drive and Libbey Lane. She explained that both roads are privately maintained. The easement for Dupree Drive is shown on plat cabinet 20, slide 884, and the easement for Libbey Lane is shown on plat cabinet 20, slide 950. She clarified that Libbey Lane will run parallel to Cindy Road, which is also an easement road.

Commissioner Von Canon moved to call a public hearing for November 18, 2025, at 5:30 PM to consider amendments to the Moore County Road Name and Addressing Ordinance to add two roads, Dupree Drive (page 4293) and Libbey Lane (page 4294) to the ordinance. Seconded by Commissioner Ritter. The motion carried unanimously.

7. QUASI-JUDICIAL HEARINGS

There were none.

8. **OLD BUSINESS**

There was none.

9. **NEW BUSINESS**A. Property Management - Contract for Propane Services with Superior Plus Energy Services, Inc.

Gene Boles, Property Management Director, presented a request for the board to approve a service contract with Superior Plus Energy Services Incorporated, DBA Sand Hills Propane, for propane services at 23 county facilities. He explained that the county uses approximately 50,000 gallons of propane annually for heating and generator fuel purposes. The contract was put out to bid, and the bid received is 6 cents lower than state contract pricing. The total cost will not exceed \$144,800 for a one-year term, with funds already budgeted for the propane line item.

Commissioner Von Canon moved to approve the contract with Superior Plus Energy Services Incorporated, doing business as Sand Hills Propane, for propane services to county facilities and authorize the chair to sign. Seconded by Vice Chairman Picerno. The motion carried unanimously.

B. Public Safety - Ambulance Purchase Utilizing HGACBuy

Bryan Phillips, Public Safety Director, requested approval for Moore County to purchase one 2026 Dodge Ram 5504 4x4 regular cab Type 1 module and two 2026 Ford Transit all-wheel drive QRV ambulances from American Eagle/Northwest Emergency Vehicles using the Houston-Galveston Area Council (HGAC) Buy contract purchase pricing. He explained that these purchases were part of the department's fleet management program, with the two QRVs replacing high-mileage vehicles. The purchase was adopted in the FY26 budget, utilizing the pandemic recovery project line item. Delivery is expected within 12-18 months after contract signing.

During the discussion, Commissioner Von Canon asked about the growing call volume and whether additional ambulances might be needed in the future. Director Phillips confirmed they track call volumes through their 10-year strategic plan and noted they had just started a QRV program at Eagle Springs on November 1st. He explained that the QRV vehicles are transport-capable and flexible, enabling adaptation to changing needs.

Commissioner Adams asked about wait times at emergency rooms. Mr. Phillips acknowledged that wait times fluctuate throughout the year, with expected increases during the upcoming RSV, pneumonia, and flu season. He explained that they track these wait times and meet with hospitals to address the issue, though ultimately, they are dependent on the hospitals' ability to move patients efficiently.

County Manager Vest added that they had established an escalation protocol with the hospital for when ambulances experience extended wait times, which prompts the hospital to help get ambulances back on the road.

Commissioner Adams moved to approve the purchase contract with American Response Vehicles, Inc for the purchase of one (1) 2026 Dodge

Ram 5500 4x4 DRW Regular cab, AEV Type 1 Modular Ambulance and two (2) 2026 Ford T350X Type II All-Wheel Drive QRV ambulances utilizing Houston-Galveston Area Council (H-GAC) Buy contract pricing awarding a contract to American Response Vehicle, Inc. which is identified by the H-GAC AM10-23 and is incorporated by reference into this contract with not to exceed \$731,241.00 upon the approval from the Finance and County Attorney and authorize the Chairman to sign all necessary documents. Seconded by Commissioner Ritter. The motion carried unanimously.

C. Health - Opioid Settlement Fund Contracts and Spending Authorizations

Matthew Garner, Health Director, presented a request to amend contracts and increase amounts for the second half of fiscal year 2026 for Opioid Settlement Funds and to approve corresponding spending authorizations and contracts. He explained that on June 17, 2025, the Board had approved six-month contracts based on half the amount awarded for FY2025 with existing partners. These contracts expire on December 31, 2025, and the request would extend them to allow partner agencies to continue serving Moore County residents.

Mr. Garner recommended that funding amounts for the second half of FY2026 remain the same as the first half, with specific allocations as follows:

- First Health of the Carolinas: \$53,989 for recovery support (Strategy 3) and \$13,325 for naloxone distribution (Strategy 7), for a total of \$67,314
- Samaritan Colony: \$105,294 for recovery support (Strategy 3) and \$14,706 for recovery housing support (Strategy 4), for a total of \$120,000

The total recommended funding amount for these two agencies was \$187,314.

Mr. Garner noted that funding for the Boys and Girls Club is not paid directly from Opioid Settlement Funding and that their funding would be determined at a later date. He also noted the need to hold a meeting with Adult and Teen Challenge of the Sandhills before making a recommendation for their funding.

Mr. Garner reported that as of October 23, 2025, the county had received a total of \$4,321,252.91 in Opioid Settlement Funds and \$232,294.64 in interest, for a grand total of \$4,553,547.55.

Commissioner Von Canon moved to approve amending the contract amount for First Health of the Carolinas by \$67,314 from \$67,314 to \$134,628, and extend the term from December 31, 2025, to June 30, 2026, and approve the spending authorization, budget amendment, and authorize the chair to sign all documents upon approval by legal and finance. Seconded by Commissioner Ritter. The motion carried unanimously. The contract amendment is hereby incorporated and made a part of these minutes by attachment as Appendix G.

