



MINUTES

Tuesday, February 11, 2025: 6:00 PM

Town Council Business Meeting

E.S. Douglass Community Center: 1185 W. Pennsylvania Ave

1. CALL TO ORDER

Mayor Pro Tem Pate called the meeting to order. The following members of Town Council were present: Bill Pate; Ann Petersen; Debra Gray; and Brandon Goodman.

Absent: Taylor Clement

2. PLEDGE OF ALLEGIANCE

3. TOWN MANAGER'S COMMENTS

Town Manager Reagan Parsons reviewed the agenda.

Staff requests to remove Item the January 14, 2025, Meeting Minutes from Item 5a of the Agenda.

4. PUBLIC COMMENTS

Carla Butler, 325 Crest Road, is concerned about the trees that have been marked for removal in Knollwood Heights due to sewer issues and the collateral damage to the houses that haven't experienced any sewer issues by the removal of so many trees. Ms. Butler is asking that the Town be more selective in the trees removed.

- Town Manager Parsons informed the Council that the trees marked for removal are part of the sewer rehabilitation work that was budgeted for this fiscal year. The trees being marked are all within the sewer right-a-way but are not guaranteed to be removed just because of marking. Currently an assessment and counting are being done. Notifications were sent out to the affected neighborhoods. Discussion ensued.

Margaret George, 355 Fairway Drive, is directly affected by the tree removal and feels that there is some confusion about why the trees need to be removed now when they haven't and issue in the past. Ms. George asserts that the trees' age and species should indicate that the trees are not impacting the system and asks that the number of trees being considered for removal be reduced. Discussion ensued.

- Ms. George asks that the town-owned property at the corner of Serpentine and Fairway Drive is unsightly and needs to be cleaned up as it's currently an eyesore.

Discussion ensued.

5. CONSENT AGENDA

Councilmember Petersen moved to approve the Consent Agenda with the removal of the January 14, 2025, Meeting Minutes from Item 5a, seconded by Councilmember Gray; the vote was unanimous. Motion passed.

a. Approve Meeting Minutes for January 2025.

Staff has prepared the following minutes for approval:

- January 14, 2025, Town Council Business Meeting
- January 28, 2025, Town Council Work Session

b. Resolution 1107 - Requesting the NC General Assembly to Amend NC GS113A-66 NC Sedimentation Pollution Control Act

Adopt a resolution requesting the NC General Assembly to Amend NC GS113A-66 NC Sedimentation Pollution Control Act

6. LEGISLATIVE PUBLIC HEARINGS

a. AX-03-24: Voluntary Annexation of .46 Acres at 1485 SW Broad Street

David and Deborah Burris are requesting voluntary annexation of .46 acres that is currently outside of the corporate limits of the Town of Southern Pines. Per the Moore County tax records, the subject property is identified as PIN 857116738902 (PARID 00047416) and is owned by David and Deborah Burris.

Planning Director Grieve gave a brief overview of the application and staff report to the Council. Discussion ensued.

Councilmember Goodman moved to approve AX-03-24: Voluntary Annexation of .46 Acres at 1485 SW. Broad Street, seconded by Councilmember Petersen; the vote was unanimous.
Motion passed.

7. EVIDENTIARY PUBLIC HEARINGS (QJ)

a. MAPP-05-24 Bethesda Road Major Subdivision Preliminary Plat

Mr. Tim Carpenter of LKC Engineering, PLLC, on behalf of Carolyn R. Scott Heirs (Nelson R. Scott Executor) has submitted a Major Subdivision Preliminary Plat application to subdivide 5.87 acres located just west of East Indiana Avenue on the north side of South Bethesda Road into four lots. The parent tract contains natural wooded areas, one existing home, and an existing pool and shed. Per the Moore County tax records, the property is identified as PARID 00055339.