Commissioner Von Canon moved to approve amending the contract amount for Samaritan Colony by \$120,000 from \$120,000 to \$240,000 and extend the term from December 31, 2025, to June 30, 2026, and approve the spending authorization, budget amendment, and authorize the chair to sign all documents upon approval by legal and finance. Seconded by Commissioner Adams. The motion carried unanimously. The contract amendment is hereby incorporated and made a part of these minutes by attachment as Appendix H.

Commissioner Adams moved to direct county staff to set up a meeting with Adult and Teen Challenge of the Sandhills to work through next steps for funding prior to the December board meeting. Seconded by Commissioner Ritter. The motion carried unanimously.

D. Board of Commissioners - Resolution Requesting the Addition of a School Zone in front of Fellowship Christian Academy (FCA)

County Attorney Misty Leland presented a request to adopt a resolution requesting the North Carolina Department of Transportation to provide a school zone in front of Fellowship Christian Academy, located outside of Carthage on Holsey Road. She noted that two other schools in close proximity, New Central Middle School and Union Pines High School, already have school zones. With FCA experiencing growth and now having over 200 students, the request aimed to ensure student and parent safety on the busy road.

Vice Chairman Picerno, who initiated the request, explained that while FCA is not technically on the same road as the other schools, it made sense from a safety perspective to extend the school zone to include all three schools. He noted it would be more logical to have a continuous school zone rather than having drivers speed up between school zones.

Commissioner Ritter moved to adopt the resolution requesting the addition of a school zone in front of Fellowship Christian Academy. Seconded by Commissioner Von Canon, who added during the discussion that Union Church Road is already heavily populated with school zones. The motion carried unanimously. The resolution is hereby incorporated and made a part of these minutes by attachment as Appendix I.

E. Board of Commissioners - Resolution Requesting the North Carolina General Assembly to Abolish Jury Commission

County Attorney Misty Leland presented a resolution on behalf of Commissioner Adams requesting that the North Carolina General Assembly abolish the Jury Commission as set out in North Carolina General Statute 9-1, enacted in 1967. A current jury commissioner had informed Commissioner Adams that the process is outdated and archaic, given today's technology and computer databases.

Commissioner Adams added that people are not lining up to serve on the commission because it is time-consuming, and that the process would be better handled by staff, given the large number of people in the jury pool. However, after discussions with Commissioner Ritter, he requested additional input from the Clerk of Court and the jury commissioner, who spoke with him recently.

Commissioner Tom Adams moved to postpone this item to the next meeting on November 18. Seconded by Commissioner Von Canon. The motion carried unanimously.

10. APPOINTMENTS

- A. Board of Commissioners - Appointment to the Moore County ABC Board
Commissioner Adams moved to appoint Baxter Clement to the Moore County ABC Board to fill the unexpired term of Matt Norris, with a term**

expiring June 30, 2026. Seconded by Commissioner Von Canon. The motion carried unanimously.

B. Board of Commissioners - Appointments to the Moore County Voluntary Agricultural Culture District Board

Vice Chairman Picerno moved to reappoint Gregory Hayes to the Moore County Voluntary Agricultural District Board for a 3-year term expiring October 2028. Seconded by Commissioner Adams. The motion carried unanimously.

Vice Chairman Picerno moved to reappoint Aaron Honey to the Moore County Voluntary Agricultural District Board for a 3-year term expiring October 2028. Seconded by Commissioner Von Canon. The motion carried unanimously.

11. **ADDITIONAL AGENDA**

There were no additional agenda items.

12. **MANAGER'S REPORT**

County Manager Vest had nothing additional to report except to express hope for Chairman Cook's speedy recovery. He mentioned that he had spoken to Chairman Cook earlier in the day, who was in good spirits but did not want to attend and potentially spread his illness.

13. **COMMISSIONERS' COMMENTS**

Commissioner Ritter thanked Commissioner Von Canon, the County Manager, county staff, the Veteran's Director, and everyone who worked on the Vietnam Veteran's celebration held on Sunday. He noted that his father, a Vietnam veteran, had attended and had a wonderful time.

Commissioner Von Canon expanded on the Vietnam celebration event, noting that approximately 350 people attended. He praised the collaboration between the county's Veteran Services Department, military organizations, Sandhills College, and other participants. He emphasized the significance of the event for Vietnam veterans who never received a proper welcome home. Commissioner Von Canon also encouraged everyone to attend upcoming Veterans Day ceremonies throughout the county.

Commissioner Adams offered comments regarding the Vietnam celebration and stated that the main speaker, a retired general, had read the citation for a Congressional Medal of Honor recipient from Vietnam, which offered insight into the extraordinary sacrifices made by combat veterans.

Vice Chairman Picerno clarified a statement attributed to him in a recent newspaper article about parents not sending children to public schools. He explained that his comment was made in the context of discussing why school enrollment projections had not been fulfilled, noting that many children are now attending private, charter, and Christian schools in the county. He emphasized that he has great respect for Moore

County public school teachers, being a graduate of the Moore County public school system himself, and understands they are often required to teach certain content due to federal mandates.

14. **CLOSED SESSION**

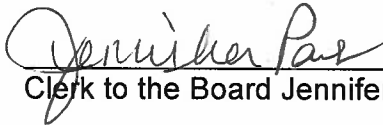
No closed session was held.

ADJOURNMENT

Upon motion made by Commissioner Adams, seconded by Commissioner Von Canon, the Board voted unanimously to adjourn the November 4, 2025, Regular Meeting of the Moore County Board of Commissioners at 6:26pm.



Vice Chairman Nick Picerno



Clerk to the Board Jennifer Parks