Mayor Pro Tem Pate opened the hearing and shared a brief explanation of quasi-judicial hearings. Town Attorney Mac McCarley qualified the Council by asking Councilmembers to disclose the following relative to the application and property: any specialized knowledge; a fixed opinion not subject to change; close relation to the applicant or property owner; and/or a financial interest in the outcome. All responses were negative. Councilmembers Town Attorney McCarley also asked the applicant if they wished to challenge any members of the Council's standing and the response was negative.

Town Clerk Beth Robertson swore in pending witnesses for the hearing.

Planner I James Broadwell presented the request and staff report to the Council.

Exhibit A = staff report

Exhibit B = staff presentation

Councilmember Goodman questioned the boundaries shown in the report and if trees are included, indicating that he feels that the condition is not worded sufficiently.

Councilmember Goodman asked if the applicant was supplied with a copy of the tree protection standards. Discussion ensued.

Councilmember Petersen questioned the lot acreage and set back.

Discussion ensued.

Tim Carpenter of LKC Engineering, representing the applicant, reviewed an exhibit with the Council that gives additional details about the project. Mr. Carpenter asked that for the additional Condition 1 that the existing tree standard be used and specified on the final plat.

Exhibit C - Applicant Exhibit.

Councilmember Petersen asked for the width of the pole on the flag lot and Mr. Carpenter advised

that it is 54 ft.
Discussion ensued.

Mayor Pro Tem Pate asked for any public comments. None were voiced, and the public hearing was closed.

Councilmember Goodman moved to adopt Attachment 1 of the staff report, as drafted, as Findings of Fact regarding the proposed Preliminary Plat MAPP-05-24, seconded by Councilmember Gray; the vote was unanimous.

Motion passed.

Councilmember Goodman moved to approve the Preliminary Plat MAPP-05-24 with the following additional condition:

Condition 1 - All existing trees, 10-inch diameter and larger, within the front setback (30-feet) of the four lots abutting S. Bethesda Rd. shall remain and shall be protected in accordance with the town's tree protection standards, excluding areas required for driveways and/or utility access/easements. The preserved trees shall account for the town's major subdivision street trees' requirement. Additionally, the Final Plat for MAPP-05-24 shall reflect a note on the plat detailing that all trees, 10-inches in diameter and greater, shall be preserved within the front setback. The motion was seconded by Councilmember Gray and the vote was unanimous.

Motion passed.

8. ACTION ITEMS

a. Amendments to Code of Ordinances 70.07 regarding use of non-motorized wheeled vehicles on roadways.

At the October, 2024 Town Council Work Session, staff discussed with Council the issue of skateboarding being prohibited on many downtown streets. Following that meeting, staff drafted some amendments to Code of Ordinances Section 70.07 for the Council's review. A discussion regarding the draft language occurred at the December, 2024 Town Council Regular Meeting and again at the January 2025 Work Session. Staff were asked to further study and clarify some of the terms used in the draft language. Staff have prepared a new amendment to present for the Council's consideration.

Town Planner Mason Mattox presented the proposed amendments to the Council.
Discussion ensued.

Councilmember Goodman moved to approve the amendment to the Code of Ordinance 70.07 regarding the use of Non-Motorized Wheeled Vehicles on Roadways by adopting Option A with the addition of item 7 addressing penalties for violation of the ordinance, as written in the Memo dated February 11, 2025, and included in the meeting packet dated February 11, 2025, seconded by Councilmember Gray; the vote was unanimous.

Motion passes.

b. Planning Board Appointments

Council will discuss available seats on the Planning Board and potential appointment(s)
Mayor Pro Tem opened the discussion. Mr. Andrew Speck is present.

Councilmember Petersen moves to appoint Jason Scribner to the open ETJ position on the Planning Board with a term to expire February 10, 2028. The motion was seconded by Councilmember Gray and the vote was unanimous.

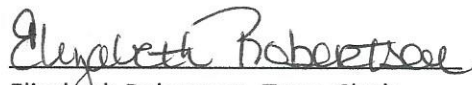
Motion passed.

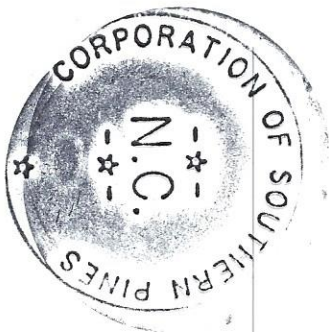
Councilmember Goodman moves to appoint Andrew Speck to open position on the Planning Board and to fulfill Enrique Herrera's term expiring May 9, 2026. The motion was seconded by Councilmember Petersen and the vote was unanimous.
Motion passed.

9. ADJOURNMENT

Upon motion by Councilmember Goodman, seconded by Councilmember Gray and carried unanimously, Council adjourned at 7:08 pm.
Motion passed.

Respectfully submitted:


Elizabeth Robertson, Town Clerk





ORDINANCE #3107
TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF SOUTHERN PINES,
NORTH CAROLINA AX-03-24; 1485 SW Broad Street

THAT WHEREAS, the Town Council has been petitioned under G.S. 160A-31 as amended to annex the area described herein; and

WHEREAS, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency of said petition; and

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation, AX-03-24, was scheduled to be held in regular session of the Town Council at the E.S. Douglass Community Center at 6:00 P.M. on the 11th day of February, 2025, after due notice by publication; and

WHEREAS, after the completion of said public hearing and upon consideration of any comments, objections or presentation at that hearing, and

WHEREAS, based on the certification of the Town Clerk and other information presented at said hearing, Council finds it proper and in the best interest of the Town to annex the following parcel according to the requirements of G.S. 160A-31:

Being in McNeill Township, Moore County, and State of North Carolina described as follows:

BEGINNING at a stake in the southeastern line of South Broad Street, said stake marking the point where the south eastern line of South Broad Street begins to curve into the northeastern line of Henson Street; running thence along the southeastern line of South Broad Street N. 45°45'E 147.05 feet to a stake; thence S. 38°58'E. 103.65 feet to a stake; thence S. 44°39'W. 180 Feet tot a stake in the north eastern line of Henson Street; then running along the northeastern line of Henson Street in a northwesterly direction as it curves to the point where the northeastern line of Henson Street begins to curve into the southeastern line of South Broad Street (the chord course and distance of the last ball being N. 69°57'E. 21.25 feet), all according to a survey entitled "Lot in the Pine Ridge Subdivision by C.H. Blue, Registered Surveyor, dated September 17, 1965. The above is Lot No. 1 (one) in Block H of the Pine Ridge Subdivision, a map of which is recorded in Map Book 2A, page 59 of the Moore County Registry

A map of the area herein described is provided with this Ordinance as Attachment A.

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines, North Carolina in regular session this 11th day of February, 2025:

Section 1. By virtue of the authority granted by G.S. 160A-31, as amended, the above described territory is hereby annexed and made part of the Town of Southern Pines as of the 11th day of February, 2025.

Section 2. Upon and after the 11th day of February, 2025, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Southern Pines and shall be entitled to the same privileges and benefits as other parts of the Town of Southern Pines. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Southern Pines shall cause to be recorded in the office of the Register of Deeds of Moore County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof. Such a map shall also be delivered to the County Board of Elections as required by G.S. 163-288.1.

Section 4. This Ordinance shall be and remain in full force and effect from and after the date of its adoption.

Adopted this 11th day of February, 2025.

I certify that this Ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting on February 11, 2025, as shown in the Minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk



ORDINANCE #3104
AMENDING CHAPTER 70 OF THE TOWN'S CODE OF ORDINANCES
TO REDEFINE THE PERMITTED LOCATIONS OF SKATEBOARDING AND LIKE
ACTIVITY

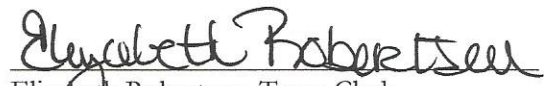
WHEREAS, the Town of Southern Pines enforces regulations regarding roller skates, skateboarding, and the like; and

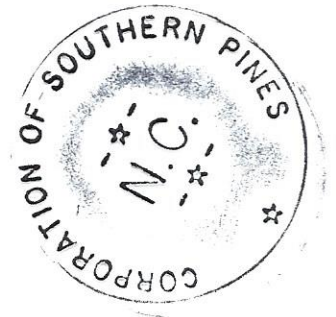
WHEREAS, Chapter 70 of the Town's Code of Ordinances defines rules and regulations for General Provisions;

BE IT ORDAINED by the Town Council of the Town of Southern Pines, North Carolina that the Town's Code of Ordinances are amended as follows:

1. Amend the Code of Ordinances by adopting "Attachment A" in its entirety.
2. This ordinance amendment is effective February 11, 2025.

I certify that this ordinance was adopted by the Town Council of Southern Pines at its meeting of February 11, 2025 as shown in the minutes of the Town Council for that date.


Elizabeth Robertson, Town Clerk



ATTACHMENT A

The Town's Code of Ordinances is amended to alter the following section in Chapter 70, General Provisions.

§70.07 SPECIAL PROVISIONS FOR NON-MOTORIZED WHEELED VEHICLES, INCLUDING ROLLER SKATES, SKATEBOARDS, COASTERS, AND THE LIKE.

1. The following provisions govern the operation of non-motorized vehicles other than bicycles, including but not limited to roller skates, skateboards, coasters, and scooters, (Collectively referred to hereafter as "skating device") on any public right-of-way or on any property open to the public or used by the public for pedestrian or vehicular purpose:
2. Skating devices may be ridden upon any roadway provided that:
 - a. The street has a posted speed limit of 35 mph or less; and
 - b. The rider yields to all pedestrians.
3. For those aged 10 and under, skating devices may be ridden upon all sidewalks.
4. For those aged 11 and older, skating devices may be ridden upon any sidewalk, provided that:
 - a. The sidewalk is not located within the Local Historic District, with the exception of those sidewalks directly adjacent to Rainey Memorial (Downtown) Park.
5. In all cases concerning the use of skating devices on sidewalks;
 - a. The rider must yield to all pedestrians. Pedestrians shall at all times have the right-of-way upon a sidewalk. In the case of any doubt of safe and untouched passage by a pedestrian, a person riding a skating device shall stop or dismount such device until the pedestrian passes.
6. Any person under the age of 16 operating a skating device shall wear a helmet of good fit, with the chin strap fastened securely under the chin.
7. A violation of this section is subject to the penalty provided in § 10.99(A).



RESOLUTION #1107
REQUESTING THE NORTH CAROLINA GENERAL ASSEMBLY TO AMEND
N.C. G.S. §113A-66
North Carolina Sedimentation Pollution Control Act

WHEREAS, the Town of Southern Pines Town Council received public comments about the usefulness of the North Carolina Sedimentation Pollution Control Act (N.C. General Statute §113A-50, *et seq.*, hereafter “SPCA” and the desirability of allowing citizens to defend themselves against SPCA violations damaging their property; and

WHEREAS, the legislature passed the SPCA in 1973; and

WHEREAS, the SPCA Addresses sedimentation in streams, lakes, and other waters of this State, as well as damage to private property, which constitute a major pollution problem, and provides minimal mandatory standards to minimize such pollution; and

WHEREAS, the SPCA (specifically, N.C. General Statute §113A-66) allowed private landowners injured by violations of the SPCA to obtain civil relief to redress their injuries, regardless of whether government entities charged with enforcing the SPCA had taken action; and

WHEREAS, the North Carolina Supreme Court opinion, Applewood Properties, LLC, et al, v. New South Properties, LLC, 366 N.C. 518, 742 S.E.2d 773 (2013), effectively eliminated the right of private landowners to obtain civil relief, unless a government entity enforcing the SPCA issues a notice of violation to the person or entity violating the SPCA; and

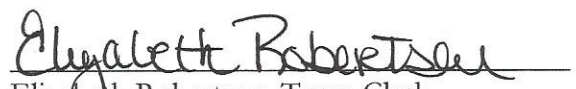
WHEREAS, this Town, this County, this State and this Nation have long recognized the right of its citizens to defend themselves; and

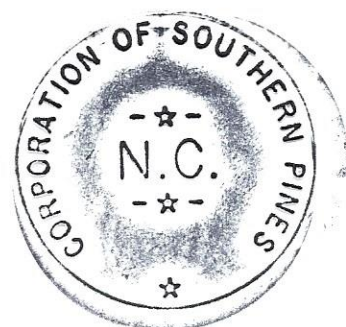
WHEREAS, citizens of the Town of Southern Pines deserve the right to defend themselves and their property from damage caused by violations of the SPCA.

NOW, THEREFORE, the Town of Southern Pines Town Council resolves that the North Carolina Sedimentation Pollution Control Act (N.C. General Statute §113A-50, *et seq.*) should be amended to restore the right of citizens damaged by violations or noncompliance of this Act to obtain civil relief under N.C. General Statute §113A-66, regardless of whether any government entity charged with enforcing this Act has taken action and respectfully suggests that legislation be passed amending N.C. General Statute §113A66 as shown in attached Exhibit A

This the 11th day of February, 2025.

I certify that this Resolution was adopted by the Town Council of the Town of Southern Pines at its meeting on February 11, 2025 as shown in the Minutes of the Town Council meeting for that date.


Elizabeth Robertson, Town Clerk



Resolution #1107
Exhibit A

West's North Carolina General Statutes Annotated
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Chapter 113A. Pollution Control and Environment (Refs & Annos)
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Article 4. Sedimentation Pollution Control Act of 1973 (Refs & Annos)

N.C.G.S.A. § 113A-66

§ 113A-66. Civil relief

Currentness

- (a) Any person injured by either a violation of or noncompliance with this Article or any ordinance, rule, or order duly adopted by the Secretary or a local government, or by the initiation or continuation of a land-disturbing activity for which an erosion and sedimentation control plan is required other than in accordance with the terms, conditions, and provisions of an approved plan, may bring a civil action against the person alleged to be in violation (including the State and any local government), regardless of whether the Secretary, the Commission, a local government administering an erosion and sedimentation control plan approved under G.S. 113A-60, other enforcing agency or other approving authority has cited the person alleged to be in violation of or noncompliance with this Article or has sent notices of noncompliance to the person alleged to be in violation of or noncompliance with this Article. The action may seek any of the following:

- (1) Injunctive relief.
- (2) An order enforcing the law, rule, ordinance, order, or erosion and sedimentation control plan violated.
- (3) Damages caused by the violation or noncompliance.
- (4) Repealed by S.L. 2002-165, § 2.15, eff. Oct. 23, 2002.

If the amount of actual damages as found by the court or jury in suits brought under this subsection is five thousand dollars (\$5,000) or less, the plaintiff shall be awarded costs of litigation including reasonable attorneys fees and expert witness fees.

- (b) Civil actions under this section shall be brought in the superior court of the county in which the alleged violations occurred.
- (c) The court, in issuing any final order in any action brought pursuant to this section may award costs of litigation (including reasonable attorney and expert-witness fees) to any party, whenever it determines that such an award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require, the filing of a bond or equivalent security, the amount of such bond or security to be determined by the court.
- (d) Nothing in this section shall restrict any right which any person (or class of persons) may have under any statute or common law to seek injunctive or other relief.

Credits

Added by Laws 1973, c. 392, § 17. Amended by Laws 1987 (Reg. Sess., 1988), c. 1000, § 6; S.L. 2002-165, § 2.15, eff. Oct. 23, 2002.

N.C.G.S.A. § 113A-66, NC ST § 113A-66

The statutes and Constitution are current through S.L. 2022-67 of the 2022 Regular Session of the General Assembly, subject to changes made pursuant to direction of the Revisor of Statutes. Some statute sections may be more current; see credits for details